

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Saturday, May 8, 2010, 1:00 p.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 123 members present.
Reps. Bollier and Grange were excused on excused absence by the Speaker.
Rep. Fund was excused later in the day on verified illness.

Prayer by Brubaker:

Our Heavenly Father,
The week has been long,
the days even longer.
It is no secret that many are tired
and ready to get everything finished.
Many may even be frustrated
with the inconvenience of the schedule.
However, we are reminded that Your Son
came to this earth and
made choices and decisions
that would affect mankind forever.
There were times He was tired;
times He was frustrated with those
who didn't understand His perspective;
and many times, inconvenienced.
However, He continued because
He was all about others, not Himself.
We are here not because of ourselves,
but because others — those whom we represent.
So, keep us focused on the task at hand.
Give us physical strength and mental alertness.
Most of all, give us positive attitudes
and a spirit of kindness towards one another.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Schroeder.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. HB 2320**, as amended by **S. Sub. for S. Sub. for Sub. HB 2320; HB 2650**, as amended by **S. Sub. for S. Sub. for HB 2650**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **HB 2751**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Kelley, **HR 6049**, A resolution congratulating and commending the Kansas Arts Commission, the Kansas Arts Commissioners and the Kansas Arts Commission staff for creating an arts environment that benefits the State of Kansas and its people, was adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Kinzer to remove **S. Sub. for HB 2360** from the table, the motion did not prevail.

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

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2506, HB 2660; S. Sub. for S. Sub. for HB 2650; SB 131; H. Sub. for SB 293**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 131**, submits the following report:

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

On page 1, by striking all in lines 18 through 43;

By striking all on page 2 and inserting the following:

"Section 1. K.S.A. 2009 Supp. 74-32,162 is hereby amended to read as follows: 74-32,162. K.S.A. 2009 Supp. 74-32,163 through 74-32,183 *and section 9, and amendments thereto*, shall be known and may be cited as the Kansas private and out-of-state postsecondary educational institution act.

Sec. 2. K.S.A. 2009 Supp. 74-32,163 is hereby amended to read as follows: 74-32,163. As used in the Kansas private and out-of-state postsecondary educational institution act:

(a) "Academic degree" means any associate, bachelor's, ~~first~~ professional, master's, ~~intermediate (specialist) or doctor's specialist or doctoral~~ degree.

(b) "Accreditation" means an accreditation by an agency recognized by the United States department of education.

(c) "Branch campus" means any subsidiary place of business maintained within the state of Kansas by an institution at a site which is separate from the site of the institution's principal place of business and at which the institution offers a course or courses of instruction or study identical to the course or courses of instruction or study offered by the institution at its principal place of business.

(d) "Commission" means the advisory commission on private and out-of-state postsecondary educational institutions established pursuant to ~~this act~~ *K.S.A. 2009 Supp. 74-32,166, and amendments thereto*.

(e) "Distance education" means any course delivered primarily by use of correspondence study, audio, video or computer technologies.

(f) "Out-of-state postsecondary educational institution" means a postsecondary educational institution chartered, incorporated or otherwise organized under the laws of any jurisdiction other than the state of Kansas.

(g) "Institution" means an out-of-state or private postsecondary educational institution.

(h) "Institution employee" means any person, other than an owner, who directly or indirectly receives compensation from an institution for services rendered.

- (i) "Owner of an institution" means:
- (1) In the case of an institution owned by an individual, that individual;
 - (2) in the case of an institution owned by a partnership, all full, silent and limited partners;
 - (3) in the case of an institution owned by a corporation, the corporation, its directors, officers and each shareholder owning shares of issued and outstanding stock aggregating at least 10% of the total of the issued and outstanding shares; and
 - (4) in the case of an institution owned by a limited liability company, the company, its managers and all its members.
- (j) "Person" means an individual, firm, partnership, association or corporation.
- (k) "Physical presence" means:
- (1) The employment in Kansas of a Kansas resident for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising or any other activity on behalf of the institution, ~~or;~~ *or*
 - (2) The delivery of, or the intent to deliver, instruction in Kansas with the assistance from any entity within the state in delivering the instruction including, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.
- (l) "Private postsecondary educational institution" means an entity which:
- (1) Is a business enterprise, whether operated on a profit or not-for-profit basis, which has a physical presence within the state of Kansas or which solicits business within the state of Kansas;
 - (2) offers a course or courses of instruction or study through classroom contact or by distance education, or both, for the purpose of training or preparing persons for a field of endeavor in a business, trade, technical or industrial occupation or which offers a course or courses leading to an academic degree; and
 - (3) is not specifically exempted by the provisions of this act.
- (m) "Representative" means any person employed by an institution to act as an agent, solicitor or broker to procure students or enrollees for the institution ~~by solicitation within this state at any place other than the office or a place of business of the institution.~~
- (n) "State board" means the ~~Kansas state~~ board of regents or the board's designee.
- (o) "Support" or "supported" means the primary source and means by which an institution derives revenue to perpetuate operation of the institution.
- (p) "University" means a postsecondary educational institution authorized to offer ~~bachelor degrees together with graduate or first professional degrees~~ *any degree including a bachelor, graduate or professional degree.*
- (q) "State educational institution" means any state educational institution as defined by K.S.A. 76-711, and amendments thereto.
- ~~(r) "This act" means the Kansas private and out-of-state postsecondary educational institution act.~~

Sec. 3. K.S.A. 2009 Supp. 74-32,167 is hereby amended to read as follows: 74-32,167. (a) No institution may operate within this state without obtaining a certificate of approval from the state board as provided in this act. No institution shall confer or award any degree, *certificate or diploma*, whether academic or honorary, unless such institution has been approved for such purpose by the state board ~~of regents.~~

(b) Any contract entered into by or on behalf of any owner, employee or representative of an institution which is subject to the provisions of this act, but which has not obtained a certificate of approval, shall be unenforceable in any action.

