

# Journal of the House

FORTY-SIXTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, March 21, 2011, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Present later: Rep. Huebert.

Prayer by guest chaplain, Deacon Evertt Schultz, First Mennonite Church, Pretty Prairie, guest of Rep. Seiwert:

Our Father in Heaven,

We come before Thee this morning thanking you for the many blessings you have bestowed upon our great nation and upon this great state of Kansas. I want to thank you that this great state still opens each session of this House with prayer. Your Word tells us that where two or three are gathered together in Your name, there You are in the midst of them. So I thank You that You are with us in this House right now.

I come before you today to ask for your wisdom and guidance to be given to these people in this great hall. There are so many issues that must be addressed and probably at times these people feel that the problems are too big and too complex to be resolved. The decisions they make will affect our children and grand-children. And yet, I know that You can provide the wisdom and guidance to solve the needs of this state and provide a better state for years to come. Father, Your word says that the "The fear of the Lord is the beginning of wisdom." Your word also states that "If any of you lack wisdom, let him ask of God, that gives to all men liberally and without reproach; and it will be given him." Therefore, Father, I ask that you will give wisdom and understanding. I pray that they will be able to make decisions that meet the needs of this great state not only for us today, but also for our children and grand-children.

And so Father, please bestow your wisdom upon these people. Give them encouragement. Give them guidance. Help them to be able to discern the right decisions. Keep them from buckling to the pressures that are around them. Help them to represent the people

who elected them, and to look out for the people's interests, when there may be times when it is difficult to stay the course.

During the remaining days of this year's session; I ask for Your encouragement, Your wisdom, and Your guidance to direct the decisions that are made. May their decisions be according to Your will. In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Rep. Cassidy.

Kansas Trivia Question – In 1920 Phog Allen coached University of Kansas teams in what two sports?

Answer: Basketball and Football.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 191**.

Energy and Utilities: **SB 215, SB 224**.

Judiciary: **HB 2394**.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Sloan, **HR 6012**, A RESOLUTION in memory of Robert V. Talkington, was adopted.

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

Colleagues, this is the first time in 17 years that I have requested the opportunity to speak as the Right of Personal Privilege. Bob Talkington was a giant of a man – as a Kansas University football player when KU regularly defeated Nebraska; in the Kansas House of Representatives and Senate; as a member of the Kansas Turnpike Authority; as Chairman of the Board of Regents; and in many other ways.

He served his faith, family, community, and state as a leader who did not believe in partisan or parochial decision-making. He contributed greatly to Iola and Allen County, as well as to the State of Kansas in developing progressive policies that had broad support across the political and geographic spectrum.

Mr. Talkington served in the Legislature with U.S. Senator Bob Dole, U.S. District Judge Richard Rogers, Lt. Governor Shelby Smith, Speaker Mike O'Neal, Chairman Carl Holmes, and such veteran legislators as Bill Reardon, Bill Wisdom, and JoAnne Pottorff.

He served as mentor, advisor, and friend to Republicans and Democrats – most recently Attorney General Derek Schmidt, Senator Jeff King, Governor Sam Brownback, and Representatives Bill Otto and Tom Sloan.

Please join me in recognizing Robert Talkington's family members – family who supported his activities on behalf of the people of Kansas, even when it took him away from home.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2117**, AN ACT concerning sales and use taxation; relating to imposition of tax; exemptions; amending K.S.A. 2010 Supp. 79-3603 and 79-3703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Carlin, S. Gatewood, Henderson, Lane, McCray-Miller, Ruiz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

The bill passed, as amended.

**HCR 5017**, A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to classification and taxation of watercraft, was considered on final action.

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

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

Nays: Brown, Kuether.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

The resolution was adopted.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Aurand, the House nonconcurrred in Senate amendments to **HB 2020** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2027**, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a..

