

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 30, 2010—10:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
“Love your enemies”
Jesus has said..
When we’re more inclined
To hate them instead.

But His work for love
Does not intend
To mean the same as the love
For family and friend.

The love for family
And the love for friend
Is a natural affection,
Easy to extend.

But the love for an enemy
Is an act of the will;
We make up our mind
Not to wish him ill.

We want You to see
We did what we could,
Always aiming
For his greater good.

Edwin Markham’s poem seems to sum it up, Lord...

He drew a circle that shut me out,
Heretic, rebel, a thing to flout.
But love and I had a wit to win,
We drew a circle that took him in.

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

CHANGE OF REFERENCE

The President withdrew **HB 2383** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2561** and requests the Senate to return the bill.

The House not adopts the conference committee report on **HB 2554**, requests a conference and appoints Representatives Gordon, Donohoe and Benlon as second conferees on the part of the House.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **HB 2130**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **HB 2482**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **HB 2486**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **House Substitute for SB 293**.

The House announces the appointment of Representative Vickrey to replace Representative King as a conferee on **House Substitute for SB 300**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2446, HB 2691**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2691**, submits the following report:

The Senate recedes from all of its amendments to the bill;

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

JOHN VRATIL
CAROLYN MCGINN
LAURA KELLY
Conferees on part of Senate

JEFF WHITHAM
DON HINEMAN
TOM BURROUGHS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2691**.

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

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

The Conference Committee report was adopted.

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2554**.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1874—

A RESOLUTION congratulating and commending the 2009-2010 Emporia State University women's basketball team.

WHEREAS, Emporia State University has seen its student athletes achieve tremendous success in recent athletic competitions; and

WHEREAS, The ESU Lady Hornet basketball team won the 2010 NCAA Division II Women's Basketball National Championship, capping off a 30-5 season with a 65-53 victory over Fort Lewis College, marking the first Division II National Championship for ESU; and

WHEREAS, Alli Volkens was named Most Outstanding Player of the Elite Eight and was named to the NCAA Division II Women's Elite Eight All-Tournament Team, along with Cassandra Boston and Brittney Miller; and

WHEREAS, Coach Brandon Schneider was named the NCAA Division II National Coach of the Year by the Women's D-II bulletin; and

WHEREAS, The Lady Hornets, many of whom are native Kansans, serve as positive role models for young Kansans through their dedication to excellence and their proud representation of their school and state in the arena of competition; and

WHEREAS, The Lady Hornets have demonstrated a commitment to the classroom as well as the basketball court by maintaining a grade point average of 3.09; and

WHEREAS, Cassandra Boston earned ESPN The Magazine's All-District Honors for the second straight year with a 3.68 grade point average in accounting; the seventh straight year a Lady Hornet has earned Academic All-District Honors; and

WHEREAS, Coach Brandon Schneider continues to guide his team with class, demonstrating all that is best about collegiate competition; and

WHEREAS, The members of the 2010 National Champion Lady Hornets were Jamie Augustyn, Cassandra Boston, Lacy Corker, Jocelyn Cummings, Ashley Ferrell, Rachel Hanf, Kayla Krueger, Sophia Lenard, Dava Logsdon, Brittney Miller, Kelsey Newman, Negesti Taylor and Alli Volkens. The team manager was Amanda Pfannensteil. The team trainer was Alicia Thomas. The head coach was Brandon Schneider and assistant coaches were Jory Collins and Kiel Unruh: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the Emporia State University Women's Basketball team on winning the 2010 NCAA Division II Women's Basketball National Championship and wish them continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send 20 enrolled copies of this resolution to Senator Barnett.

On emergency motion of Senator Barnett **SR 1874** was adopted unanimously.

Senator Barnett congratulated and commended the Emporia State University women's basketball team on winning the 2010 NCAA Division II Women's Basketball National Championship. The Emporia State University women's basketball team were introduced as follows: Cassandra Boston, Rachel Hanf, Jocelyn Cummings, Jamie Augustyn, Lacy Corker, Kelsey Newman, Brittney Miller, Sophia Lenard, Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon and Alli Volkens. Also in attendance were Emporia State University President Michael Lane, Trainer Alicia Thomas, Assistant Coach Jory Collins and Graduate Assistant Coach Kyle Unruh.

COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

Recommended **HB 2446** be passed.

SCR 1630 be amended by the adoption of the committee amendments, and the resolution be adopted as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SCR 1630; HB 2446** were advanced to Final Action and roll call.

SCR 1630, A CONCURRENT RESOLUTION supporting participation with the State of Colorado in the Pierre Auger Observatory project proposed to be built in Colorado; providing for formation of a task force to lead the Kansas effort in collaboration with Colorado.

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

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

The resolution was adopted, as amended.

HB 2446, An act concerning certain postsecondary educational institutions; relating to investments and gifts; amending K.S.A. 76-308, 76-410a, 76-604 and 76-718a and repealing the existing sections; also repealing K.S.A. 76-347, 76-349, 76-360 and 76-362.

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

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

The bill passed.

On motion of Senator D. Schmidt, the Senate recessed until sound of the gavel.

AFTERNOON-SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 587, An act concerning the secretary of corrections; relating to inmate access to information containing personally identifying information, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 54**, as amended.

Also, passage of **SCR 1622**.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2650** as amended by substituting a new bill as recommended by the Senate Committee on Transportation as reported in the Journal of the Senate on March 30, 2010, and the substitute bill be amended by substituting a new bill to be designated as "SENATE Substitute for Senate Substitute for HOUSE BILL No. 2650," as follows:

"SENATE Substitute for Senate Substitute for HOUSE BILL No. 2650

By Committee on Transportation

"AN ACT relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2316, 68-

2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5035, 75-5048, 75-5061, 75-5063, 75-5064, 75-5160, 79-3492b, 79-34,141 and 79-34,142 and repealing the existing sections; also repealing K.S.A. 68-2314a.”;

and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2360**, as amended by House Committee, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2360,” as follows:

“SENATE Substitute for HOUSE BILL No. 2360

By Committee on Ways and Means

“AN ACT concerning taxation; relating to tax upon cigarettes and tobacco products, rates; rate of sales taxation, distribution of revenue, refunds on sales of food; income taxation, adjusted gross income and income tax credit or benefit eligibility; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-32,117, 79-32,138, 79-3301, 79-3310, 79-3310c, 79-3311, 79-3312, 79-3603, 79-3620, 79-3633, 79-3635, 79-3666, as amended by section 15 of 2010 Senate Bill No. 430, 79-3703 and 79-3710 and repealing the existing sections.”;

and the substitute bill be passed.

Also, **HB 2631 (As Amended by House Committee)** be amended as recommended by the Committee on Ways and Means, as reported in the Journal of the Senate for March 15, 2010, by substituting a new bill designated as Senate Substitute for HB 2631, and further recommends that Senate Substitute for HB 2631 be amended on page 1, in line 31, by striking “not be subject to the provisions” and inserting “be known and may be cited as the omnibus appropriation act of 2010 and shall constitute the omnibus reconciliation spending limit bill for the 2010 regular session of the legislature for purposes”;

On page 2, in line 10, by striking “\$70,400,000” and inserting “\$67,650,000”;

On page 3, in line 17, by striking “\$589,299” and inserting “\$607,299”; in line 30, by striking “the effective date of this act” and inserting “July 1, 2010”;

On page 4, in line 1, by striking “\$15,040” and inserting “\$10,549”;

On page 5, in line 6, by striking “the effective date of this act” and inserting “July 1, 2010”;

in line 40, by striking “\$3,885,857” and inserting “\$4,027,385”;

On page 6, by striking all in lines 39 through 43;

On page 7, by striking all in lines 1 through 15;

On page 8, in line 8, by striking “\$15,000,000” and inserting “\$16,840,057”; after line 8, by inserting the following:

“(i) On the effective date of this act, there is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2010, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects	\$261,800
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(j) On the effective date of this act, of the \$58,015,398 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 64(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$376,320 is hereby lapsed.