Sec. 4. K.S.A. 2009 Supp. 74-32,168 is hereby amended to read as follows: 74-32,168. (a) Each institution shall apply to the state board for a certificate of approval. ~~An institution shall not be required to obtain a separate certificate of approval for maintenance of any branch institution. An institution which opens or maintains a branch campus shall notify the state board that it has opened or is maintaining a branch campus. Such branch campus shall be subject to review by the state board to determine whether it complies with the provisions of this act and the standards of the state board established pursuant thereto.~~

(b) An application for a certificate of approval shall be made on a form prepared and furnished by the state board and shall contain such information as may be required by the state board.

(c) The state board may issue a certificate of approval upon determination that an institution meets the standards established by the state board. The state board may issue a certificate of approval to any institution accredited by a regional or national accrediting agency recognized by the United States department of education without further evidence.

Sec. 5. K.S.A. 2009 Supp. 74-32,169 is hereby amended to read as follows: 74-32,169. The state board shall issue a certificate of approval to an institution when the state board is satisfied that the institution meets minimum standards established by the state board by adoption of rules and regulations to insure that:

(a) Courses, curriculum and instruction are of such quality, content and length as may reasonably and adequately ensure achievement of the stated objective for which the courses, curriculum or instruction are offered;

(b) institutions have adequate space, equipment, instructional material and personnel to provide education and training of good quality;

(c) educational and experience qualifications of directors, administrators and instructors are such as may reasonably insure that students will receive instruction consistent with the objectives of their program of study;

(d) institutions maintain written records of the previous education and training of students and applicant students, and that training periods are shortened when warranted by such previous education and training or by skill or achievement tests;

(e) a copy of the course outline, schedule of tuition, fees and other charges, settlement policy, rules pertaining to absence, grading policy and rules of operation and conduct are furnished to students upon entry into class;

(f) upon completion of training or instruction, students are given certificates, diplomas or degrees as appropriate by the institution indicating satisfactory completion of the program;

(g) adequate records are kept to show attendance, satisfactory academic progress and enforcement of satisfactory standards relating to attendance, progress and conduct;

(h) institutions comply with all local, state and federal regulations;

(i) institutions are financially responsible and capable of fulfilling commitments for instruction;

(j) institutions do not utilize erroneous or misleading advertising, either by actual statement, omission or intimation; ~~and~~

(k) institutions have and maintain a policy, which shall be subject to state board approval, for the refund of unused portions of tuition, fees and other charges if a student enrolled by the institution fails to begin a course or withdraws or is discontinued therefrom at any time prior to completion. Such policies shall take into account those costs of the institution that are not diminished by the failure of the student to enter or complete a course of instruction; *and*

(l) institutions adopt, publish and adhere to a procedure for handling student complaints. Institutions shall post information so that students will be aware of the complaint process available to them. The information shall be posted in locations that are used or seen by all students on a regular basis such as the institution's web site, enrollment agreement, catalogue or other media.

Sec. 6. K.S.A. 2009 Supp. 74-32,170 is hereby amended to read as follows: 74-32,170. (a) After review of an application for a certificate of approval and if the state board determines that the institution meets the requirements of this act *and the standards established by the state board*, the state board shall issue a certificate of approval to the institution. Certificates of approval shall be in a form specified by the state board. Certificates of approval shall state:

(1) The date of issuance and term of approval;

(2) the correct name and address of the institution;

(3) the signature of the chief executive officer of the ~~Kansas board of regents~~ *state board* or a person designated by the state board to administer the provisions of this act; and

(4) any other information required by the state board.

(b) Certificates of approval shall be valid for a term of one year.

(c) Each certificate of approval shall be issued to the owner of an institution and shall not be transferable. If a change in ownership of an institution occurs, the new owner shall apply within ~~30~~ 60 days prior to the change in ownership for a new certificate of approval. The

state board may waive the ~~thirty-day~~ *sixty-day* requirement upon determination that an emergency exists and that the waiver and change in ownership would be in the best interests of students currently enrolled in the institution. Whenever a change in ownership occurs as a result of death, court order or operation of law, the new owner shall apply immediately for a new certificate of approval.

(d) At least ~~60~~ *120* days prior to expiration of a certificate of approval, the state board shall forward to the institution a renewal application form. *Any institution desiring to renew its certificate of approval, shall complete and submit the application for renewal to the state board at least 60 days prior to the expiration of the institution's certificate of approval.*

~~(e) Any institution which is not yet in operation when its application for a certificate of approval is filed shall not accept payments for tuition, fees or other enrollment charges until receipt of the certificate of approval.~~

(e) Unless exempt from the provisions of this act pursuant to K.S.A. 2009 Supp. 74-32,164, and amendments thereto, an institution shall not accept payments for tuition, fees or other enrollment charges until the institution receives a certificate of approval from the state board.

(f) Any institution which does not plan to renew a certificate of approval shall notify the state board of its intent not to renew at least 60 days prior to the expiration date of the certificate of approval.