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2028**, AN ACT concerning trusts; relating to insurable interests of trustees.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Huebert.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2044** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **S. Sub. HB 2049** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **HB 2076** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Hermanson and Grant as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2172** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2192** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **HB 2282** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Powell, Kerschen and Williams as conferees on the part of the House.

On motion of Rep. Siegfried, the House resolved into the 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 186**, **SB 188**, **SB 179** be passed.

**SB 122**, **SB 150** be passed over and retain a place on the calendar.

Committee report to **SB 124** be adopted; and the bill be passed as amended.

On motion by Rep. Schwartz to amend **SB 152**, Rep. Wetta requested a ruling on the amendment being germane to the bill. Rep. Schwartz subsequently withdrew her amendment; and the bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 214** be adopted; and the substitute bill be passed.

On motion of Rep. Schwartz, **SB 123** be amended on page 1, in line 5, before "Section" by inserting "New";

following line 18, by inserting:

"Sec. 2. K.S.A. 2010 Supp. 32-833 is hereby amended to read as follows: 32-833. (a) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807, and amendments thereto, or any other provisions of law to the contrary, the secretary of wildlife and parks shall not purchase any land unless:

(A) The secretary of wildlife and parks has certified that the land proposed to be purchased is in compliance with the provisions of article 13 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto, concerning control and management of noxious weeds after consultation with the county weed supervisor and has developed a written plan for controlling and managing noxious weeds on the land to be purchased;

(B) the secretary of wildlife and parks shall agree to make payment of moneys in lieu of taxes comparable to the ad valorem tax payments of surrounding lands for any land purchased which is exempt from the payment of ad valorem taxes under the laws of the state of Kansas; and

(C) the secretary of wildlife and parks has developed a management plan for the property proposed to be purchased.

(2) In addition to the requirements prescribed by this section and otherwise by law, any proposed purchase of a tract or tracts of land which are greater than ~~640~~ 160 acres in the aggregate shall be subject to approval by act of the legislature, either as a provision in an appropriation act pertaining to the specific property to be purchased or by any other act of the legislature that approves the acquisition of the specific property proposed to be purchased, or by approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.

(3) The provisions of this subsection shall not apply to any purchase of land owned by a private individual by the secretary if such purchase price is an amount which is less than such land's appraised valuation.

(b) (1) Notwithstanding the provisions of subsection (f) of K.S.A. 32-807, and amendments thereto, or any other provisions of law to the contrary, the secretary of wildlife and parks shall adopt guidelines and procedures prescribing public notice requirements that the secretary shall comply with before the selling of any land which shall include, but not be limited to, the following:

(A) A written notice shall be posted in a conspicuous location on such land stating the time and date of the sale, or the date after which the land will be offered for sale, and a name and telephone number of a person who may be contacted concerning the sale of such land;

(B) the secretary shall cause to be published in a newspaper of general circulation in the county the land is located once a week for three consecutive weeks, the secretary's intent to sell the land which shall include a legal description of the land to be sold, the time and date of the sale or the date after which the land will be offered for sale, the general terms and conditions of such sale, and a name and telephone number of a person who may be contacted concerning the sale of such land; and

(C) the secretary shall publish in the Kansas register public notice of the secretary's intent to sell the land which shall include a legal description of the land to be sold, the

time and date of the sale or the date after which the land will be offered for sale, the place of the sale, the general terms and conditions of such sale, and a name and telephone number of a person who may be contacted concerning the sale of such land.

(2) The secretary shall have the land appraised by three disinterested persons. In no case shall such land be sold for less than the average of its appraised value as determined by such disinterested persons.

(3) The secretary shall list such land with a real estate agent who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act, and who shall publicly advertise that such land is for sale.

(4) Prior to closing the transaction on a contract for the sale of such land, the secretary shall cause a survey to be conducted by a licensed land surveyor. Such survey shall establish the precise legal description of such land and shall be a condition precedent to the final closing on such sale.