(k) On the effective date of this act, there is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance	\$642,890”;
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Also on page 8, in line 14, by striking “\$40,567,543” and inserting “\$46,567,543”;

On page 9, by striking all in lines 17 through 27 and inserting the following:

“(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the soldiers’ home fee fund is hereby increased from \$2,262,066 to no limit.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the veterans’ home fee fund is hereby increased from \$3,359,588 to no limit.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the VA burial reimbursement fund — federal is hereby increased from \$35,667 to no limit.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the veterans home federal fund is hereby increased from \$3,077,188 to no limit.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the soldiers home federal fund is hereby increased from \$3,530,819 to no limit.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 59 (b) of chapter 124 of the 2009 Session Laws of Kansas on the commission on veterans affairs federal fund is hereby increased from \$250,259 to no limit.”;

And by relettering the remaining subsections accordingly;

On page 10, by striking all in lines 16 through 31;

On page 12, after line 31, by inserting the following:

“(b) On the effective date of this act, of the \$3,769,578 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 13(i) of chapter 144 of the 2009 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$914,847 is hereby lapsed.”;

On page 14, in line 6, by striking “\$28,090” and inserting “\$95,590”;

On page 15, after line 31, by inserting the following:

“Sec. 41.

DEPARTMENT ON AGING

(a) On the effective date of this act, of the \$114,937,676 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 62(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$861,550 is hereby lapsed.

Sec. 42.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 12(a) of chapter 124 of the 2009 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$595,421 to \$601,166.

Sec. 43.

STATE BOARD OF INDIGENTS’ DEFENSE SERVICES

(a) On the effective date of this act, there is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Assigned counsel expenditures \$686,456

Provided, That expenditures for indigents’ defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Sec. 44.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective day of this act, notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$4,430,134 from the state general fund to the Kansas endowment for youth fund.”;

On page 16, after line 14, by inserting the following:

“(c) Any unencumbered balance in the legislative reserve account of the legislative coordinating council in excess of \$100 as of June 30, 2010, is hereby reappropriated to the operations (including official hospitality) account of the legislature for fiscal year 2011.”;

On page 26, after line 10, by inserting the following:

“Domestic violence prevention grants \$200,000”;

On page 27, in line 2, by striking the colon; by striking all in lines 3 through 6; in line 7, by striking all before the period;

On page 29, in line 17, by striking “water plan” and inserting “general”; in line 21, by striking “water plan” and inserting “general”; in line 25, by striking “water plan” and inserting “general”; in line 29, by striking “water plan” and inserting “general”; in line 33, by striking “water plan” and inserting “general”; in line 37, by striking “water plan” and inserting “general”;

On page 40, in line 13, by striking “\$7,904,015” and inserting “\$8,103,156”;

On page 41, in line 20, by striking “\$99,079,087” and inserting “\$101,354,087”;

On page 42, by striking all in lines 40 through 43;

On page 43, by striking all in lines 1 through 15 and inserting the following:

“Correctional supervision fund..... No limit”;

On page 44, in line 40, by striking “\$55,118,748” and inserting “\$59,764,922”; by striking all in lines 41 through 43;

On page 45, by striking all in lines 1 and 2;

On page 68, after line 30, by inserting the following:

“(q) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$36,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.”;

On page 69, in line 28, by striking “\$15,951,517” and inserting “\$15,922,517”;

On page 74, in line 13, by striking “August”; in line 14, by striking “25” and inserting “July 15”; also in line 14, by striking “25th” and inserting “15th”; in line 15, by striking “25” and inserting “15”; in line 24, by striking “25th” and inserting “15th”; also in line 24, by striking “25” and inserting “15”;

On page 83, after line 24, by inserting the following:

“(h) During the fiscal year ending June 30, 2011, no expenditures shall be made by the department of commerce from any moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2011, as authorized by this or other appropriation act of the 2010 regular session of the legislature, to respond to requests for proposals or bid for contract work for the purpose of providing job search services, labor exchange services, case management software, or any related work for state workforce agencies, or to otherwise attempt to obtain further contracts or subcontracts services with any state of Kansas agency other than the department of commerce or any other state agency

in other states with which the department of commerce has contracts executed on or before March 31, 2010.”;

On page 90, by striking all in lines 22 through 37; in line 43, by striking “\$3,634,892” and inserting “\$3,739,891”;

On page 91, in line 6, by striking “\$4,386,075” and inserting “\$4,456,157”; in line 10, by striking “\$813,522” and inserting “\$837,022”; in line 14, by striking “\$4,849,029” and inserting “\$4,805,709”; in line 21, by striking “\$7,271,033” and inserting “\$7,243,065”; in line 42, by striking “\$94,665” and inserting “\$97,400”;