Sec. 7. K.S.A. 2009 Supp. 74-32,178 is hereby amended to read as follows: 74-32,178. Upon application of the attorney general or a county or district attorney, a district court shall have jurisdiction to enjoin any violation of this act and to enjoin persons from engaging in business in this state. In any action brought to enforce the provisions of this act, if the court finds that a person willfully used any deceptive or misleading act or practice *or operates an institution without first obtaining and maintaining a certificate of approval*, the attorney general or a county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this act, a civil penalty not exceeding ~~\$1,000~~ \$5,000 for each violation. For purposes of this section, ~~a willful an intentional~~ violation occurs when the person committing the violation knew or should have known that the conduct of the person consisted of acts or practices which were deceptive or misleading *including the operation of an institution without first obtaining a certificate of approval from the state board. Any violation of this act or any rule or regulation adopted pursuant thereto is a deceptive act or practice under the Kansas consumer protection act. Any remedy provided by this act shall be in addition to any other remedy provided by the Kansas consumer protection act.*

Sec. 8. K.S.A. 2009 Supp. 74-32,181 is hereby amended to read as follows: 74-32,181. (a) *This section is subject to the provisions of section 9, and amendments thereto.*

(b) The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended an institution that has ceased operation by adopting rules and regulations for such purposes, subject to the following limitations:

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial issuance of certificate of approval nondegree granting not more than	\$1,700
Initial issuance of certificate of approval degree granting not more than	\$2,000
Renewal of certificate of approval nondegree granting not more than	\$1,200
Renewal of certificate of approval degree granting not more than	\$1,600
Initial registration of representative not more than	\$150
Annual renewal of registration of representative not more than	\$100

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

Initial issuance of certificate of approval nondegree granting not more than	\$3,400
Initial issuance of certificate of approval degree granting not more than	\$3,800
Renewal of certificate of approval nondegree granting not more than	\$2,400
Renewal of certificate of approval degree granting not more than	\$2,800
Initial registration of representative not more than	\$300

Annual renewal of registration of representative not more than	\$200
Student transcript from institution that has ceased operation not more than	\$10

(c) Fees shall not be refundable.

(d) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.

(e) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.

~~(b)~~ (f) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such fees, the state board shall afford the advisory commission an opportunity to make recommendations on the proposed fees.

~~(c)~~ (g) Fees may be charged to conduct onsite reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

New Sec. 9. (a) During fiscal year 2011, the state board shall collect the fees fixed by this section.

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial application fees:	
Non-degree granting institution	\$2,000
Degree granting institution	\$3,000
Initial evaluation fees (in addition to initial application fees):	
Non-degree level	\$750
Associate degree level	\$1,000
Baccalaureate degree level	\$2,000
Master's degree level	\$3,000
Professional and/or doctoral degree level	\$4,000
Renewal application fees:	
Non-degree granting institution	0.2 percent of gross tuition, but not less than \$1,200 nor more than \$25,000
Degree-granting institution	0.2 percent of gross tuition, but not less than \$1600 nor more than \$25,000
New program submission fees, for each new program:	
Non-degree program	\$250
Associate degree program	\$500
Baccalaureate degree program	\$750
Master's degree program	\$1,000
Professional and/or doctoral degree program	\$2,000
Program modification fee, for each program	\$100
Branch campus site fees, for each branch campus site:	
Initial non-degree granting institution	\$1,500
Initial degree granting institution	\$2,500
Renewal branch campus site fees, for each branch campus site:	
Non-degree granting institution	0.2 percent of gross tuition, but not less than \$1,200 nor more than \$25,000
Degree-granting institution	0.2 percent of gross tuition, but not less than \$1,600 nor more than \$25,000

On-site branch campus review fee, for each site	\$250
Representative fees:	
Initial registration	\$200
Renewal of registration	\$150
Late submission of renewal of application fee	\$125
Student transcript copy fee	\$10
Returned check fee	\$50
Changes in institution profile fees:	
Change of institution name	\$100
Change of institution location	\$100
Change of ownership only	\$100
(2) For institutions domiciled or having their principal place of business outside the state of Kansas:	
Initial application fees:	
Non-degree granting institution	\$4,000
Degree granting institution	\$5,500
Initial evaluation fees (in addition to initial application fees):	
Non-degree level	\$1,500
Associate degree level	\$2,000
Baccalaureate degree level	\$3,000
Master's degree level	\$4,000
Professional and/or doctoral degree level	\$5,000
Renewal application fees:	
Non-degree granting institution	0.3 percent, but not less than \$2,400 nor more than \$25,000
Degree-granting institution	0.3 percent, but not less than \$3,000 nor more than \$25,000
New program submission fees, for each new program:	
Non-degree granting program	\$500
Associate degree program	\$750
Baccalaureate degree program	\$1,000
Master's degree program	\$1,500
Professional and/or doctoral degree program	\$2,500
Program modification fee, for each program	\$100
Branch campus site fees, for each branch campus site:	
Initial non-degree granting institution	\$4,000
Initial degree granting institution	\$5,500
Renewal branch campus site fees, for each branch campus site:	
Non-degree granting institution	0.3 percent, but not less than \$2,400 nor more than \$25,000
Degree-granting institution	0.3 percent, but not less than \$3,000 nor more than \$25,000
On-site branch campus review fee, for each site	\$500
Representative fees:	
Initial registration	\$350
Renewal of registration	\$250
Late submission of renewal of application fee	\$125
Student transcript copy fee	\$10
Returned check fee	\$50
Changes in institution profile fees:	
Change of institution name	\$100
Change of institution location	\$100

Change of ownership only \$100

(b) Fees shall not be refundable.

(c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of instruction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.

(d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.

(e) Fees may be charged to conduct onsite reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

New Sec. 10. Within the limits of appropriations therefore, the state board shall develop and maintain a statewide data collection system to collect and analyze private and out-of-state postsecondary educational information, including, but not limited to, student, course, financial aid and program demographics that will assist the board in improving the quality of private and out-of-state postsecondary education.

Sec. 11. K.S.A. 2009 Supp. 46-247 is hereby amended to read as follows: 46-247. The following individuals shall file written statements of substantial interests, as provided in K.S.A. 46-248 to 46-252, inclusive, and amendments thereto:

(a) Legislators and candidates for nomination or election to the legislature.

(b) Individuals holding an elected office in the executive branch of this state, and candidates for nomination or election to any such office.

(c) State officers, employees and members of boards, councils and commissions under the jurisdiction of the head of any state agency who are listed as designees by the head of a state agency pursuant to K.S.A. 46-285, and amendments thereto.

(d) Individuals whose appointment to office is subject to confirmation by the senate whether or not such individual is a state officer or employee.

(e) General counsels for state agencies irrespective of how compensated.

(f) The administrator or executive director of the education commission of the states, the interstate compact on agricultural grain marketing, the Mo-Kan metropolitan development district and agency compact, the Kansas City area transportation district and authority compact, the midwest nuclear compact, the central interstate low-level radioactive waste compact, the multistate tax compact, the Kansas-Oklahoma Arkansas river basin compact, the Kansas-Nebraska Big Blue river compact, and the multistate lottery.

(g) Private consultants under contract with any agency of the state of Kansas to evaluate bids for public contracts or to award public contracts.

(h) ~~From and after January 1, 2003,~~ Any faculty member or other employee of a postsecondary educational institution as defined by K.S.A. 74-3201b, and amendments thereto, who provides consulting services and who, on behalf of or for the benefit of the person for which consulting services are provided:

(1) Promotes or opposes action or nonaction by any federal agency, any state agency as defined by K.S.A. 46-224, and amendments thereto, or any political subdivision of the state or any agency of such political subdivision or a representative of such state agency, political subdivision or agency; or

(2) promotes or opposes action or nonaction relating to the expenditure of public funds of the federal government, the state or political subdivision of the state or agency of the federal government, state or political subdivision of the state.

(i) Except as provided by K.S.A. 2009 Supp. 46-247a, and amendments thereto, any faculty member who receives an annual salary of \$150,000 or more, other than an adjunct faculty member, who is employed by a state education institution as defined by K.S.A. 76-711, and amendments thereto.

Sec. 12. K.S.A. 2009 Supp. 46-247, 46-247a, 74-32,162, 74-32,163, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,178 and 74-32,181 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 14 and 15 and inserting “AN ACT concerning postsecondary educational institutions; relating to the regulation thereof; relating to certain faculty thereof; amending K.S.A. 2009 Supp. 46-247, 74-32,162, 74-32,163, 74-32,167, 74-32,168, 74-32,169, 74-32,170, 74-32,178 and 74-32,181 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-247a.”;

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

CLAY AURAND
DEENA HORST
VALDENIA C. WINN
Conferees on part of House

JEAN SCHODORF
JOHN VRATIL
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Aurand to adopt the conference committee report on **SB 131**, Rep. Faber offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed.

The substitute motion did not prevail. The question reverted back to the motion of Rep. Aurand and the conference committee report was adopted.

On roll call, the vote was: Yeas 91; Nays 32; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kerschen, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Brien, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Goyle, Hayzlett, Huebert, Kelley, Kiegerl, Kinzer, Knox, McLeland, Merrick, Morrison, Neufeld, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwab, Siegfried, Suellentrop, D. Svaty, Talia, Vickrey, Ward, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Grange.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 293**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 293, as follows:

On page 1, by striking all in lines 13 through 39 and inserting the following:

“New Section 1. United States highway 75 from the southern city limits of Holton then south on United States highway 75 to the junction of United States highway 75 and N.W. 46th street in Shawnee county is hereby designated as the Lane Freedom Trail. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the Lane Freedom Trail, except that such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable signs.

Sec. 2. K.S.A. 68-1051 is hereby amended to read as follows: 68-1051. The portion of United States highway 75 where it enters the state on the Kansas-Nebraska border on the north then south to the junction with K-9 then west to the junction of K-9 with K-62 then south to the junction of K-62 with K-16 then east to the junction with United States highway 75 then south on United States highway 75 to the southern city limits of Holton, then from the junction of United States highway 75 and N.W. 46th street in Shawnee county then south on United States highway 75 to the Kansas-Oklahoma border, is hereby designated the purple heart/combat wounded veterans highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the purple heart/combat wounded veterans highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

Sec. 3. K.S.A. 68-1051 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 9 and 10 and inserting the following:
“AN ACT designating part of United States highway 75 as the Lane Freedom Trail; amending K.S.A. 68-1051 and repealing the existing section.”;

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

GARY K. HAYZLETT
JENE VICKREY
MARGARET LONG
Conferees on part of House

DWAYNE UMBARGER
BOB MARSHALL
KELLY KULTALA
Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on **H. Sub. for SB 293** was adopted.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, 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: Landwehr, Schwab.

Present but not voting: None.