On page 92, in line 6, by striking “\$447,617” and inserting “\$462,146”; in line 10, by striking “\$220,196” and inserting “\$226,557”; in line 14, by striking “\$47,869” and inserting “\$49,252”; in line 18, by striking “\$99,601” and inserting “\$50,368”; in line 22, by striking “\$473,524” and inserting “\$467,202”; in line 26, by striking “\$102,671” and inserting “\$105,537”; in line 30, by striking “\$201,655” and inserting “\$207,480”; after line 33, by inserting the following:

“Infant and toddlers program	\$373,032
Pregnancy maintenance initiative	\$162,500
Teen pregnancy prevention activities	\$162,500

Provided, That expenditures from the teen pregnancy prevention activities account shall be made to give highest priority to recipients of temporary assistance to families and other medicaid eligible teens.”;

On page 95, in line 33, by striking “\$250,000” and inserting “\$215,460”; in line 37, by striking “\$5,700,000” and inserting “\$5,326,968”; in line 41, by striking “\$1,000,000” and inserting “\$934,556”;

On page 96, in line 2, by striking “\$50,000” and inserting “\$37,639”; in line 6, by striking “\$75,000” and inserting “\$61,911”; in line 10, by striking “\$321,309” and inserting “\$276,840”;

On page 98, in line 17, by striking “\$4,248,339” and inserting “\$4,164,182”; in line 23, by striking “\$3,340,236” and inserting “\$3,424,393”;

On page 102, in line 37, by striking “\$1,898,457” and inserting “\$1,636,243”;

On page 104, in line 42, by striking “\$660,173” and inserting “\$1,223,051”;

On page 105, in line 17, by striking “\$466,277” and inserting “\$3,077,233”; in line 37, by striking “\$1,852,760” and inserting “\$1,814,423”;

On page 106, in line 3, by striking “\$24,955,371” and inserting “\$25,420,017”; in line 11, preceding the period by inserting the following material to read as follows:

“: *And provided further*, That expenditures shall be made from this account to expand the telehealth pilot study by 500 telehealth monitor units for fiscal year 2011: *And provided further*, That such units shall be distributed geographically statewide: *And provided further*, That if legislation which authorizes an annual, uniform assessment per licensed bed, referred to as a quality care assessment, on each skilled nursing care facility, is passed by the legislature during the 2010 regular session and enacted into law, no such funds collected by such assessment shall be expended for any telehealth monitor units”;

Also on page 106, in line 12, by striking “\$127,658,325” and inserting “\$133,149,324”; in line 24, by striking “\$1,696,418” and inserting “\$1,857,166”;

On page 110, in line 37, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That expenditures shall be made from this account for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program”;

Also on page 110, in line 42, by striking “\$426,649,784” and inserting “\$437,713,309”;

On page 111, in line 2, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That expenditures may be made from this account for the purpose of implementing or expanding any prior authorization project: *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the health policy oversight committee prior to the start of the 2011 legislative session”;

Also on page 111, in line 6, preceding the period by inserting the following material to read as follows:

“: *Provided further*, That no increases shall be made to monthly premium payments for the state children’s health insurance program until approval of the increase is received by the Kansas health policy authority from the federal centers for medicare and medicaid services”;

On page 113, in line 7, by striking “\$107,382,124” and inserting “\$111,089,328”; in line 15, preceding the period by inserting the following material to read as follows:

“: *And provided further*, That expenditures shall be made from this account to contract with Kansas legal services for the purpose of providing legal representation and disability determination case management for adult cash assistance recipients”;

Also on page 113, in line 21, by striking “\$119,259,900” and inserting “\$134,678,400”;

On page 115, in line 10, by striking “\$109,366,779” and inserting “\$111,023,868”; in line 14, by striking “\$5,469,209” and inserting “\$6,219,209”; in line 26, by striking “\$54,286,708” and inserting “\$52,304,404”; in line 30, by striking “\$64,974,959” and inserting “\$66,508,295”; in line 34, by striking “\$99,315,783” and inserting “\$101,529,886”; after line 37, by inserting the following:

“Community mental health centers supplemental funding \$2,500,000

Provided, That any unencumbered balance in the community mental health center supplemental funding account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.”;

On page 118, in line 43, by striking “\$411,817” and inserting “\$407,850”;

On page 119, in line 4, by striking “\$2,888,331” and inserting “\$3,274,992”; in line 8, by striking “\$3,800,435” and inserting “\$4,127,411”; in line 12, by striking “\$1,064,122” and inserting “\$1,053,873”; in line 17, by striking “\$6,417,537” and inserting “\$7,276,655”; in line 21, by striking “\$2,463,489” and inserting “\$3,028,953”; in line 25, by striking “\$2,624,412” and inserting “\$3,226,815”; in line 29, by striking “\$380,044” and inserting “\$430,920”; in line 33, by striking “\$8,436,836” and inserting “\$9,560,824”;

On page 123, in line 23, by striking “\$1,092,250” and inserting “\$1,159,395”; in line 31, by striking “\$10,701,741” and inserting “\$10,717,436”;

On page 124, in line 41, by striking “\$10,000” and inserting “\$670,000”;

On page 125, in line 1, by striking “\$10,000 for the teacher of the year program” and inserting the following material to reads as follows:

“\$250,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high school: *And provided further*, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: *And provided further*, That the discretionary grants awarded to after school programs shall require a dollar-for-dollar local match: *And provided further*, That the aggregate amount of discretionary grants awarded to any one after school program for fiscal year 2011 shall not exceed \$25,000”;

Also on page 125, in line 4, by striking “\$304,402,545” and inserting “\$291,602,545”;

On page 128, in line 12, by striking “\$3,800,435” and inserting “\$4,309,200”; in line 13, by striking “\$5,730,676” and inserting “\$6,771,964”;

On page 137, in line 37, after “lines” by inserting a comma;

On page 157, in line 40, preceding the period by inserting the following material to read as follows:

“: *And provided further*, That the above agency, working in conjunction with the University of Kansas, Kansas State University and Wichita State University, shall develop and provide a multi-year plan for accomplishing the necessary expansion in the engineering programs to alleviate the severe shortage of engineering graduates: *And provided further*, That the plan shall be submitted to the governor and the legislature on or before September 1, 2010”;

On page 165, in line 41, by striking “\$7,901,469” and inserting “\$4,301,469”;

On page 172, in line 19, by striking “\$23,332,627” and inserting “\$23,767,732”;

On page 173, in line 1, by striking “\$4,115,404” and inserting “\$4,187,174”;

On page 174, in line 24, by striking “\$29,960,851” and inserting “\$5,173,836”;