Absent or not voting: Bollier, Grange.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 572, An act making and concerning appropriations for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015 and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2009 Supp. 2-223, 12-5256, 55-193, 72-8814, 75-2319, 75-6702, 76-775, 76-783, as amended by section 33 of 2010 House Bill No. 2557, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171, 79-4801 and 82a-953a and section 14 of 2010

Senate Substitute for House Bill No. 2222 and section 52 of chapter 124 of the 2009 Session Laws of Kansas and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 52; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Bollier, Grange.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes for this budget because it is a balanced solution to a difficult situation. This budget preserves essential services and avoids poor policy choices. It prevents the adoption of "penny wise, pound foolish" decisions. It is conservative and realistic by booking fewer dollars from uncertain revenue sources.

The fiscal problems of Kansas will not end on June 30, 2011, and I recognize that a multi-year solution is needed if we are to avoid the loss of essential governmental services that the citizens of this state depend on. This budget is part of that solution. I vote yes on **H. Sub. for SB 572**.—DON HINEMAN, BILL LIGHT, CHARLIE ROTH, KAY WOLF, JILL QUIGLEY, SHERYL SPALDING, VERN SWANSON, DON HILL, J. ROBERT BROOKENS, LEE TAFANELLI, BARBARA CRAFT, RICHARD J. PROEHL, TOM J. MOXLEY, RON WORLEY

MR. SPEAKER: I did not support **H. Sub. for SB 572**. I am disappointed that we are not raising taxes merely to fill the budget gap, but rather to increase spending. Like our constituents, we must learn to live within our budget, and not spend money we do not have. We did not raise sales tax by a small percentage, we raised it nearly 19%. I vote NO.—ROCKY FUND

MR. SPEAKER: I vote aye on **H. Sub. for SB 572** because it represents the most responsible budget that this body is likely to pass. This is a budget that funds pre-K - 12 education and higher education opportunities, programs providing services to persons with disabilities, public safety investments, and other investments in Kansans and Kansas. It represents a series of choices that balance funding vital and desired services with responsible taxing policies.—TOM SLOAN

MR. SPEAKER: I vote NO on **H. Sub. for SB 572**. We cannot afford this budget busting spending spree that will lead to one of the largest tax increases in the history of Kansas. It requires a \$300 million tax increase on hard working Kansans. By choosing the state employee salary increase over the needs of the disabled, by sweeping fee funds to pay for expensive social association fees, and by ignoring the needs of the frail and elderly while bloating budgets in other areas of government, this legislature is choosing the wrong priorities on behalf of Kansans.—PEGGY MAST, VIRGIL PECK JR., KASHA KELLEY, MARC RHOADES, PHIL HERMANSON, S. MIKE KIEGERL, BILL OTTO, AARON JACK, STEVE BRUNK, OWEN DONOHOE, JIM MORRISON, FORREST KNOX, ANTHONY R. BROWN, ROB OLSON, PETER DEGRAAF, BILL WOLF, CONNIE O'BRIEN, BRENDA LANDWEHR, DON MYERS, J. DAVID CRUM, JOE MCLELAND, SHARON SCHWARTZ, MARIO GOICO, GENE M.

SUELLENTROP, STEVE HUEBERT, KEVIN YODER, GARY HAYZLETT, LARRY POWELL, LANCE KINZER, ARLEN SIEGFREID

MR. SPEAKER: I vote yes on **H. Sub. for SB 572**. While I disagree with the level of funding appropriated to certain specific agencies, the appropriations made by this bill are crafted in such a way that the proposed funds to be expended are closely aligned with expected revenue. I support that attempt to only appropriate expected revenue. I also concur with this bill's attempt to ensure that our most vulnerable citizens will be able to receive the services they need for their current and future well-being.—DEENA HORST

MR. SPEAKER: We cannot afford this spending spree that will lead to one of the largest tax increases in the history of Kansas. It requires over \$300 million in additional taxes on hard working Kansans. It includes millions in legally questionable fee sweeps. It allows the use of taxpayer money for campaign commercials, compromises our agriculture safety programs, cuts services to the elderly, and does not adequately fund the physically and developmentally disabled waiver. It does not require accountability and adds to an already bloated government budget. For these reasons, I vote NO on **H. Sub. for SB 572**.—JOE SEIWERT

MR. SPEAKER: In stark contrast to the House Appropriations Committee Budget, **H. Sub. for SB 572** encourages unchecked growth on 53% of our state budget by removing the independent audit process for schools. It allows the use of taxpayer money for campaign commercials, sweeps fee funds, compromises our agriculture safety programs, cuts services to the elderly, and increases prescription costs for Medicaid recipients while cutting hospice services - all while requiring one of the largest tax increases in state history. Under this plan, the state is still projected to face another budget shortfall by 2012. For this reason, I vote NO.—MITCH HOLMES

MR. SPEAKER: **H. Sub. for SB 572** unreasonably grows the size of our state government budget while Kansans experience the highest unemployment rate and the worst economic recession since the Great Depression. One of the highest tax increases in history will be necessary to cover this newly created irresponsible \$300 million budget deficit. The new taxes will disproportionately put at risk Johnson County jobs and business growth as we will lose business to Missouri due to our proximity to the stateline. This budget neglects the elderly, the poor, and the disabled while we bloat government and give state employee raises. For these reasons, I vote no.—MARVIN KLEEB

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Reps. Schwartz, Shultz and Flaharty as a members of the conference committee on **S. Sub. for HB 2219** to replace Reps. Morrison, Burgess and Trimmer.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 586** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 74** be adopted; also, roll call was demanded on motion of Rep. Aurand to amend on page 1, by striking all in lines 35 through 42;

On page 15, by striking all in lines 37 through 43;

By striking all on pages 16 through 21;

On page 22, by striking all in lines 1 through 19;

And by renumbering the remaining sections accordingly;

Also on page 22, in line 22, by striking "72-6407,"; also in line 22, by striking "72,6433d,"; in line 23, by striking ", 72-9609 and 74-4939a" and inserting "and 72-9609";

In the title, in line 11, by striking "72-6433d,"; in line 12, by striking "72-6407,"; in line 13, by striking ", 72-9609 and 74-4939a" and inserting "and 72-9609";

On roll call, the vote was: Yeas 54; Nays 68; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crow, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Knox, Landwehr, Mast, McLeland, Meier, Morrison, Myers, Neufeld, O'Brien, O'Neal, Otto, Patton, Peck, Phelps, Powell, Prescott, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Suellentrop, Swanson, Tafanelli, Wetta, Whitham.

Nays: Ballard, Barnes, Benlon, T. Brown, Burroughs, Carlin, Colloton, Craft, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Merrick, Moxley, Neighbor, Olson, Palmer, Pauls, Peterson, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bollier, Grange, Schwab.

The motion of Rep. Aurand did not prevail.

Also, roll call was demanded on motion of Rep. Spalding to amend **H. Sub. for SB 74** on page 1, in line 35, by striking "The" and inserting "In school year 2010-2011, the"; after line 42, by inserting the following:

"(c) In school year 2011-2012 and in each school year thereafter, the provisions of this section shall apply only if the question of depositing the moneys distributed to school districts under K.S.A. 2009 Supp. 74-4939a, and amendments thereto, into the general fund of the district has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.";

on page 3, in line 4, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto"; in line 19, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 4, in line 33, by striking "school year"; in line 34, by striking "2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 5, in line 43, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto";

On page 6, in line 21, by striking "school year 2010-2011" and inserting "any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as au-

sion or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto”;

On page 13, in line 27, by striking “school year”; in line 28, by striking “2010-2011” and inserting “any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto”;

On page 14, in line 9, by striking “school year 2010-2011” and inserting “any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto”; in line 37, by striking “school year 2009-2010 and school year”; in line 38, by striking “2010-2011” and inserting “any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto”;

On page 15, in line 15, by striking “school year 2010-2011” and inserting “any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto”; in line 36, by striking “school year 2010-2011” and inserting “any school year in which the amount of base state aid per pupil is not at least \$4,492 because of insufficient appropriation of general state aid, rescission or reduction of the appropriation for general state aid, proration of the amount appropriated for general state aid as authorized by K.S.A. 72-6410 and 75-6704, and amendments thereto, or the imposition of an allotment as authorized by K.S.A. 75-3701 et seq., and amendments thereto”

On page 21, in line 6, after “thereto” by inserting “, in school year 2010-2011 and in any school year thereafter if section 3, and amendments thereto, applies to the school district”; after line 11, by inserting the following:

“(f) A school district that has adopted a local option budget pursuant to this section shall be eligible for supplemental general state aid in an amount determined under K.S.A. 72-6434, and amendments thereto.”;

Also on page 21, in line 12, by striking “(f)” and inserting “(g)”;

On page 22, in line 1, after the period by inserting “If section 3, and amendments thereto, does not apply to the school district the entire amount of the disbursement shall be deposited directly into the special retirement fund of the district upon receipt by the district.”;

On roll call, the vote was: Yeas 83; Nays 38; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Barnes, Benlon, Brookens, T. Brown, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grant, Hawk, Henry, Hill, Hineman, Jack, Kelley, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Mast, McCray-Miller, Meier, Menghini, Merrick, Moxley, Neighbor, Olson, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Whitham, Winn, K. Wolf, Worley, Yoder.

Nays: Bethell, Bowers, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Goico, Hayzlett, Henderson, Hermanson, C. Holmes, Horst, Huebert, Johnson, Kerschen, King, Knox, Landwehr, Long, Maloney, McLeland, Morrison, Myers, Neufeld, O'Brien, O'Neal, Palmer, Peck, Powell, Rhoades, Shultz, Suellentrop, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Grange, M. Holmes.

The motion of Rep. Spalding prevailed.

Also, on motion of Rep. Brookens, **H. Sub. for SB 74** be amended on page 1, in line 30, by striking "\$4,012" and inserting "\$4,146";

Also on page 1, in the title, in line 11, by striking "72-6433d,"; in line 12, after "72-6421," by inserting "72-6433d,";

Also, on motion of Rep. Otto, **H. Sub. for SB 74** be amended on page 22, after line 19, by inserting the following:

"Sec. 28. K.S.A. 2009 Supp. 72-6426 is hereby amended to read as follows: 72-6426. (a) There is hereby established in every district a fund which shall be called the contingency reserve fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a district attributable to financial contingencies as determined by the board.

(b) ~~(1)~~ Except as otherwise provided in subsection (c), at no time ~~in school year 2008-2009 through school year 2011-2012~~ shall the amount maintained in the contingency reserve fund exceed an amount equal to ~~10%~~ 20% of the general fund budget of the district for the school year.

~~(2) Except as otherwise provided in subsection (c), at no time in school year 2012-2013 or any school year thereafter shall the amount maintained in the contingency reserve fund exceed an amount equal to 6% of the general fund budget of the district for the school year.~~

(c) (1) If the amount in the contingency reserve fund of a district is in excess of the amount authorized under subsection (b), and if such excess amount is the result of a reduction in the general fund budget of the district for the school year because of a decrease in enrollment, the district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.