On page 175, after line 20, by inserting the following:
 “911 statewide coordinating fees fund \$129,683”;
 On page 181, in line 1, by striking “\$510,135” and inserting “\$780,135”;
 On page 185, in line 10, preceding the period by inserting the following material to read as follows:
 “: *Provided further*, That, if 2010 Senate Substitute for House Bill No. 2226 is passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, of the \$14,508,932 appropriated for the above agency for the fiscal year ending June 30, 2011, by this section from the state general fund in the operating expenditures account, the sum of \$218,000 is hereby lapsed”;
 Also on page 185, after line 41, by inserting the following:
 “Criminal justice information system line fund \$660,000”;
 On page 192, following line 20, by inserting the following:
 “Agricultural land valuations \$29,000”;
 On page 198, by striking all in lines 17 through 31;
 On page 200, in line 17, preceding the period by inserting the following material to read as follows:
 “: *Provided further*, That the state conservation commission may make expenditures during fiscal year 2011 from the lake restoration account, from fiscal year 2009 encumbered moneys under contract in the water supply restoration program, for the installation of an alternative public water supply solution for Washington county rural water district no. 1”;
 On page 209, in line 12, by striking “\$5,934,743” and inserting “\$6,261,987”;
 On page 211, by striking all in lines 18 through 27;
 On page 212, after line 13, by inserting the following:
 “Passenger rail service revolving fund No limit”;
 Also on page 212, in line 14, by striking “\$267,865,758” and inserting “\$268,052,188”;
 On page 214, by striking all in lines 1 through 6;
 And by relettering the remaining subsections accordingly;
 Also on page 214, in line 22, by striking “\$26,250,000” and inserting “\$37,325,000”;
 On page 215, in line 25, by striking “288.65” and inserting “294.65”; in line 35, by striking “364.40” and inserting “363.40”; in line 37, by striking “431.03” and inserting “428.03”; in line 40, by striking “570.20” and inserting “546.70”; in line 41, by striking “976.20” and inserting “953.70”; in line 42, by striking “441.40” and inserting “439.40”; in line 43, by striking “497.20” and inserting “495.20”;
 On page 216, in line 1, by striking “122.20” and inserting “121.20”; in line 12, by striking “219.00” and inserting “221.00”; in line 20, by striking “341.50” and inserting “343.50”; after line 20, by inserting the following:
 “*Provided* , That, if 2010 Senate Bill No. 570 is not passed by the legislature during the 2010 regular session and enacted into law, then, on July 1, 2010, the position limitation established for the fiscal year ending June 30, 2011, by this subsection for the Kansas department of agriculture is hereby decreased from 343.50 to 341.50.”;
 On page 218, in line 24, by striking “above agency” and inserting “state finance council”;
 On page 219, in line 17, by striking “and 75-7001” and inserting “, 75-7001, 76-714 and 76-715”;
 On page 224, in line 20, by striking “\$1,415,629” and inserting “\$2,702,629”;
 On page 226, in line 42, by striking “\$551,909” and inserting “\$1,385,765”;
 On page 227, after line 12, by inserting the following:
 “Johnson building roofing project \$239,700”;
 Also on page 227, after line 18, by inserting the following:
 “Electrical distribution project \$339,415”;
 On page 261, by striking all in lines 28 through 43;
 By striking all on pages 262 through 270;
 On page 271, by striking all in lines 1 through 34;
 On page 273, by striking all in lines 35 through 43;

On page 274, by striking all in lines 1 through 4;
On page 277, by striking all in lines 32 through 43;
By striking all on pages 278 through 280;

On page 281, by striking all in lines 1 through 11 and inserting the following:

“Sec. 150. On July 1, 2010, K.S.A. 2009 Supp. 76-783, as amended by Section 33 of 2010 House Bill No. 2557, is hereby amended to read as follows: 76-783. (a) (1) The Kansas development finance authority is hereby authorized to issue from time to time bonds on behalf of the board of regents in such principal amounts as the Kansas development finance authority and the board of regents determine to be necessary to provide sufficient funds to finance scientific research and development facilities, including, but not limited to, the payment of interest on such bonds, the establishment of reserves to secure such bonds, costs of issuance, refunding any outstanding bonds, and all other expenditures of the board of regents incident to and necessary or convenient to carry out the powers and functions authorized by this act. The Kansas development finance authority shall not issue any bond or bonds on behalf of the corporation formed by the board of regents under this act. The Kansas development finance authority shall not issue bonds under this act for more than \$120,000,000, in the aggregate, plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such scientific research and development facilities and any required reserves for payment of principal and interest on any such bond.

(2) Except as may otherwise be expressly provided by the board of regents, every obligation of the board of regents with respect to such bonds shall be an obligation of the board of regents payable out of any revenues or moneys of the board of regents derived from annual appropriations of the legislature. Subject only to any agreements with holders of particular bonds pledging any particular revenues, the board of regents shall use moneys derived from scientific research and development facilities to provide funds sufficient to pay principal and interest on any bonds issued pursuant to this act commencing after the date a project is completed and has been accepted by the board of regents. Subject to the provisions of appropriation acts, payment of principal and interest on the bonds shall be made by the state board of regents from annual appropriations by the legislature from such revenues as are furnished by the board of regents, or from any other available funds, in amounts sufficient to pay principal and interest on the bonds until the bonds are finally paid.