(2) The limitation on the amount which may be maintained in the contingency reserve fund imposed under subsection (b) shall not apply to any district whose state financial aid is computed under the provisions of K.S.A. 72-6445a, and amendments thereto. Any such district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.;"

And by renumbering the remaining sections accordingly;

Also on page 22, in line 22, after "72-6421," by inserting "72-6426,";

In the title, in line 12, after "72-6421," by inserting "72-6426,";

Also, on motion of Rep. Kinzer to amend **H. Sub. for SB 74**, Rep. Otto requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kinzer to amend on page 22, after line 19, by inserting the following:

"Sec. 28. On July 1, 2010, K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not

less than 2/3 of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of *ad valorem* tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by .75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and

pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction

and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) *The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of donations to meet the general education purposes of all unified school districts within any such county, to the electors at an election called and held thereon.*

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution,

as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 29. On July 1, 2010, K.S.A. 2009 Supp. 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of .05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of .25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

- (f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;
- (g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;
- (h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;
- (i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;
- (j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;
- (k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;
- (l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;
- (m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;
- (n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;
- (o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%;
- (p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus .5%;
- (q) the board of county commissioners of Jefferson county, for the purpose of paragraphs (19) and (25) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;
- (r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;
- (s) the board of county commissioners of Johnson county for the purposes of paragraph (21) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus .25%;
- (t) the board of county commissioners of Wilson county for the purposes of paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%;
- (u) the board of county commissioners of Butler county for the purposes of paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%;
- (v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;
- (w) the board of county commissioners of Lyon county, for the purposes of paragraph (3)(D) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;
- (x) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of paragraph (3)(F) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of subsection (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%; ~~and~~

(aa) the board of county commissioners of Kingman county, for the purposes of paragraph (27) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75%, or 1%; and

(bb) the board of county commissioners of any county for purposes of paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners as otherwise provided by this section on the effective date of this act plus .25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in paragraph (22) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county

officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 30. On July 1, 2010, K.S.A. 2009 Supp. 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255, is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) $\frac{1}{2}$ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (3)(F), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25) ~~and~~, (27) and (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by paragraph (26) of subsection (b) of K.S.A. 12-187, and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

New Sec. 31. On and after July 1, 2010, all amounts received from a county which imposed a countywide retailers' sales tax imposed pursuant to paragraph (28) of subsection (b) of K.S.A. 12-187, and amendments thereto, by a school or unified school district shall be deemed a donation pursuant to the provisions of K.S.A. 72-8210, and amendments thereto.";

And by renumbering sections accordingly;

Also, on page 22, after line 24, by inserting the following:

Sec. 33. On and after July 1, 2010, K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, and 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255, are hereby repealed."; And by renumbering sections accordingly;

On page 1, in the title, in line 10, before “amending” by inserting “donations to school districts derived from a countywide retailers’ sales tax;”; in line 12, after “Supp.” by inserting “12-187, as amended by section 1 of 2010 House Substitute for Senate Bill No. 255, 12-189, as amended by section 2 of 2010 House Substitute for Senate Bill No. 255, and 12-192, as amended by section 3 of 2010 House Substitute for Senate Bill No. 255;”;

Roll call was demanded.

On roll call, the vote was: Yeas 35; Nays 83; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Brookens, A. Brown, Brunk, Colloton, Donohoe, Furtado, Goico, Gordon, Horst, Huebert, Kiegerl, Kinzer, Kleeb, McLeland, Neighbor, O’Brien, Olson, Patton, Peck, Prescott, Quigley, Rardin, Rhoades, Schwab, Shultz, Siegfried, Slattery, Spalding, Suellentrop, Talia, Vickrey, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Bethell, Bowers, T. Brown, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaherty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Jack, Johnson, Kelley, Kerschen, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neufeld, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Sloan, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Fund, George, Grange, Landwehr, Merrick, O’Neal.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on motion of Rep. Gordon to amend **H. Sub. for SB 74** on page 22, after line 19, by inserting the following:

“Sec. 28. K.S.A. 2009 Supp. 72-7536 is hereby amended to read as follows: 72-7536. (a) The purpose of this section is to allow any person desiring to obtain, analyze and compare financial and performance data of school districts the ability to do so.

(b) ~~On or before December 31, 2005,~~ The state board of education shall design and implement a uniform system of reporting of such data by school districts. Such system shall be an internet-based data reporting system which is freely available and accessible. Such system shall allow a person to search and manipulate the data and allow for the comparison of data on a district by district basis. Such system may be designed so that school districts may input directly the district’s financial and performance data in lieu of reporting data to the state board.

(c) *On or before December 31, 2011, the state board shall modify the system so that it includes detailed records of revenue and expenditure transactions of school districts that conform to the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto. The state board shall require school districts to submit detailed revenue and expenditure records to the state board in an electronic format that is prescribed by the state board.*

Sec. 29. K.S.A. 2009 Supp. 72-8253 is hereby amended to read as follows: 72-8253. (a) Each school district shall compile and report expenditures of the district in providing programs required by law and the number of pupils enrolled in such programs. Such information shall be ~~compiled and reported in the manner required by the department~~ reported in accordance with the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto.

(b) ~~The department~~ state board shall verify, on an on-going basis, expenditures of school districts in providing programs required by law and the number of pupils enrolled in such programs. Such verification may be conducted on a sample-basis of school districts.

Sec. 30. K.S.A. 2009 Supp. 72-8254 is hereby amended to read as follows: 72-8254. (a) *The state board of education shall adopt a uniform chart of accounts for the reporting of receipts and expenditures of school districts.*

(b) *In order to achieve uniform reporting of receipts and expenditures by school districts in school district budgets, districts shall report expenditures in the manner required and in reports submitted to the state board of education, districts shall report receipts and expend-*

itures of the district in accordance with the uniform chart of accounts adopted by the state board.