(3) Upon acceptance by the board of regents of each project initiated and completed under this act and upon a determination by the board of regents that the period for repayment of debt for such project is to commence, the board of regents shall certify to the director of accounts and reports that principal and interest payments for such project are to commence and the dates and amounts of all principal and interest payments for such project. Pursuant to each such certification and commencing on or after July 1, 2004, the director of accounts and reports shall transfer, from the state general fund to the debt service fund or funds at a state educational institution as specified in the certification for such project, the amount certified on or before the respective payment date therefor. Transfers shall be made under this section pursuant to any such certification on or after July 1, 2004. *All such transfers during the fiscal years ending June 30, 2011, and June 30, 2012, shall be considered to be revenue transfers from the state general fund.* The aggregate of all such transfers from the state general fund during any fiscal year shall not exceed \$10,000,000 and the aggregate of all such transfers from the state general fund under this section shall not exceed \$50,000,000. The Kansas development finance authority and the board of regents shall enter into contracts with respect to the scientific research and development facilities financed under this act prescribing the obligation of the board of regents and the state educational institutions to provide for repayment of amounts of bond debt service in addition to those amounts provided for by transfers under this section from the state general fund.

(b) (1) The bonds shall be authorized by a resolution adopted by the board of directors of the Kansas development finance authority.

(2) Except as otherwise provided in this act, bonds issued by the Kansas development finance authority under authority of this act shall be subject to the provisions of K.S.A. 74-8901 *et seq.*, and amendments thereto.

(c) Any resolution authorizing the board of regents to incur any obligation with respect to bonds issued by the Kansas development finance authority may contain such provisions as deemed appropriate by the board of regents for the purpose of carrying out the purposes of this act and securing such bonds, which shall be a part of the contract with the holders thereof, including, but not limited to, provisions:

(1) Pledging all or any part of the revenues of the board of regents derived from scientific research and development facilities to secure the payment of the bonds or of any issue thereof, subject to such agreements with bondholders as may then exist;

(2) the setting aside of reserves or sinking funds and the regulation and disposition thereof;

(3) limitations on the issuance of additional bonds or other obligations, the terms upon which additional bonds or obligations may be issued and secured, and the refunding of outstanding or other bonds;

(4) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the board of regents to the Kansas development finance authority, the applicable bond trustee or the holders of the bonds, except that such rights and remedies shall not be inconsistent with the general laws of this state and the other provisions of this act; and

(5) any other matters, of like or different character, which in any way affect the security or protection of the holders of the notes or bonds.

(d) Any of the provisions relating to any bonds described in this section may be set forth in a trust indenture, loan agreement, lease agreement or other financing document authorized by a resolution of the board of regents or the board of directors of the Kansas development finance authority.

(e) The bonds of each issue may, in the discretion of the board of directors of the Kansas development finance authority, be made redeemable before maturity at such prices and under such terms and conditions as may be determined by the board of directors of the Kansas development finance authority. Bonds issued on behalf of the board of regents shall mature at such time, not exceeding 30 years from their date of issue, as may be determined by the board of regents and the board of directors of the Kansas development finance authority. The bonds may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The bonds shall bear interest at such rate either fixed or variable, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption as provided in the resolution of trust indenture. The bonds may be sold by the Kansas development finance authority, at public or private sale, at such price as the board of directors of the Kansas development finance authority shall determine.

(f) In case any officer of the Kansas development finance authority whose signature or a facsimile of whose signature appears on any bonds or coupons attached thereto ceases to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(g) Any bonds issued by the Kansas development finance authority pursuant to this section, and the income therefrom (including any profit from the sale thereof) shall at all times be free from taxation by the state or any agency, political subdivision or instrumentality of the state, including income and property taxes.

(h) Any holder of bonds issued under the provisions of this act, or any coupons appertaining thereto and the trustee under any trust agreement or resolution authorizing the issuance of such bonds, except the rights under this act may be restricted by such trust agreement or resolution, may, either at law or in equity by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted under this act or under such agreement or resolution, or under any other contract executed by the board of regents pursuant to this act, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the board of regents or by an officer thereof.

(i) The bonds shall be special, limited obligations of the Kansas development finance authority and the state shall not be liable for bonds issued by the Kansas development

finance authority on behalf of the board of regents, and such bonds shall not constitute a debt of the state.

(j) Neither the board of regents, the board of the Kansas development finance authority nor any authorized employee of the board of regents or the Kansas development finance authority shall be personally liable for such bonds by reason of the issuance thereof.