Sec. 31. K.S.A. 75-1124 is hereby amended to read as follows: 75-1124. (a) A copy of each audit report with recommendations, if any, rendered by any licensed municipal public accountant or certified public accountant upon the completion of any audits provided for by K.S.A. 10-1208, 12-866, 13-1243, 13-14d12 or 75-1122, and any amendments to such statutes, shall be filed with the director of accounts and reports within one year after the end of the audit period of the audit unless an extension of time is granted by the director of accounts and reports. Final payment to any accountant performing a municipal audit shall not be made until a copy of such report has been so filed as shown by a statement of the director of accounts and reports.

(b) *The audit report prepared for a school district shall be supplemented by an agreed-upon procedures engagement to assist the state board in evaluating the school district's compliance with the uniform chart of accounts prescribed by the state board under K.S.A. 2009 Supp. 72-8254, and amendments thereto in reporting detailed records of revenue and expenditure transactions in accordance with subsection (c) of K.S.A. 72-7536, and amendments thereto. The state board shall specify the agreed-upon procedures and scope of testing required. A copy of such audit report also shall be filed with the state board of education.*

New Sec. 32. The legislature shall appropriate sufficient funds to pay the costs incurred by the state board of education and school districts which are attributable to the implementation of, and compliance with, the provisions of this act.”;

And by renumbering the remaining sections accordingly;

Also on page 22, in line 21, by striking “and 72-8804” and inserting “, 72-8804 and 75-1124”; in line 22, after “72-6433d,” by inserting “72-7536,”; in line 23, after “72-8250,” and inserting “72-8253, 72-8254,”;

In the title, in line 11, by striking “72-6433d,”; also in line 11, by striking “and 72-8804” and inserting “, 72-8804 and 75-1124”; in line 12, after “72-3715,” by inserting “72-7536,”; also in line 12, after “72-6421,” and inserting “72-6433d,”; in line 13, after “72-8250,” and inserting “72-8253, 72-8254,”;

On roll call, the vote was: Yeas 54; Nays 65; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Bollier, Fund, George, Grange, Kiegerl.

The motion of Rep. Gordon did not prevail.

Also, on motion of Rep. Winn to amend **H. Sub. for SB 74**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Knox to amend **H. Sub. for SB 74** on page I, after line 34, by inserting the following:

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

(1) “State aid payment” means all aid payments to school districts, including payments for special education or related services, KPERS employer contributions, general state aid, supplemental general state aid, capital outlay state aid, capital improvement state aid or any other state aid payable to school districts.

(2) “Salaries and wages” has the meaning ascribed thereto by K.S.A. 2009 Supp. 75-5553, and amendments thereto.

(3) "Refunds" means refunds paid under the Kansas income tax act.

(b) After the payment of salaries and wages and refunds, the state board of education and any other state agency shall make expenditures from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2011, by any appropriation act of the 2010 regular session of the legislature, for the department of education, or any other state agency involved in the processing of state aid payments to enable the state to make all state aid payments on the date on which such payments are regularly scheduled for payment during the first 11 months of fiscal year 2011.:";

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking all after "to"; in line 10, by striking "school districts" and inserting "school finance";

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

Yeas: Aurand, Ballard, Barnes, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Finney, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, 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, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Bethell, Crow, Davis, Feuerborn, Flaharty, Furtado, Henderson, Henry, Johnson, Kuether, Lane, Meier, Menghini, Peterson, Phelps, Tietze.

Present but not voting: None.

Absent or not voting: Bollier, Fund, George, Grange.

The motion of Rep. Knox prevailed.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 74** favorably for passage.

On roll call, the vote was: Yeas 63; Nays 59; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, George, Gordon, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Lukert, Mah, Menghini, Merrick, Moxley, Neighbor, Olson, Otto, Pauls, Peterson, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Ward, Whitham, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Crow, Crum, DeGraaf, Dillmore, Donohoe, Faber, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hayzlett, Hermanson, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Knox, Landwehr, Long, Maloney, Mast, McCray-Miller, McLeland, Meier, Morrison, Myers, Neufeld, O'Brien, O'Neal, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Rhoades, Schroeder, Schwartz, Seiwert, Shultz, Suellentrop, D. Svaty, Trimmer, Vickrey, Wetta, Williams, B. Wolf.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Grange.

The motion prevailed and **H. Sub. for SB 74** be passed as amended.

On motion of Rep. Merrick, the House recessed until 8:30 p.m.

NIGHT SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

Roll call was demanded on motion of Rep. Kinzer to remove **S. Sub. for HB 2360** from the table.

On roll call, the vote was: Yeas 47; Nays 73; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bowers, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Vickrey, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bethell, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Johnson, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Grange, M. Holmes, Peterson.

The motion of Rep. Kinzer did not prevail and **S. Sub. for HB 2360** remains on the table.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1503, Rep. Feuerborn moved that the order on General Orders of **SB 581** be changed to the first measure to be considered on General Orders.

(The Chief Clerk of the House of Representatives is requested to read this motion and cause it to be printed in the Calendar of May 10, 2010, under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1503 (b).)

REPORT ON ENGROSSED BILLS

HB 2486 reported correctly engrossed May 8, 2010.

HB 2482, HB 2595 reported correctly re-engrossed May 8, 2010.

REPORT ON ENROLLED RESOLUTIONS

HR 6047 reported correctly enrolled and properly signed on May 8, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, May 10, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