(k) Nothing in this act shall be construed as a restriction or limitation upon any other powers which the board of regents might otherwise have under any other law of this state, and this act is cumulative to any such powers. This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds under the provisions of this act need not comply with the requirements of any other state law applicable to the issuance of bonds. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as is provided in this act.

(l) Any of the provisions relating to bonds described in this section may be included in any contracts between the board of regents and the Kansas development finance authority relating to obligations of the Kansas development finance authority issued on behalf of the board of regents.”;

On page 295, in line 29, by striking “25” and inserting “15”; in line 33, by striking “25” and inserting “15”;

On page 296, after line 17, by inserting the following:

“Sec. 161. On the effective date of this act, Section 52 of Chapter 124 of the 2009 Session Laws of Kansas is hereby amended to read as follows:
Sec. 52.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2010, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund	No limit
Lottery operating fund.....	No limit
<i>Provided</i> , That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.	
Expanded lottery receipts fund.....	No limit
Lottery gaming facility manager fund.....	No limit
Expanded lottery act revenues fund	\$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection, an amount of not less than \$4,500,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2009, and on or before the 15th of each month thereafter through ~~July~~ June 15, 2010: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2010: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2010 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through July 15, 2010, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,500,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2010 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2010 is equal to or more than ~~\$73,540,000~~ \$67,650,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state

gaming revenues fund for fiscal year 2010 pursuant to this subsection shall be equal to or more than ~~\$73,540,000~~ \$67,650,000: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711, and amendments thereto, for fiscal year 2010.

(c) Notwithstanding the provisions of K.S.A. 79-4801, and amendments thereto, or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2010, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2008 Supp. 74-8724, and amendments thereto, during fiscal year 2010: *Provided*, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: *Provided further*, That, on or before June 15, 2010, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2008 Supp. 74-8724, and amendments thereto, during fiscal year 2010: *And provided further*, That, at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(d) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 2008 Supp. 74-8711, and amendments thereto, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.

(e) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer all moneys, other than moneys received for privilege fees, that are credited to the expanded lottery act revenues fund from the expanded lottery act revenues fund to the state general fund within 10 days after such moneys are credited to the expanded lottery act revenues fund: *Provided*, That no moneys received for privilege fees that are credited to the expanded lottery act revenues fund shall be transferred to the state general fund pursuant to this subsection: *Provided further*, That the transfer of such amounts shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law: *Provided further*, That the moneys transferred from the expanded lottery act revenues fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of revenue, and other state agencies, by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 162. (a) (1) On and after July 1, 2010, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of April, May and June, 2011, that constitute such state agency's portion of the state's contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(2) On July 1, 2010, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2011, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, by 2010 Senate Substitute for House Bill No. 2222, or by this or other appropriation act of the 2010 regular session of the legislature, and that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2011, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, is hereby lapsed from each such account.

(3) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of

Kansas, by 2010 Senate Substitute for House Bill No. 2222, by this or other appropriation act of the 2010 regular session of the legislature, or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2011 by the amount equal to the amount that is budgeted for payment to the Kansas public employees retirement system as a contribution for April, May and June, 2011, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, from such special revenue fund, or account thereof.

(4) On July 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is equal to the aggregate of all amounts that would have been paid from such account

to the Kansas public employees retirement system as a contribution for the period commencing on April 1, 2011, and ending on June 30, 2011, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, subject to any applicable federal limitations or restrictions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2011, from such special revenue fund, or account thereof, to the state general fund: *Provided*, That the amounts transferred from special revenue funds to the state general fund pursuant to this subsection (a)(4) are to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 296, in line 19, by striking “75-752,”; also in line 19, after “79-4801” by inserting “and Section 52 of Chapter 124 of the 2009 Session Laws of Kansas”; in line 20, by striking “40-3403,”; in line 21, after “76-783,” by inserting “as amended by Section 33 of 2010 House Bill No. 2557,”;

And by renumber the sections accordingly;

On page 1, in the title, in line 15, by striking “40-3403,”; in line 16, by striking “75-752,”; also in line 16, after “76-783,” by inserting “as amended by Section 33 of 2010 House Bill No. 2557,”; in line 18, after “82a-953a” by inserting “and Section 52 of Chapter 124 of the 2009 Session Laws of Kansas”; and the substitute bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, May 3, 2010.

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