(c) Any disposition of land by the secretary shall be in the best interest of the state. Sec. 3. K.S.A. 2010 Supp. 32-833 is hereby repealed.";

And by renumbering sections accordingly;

In the title, in line 1, by striking "relating to"; in line 2, by striking all before the period and inserting "amending K.S.A. 2010 Supp. 32-833 and repealing the existing section"; and **SB 123** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 101** be adopted; and the substitute bill be passed.

Committee report to **SB 170** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 6** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 6," as follows:

"HOUSE Substitute for SENATE BILL NO. 6

By Committee on Corrections and Juvenile Justice

"AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 22-4704 and 22-4705 and K.S.A. 2010 Supp. 8-1001, 8-1014, 8-1015, 8-1567, 12-4106 and 75-5291 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 8-1567, as amended by section 3 of chapter 153 of the 2010 Session Laws of Kansas."; and the substitute bill be passed.

(**H. Sub. for SB 6** was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2386** be amended on page 1, in line 25, after "program", by inserting "that meets American veterinary medical association council on education accreditation standards and"; in line 29, before "No", by inserting ". Students shall only spay or neuter any dog or cat that belongs to the pound or animal shelter, and shall not spay or neuter any dog or cat that belongs to a member of the public. No more than one student per supervising veterinarian shall be performing a spay or neuter at any one time.";

On page 2, in line 13, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **Substitute for SB 50** be amended on page 1, by striking all in lines 30 through 32;

And by redesignating the remaining subsections accordingly;

On page 3, in line 28, after "size." by inserting "At least two of the members representing PSAPs shall be administrators of a PSAP.";

On page 4, in line 17, after "council" by inserting ", who shall be an administrator of a PSAP"; also in line 17, by striking "The governor shall determine the chair's"; by striking all in line 18; in line 28, after "(d)" by inserting "Upon the advice and consent of the legislative coordinating council,"; in line 32, by striking ". The Kansas association"; in line 33, by striking "of counties"; and inserting "who"; in line 35, by striking "Upon approval by the council, the KAC shall be reimbursed"; in line 36, by striking "for any costs incurred in assisting the council.";

On page 5, in line 17, by striking "below \$.50 or"; in line 30, by striking "2%" and inserting "1.5%";

On page 6, in line 2, after "1, 2012," by inserting "and every March 1 thereafter,"; in line 4, after "fee" by inserting "during the preceding calendar year"; in line 23, by striking "of" where it appears for the second time and inserting "made from 911 fees received by";

On page 8, in line 26, after "6." by inserting "Upon the advice and consent of the legislative coordinating council,"; in line 28, by striking "one year" and inserting "five years"; also in line 28, after "The" by inserting "911 coordinating"; in line 29, after "council" by inserting "and the legislative coordinating council"; in line 30, after "services." by inserting "The LCPA shall be subject to the requirements of the Kansas open meetings act, the Kansas open records act and shall treat all moneys received as public funds pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto. Notwithstanding any other provision of law to the contrary, the LCPA shall not be considered a state agency.";

On page 9, in line 27, by striking "\$.50" and inserting "\$.55";

On page 10, following line 26, by inserting: "(f) The provider may retain an administrative fee of not more than 1% of moneys collected from such fee.";

And redesignating the remaining subsections accordingly;

Also on page 10, in line 31, by striking "1%" and inserting "1.1%";

On page 14, following line 36, by inserting: "(b) If the 911 coordinating council, based upon information obtained from the PSAP reports or an audit of the PSAPs, determines that any PSAP has used any 911 fees for any purpose other than those authorized in this act, such PSAP shall repay all such funds used for any unauthorized purposes plus 10% to the LCPA for deposit in the 911 state grant fund."; in line 37, by striking "(b)" and inserting "(c)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 12, SB 24, SB 38** be passed.

Committee on **Judiciary** recommends **SB 9** be amended on page 19, following line 38, by inserting:

"Sec. 14. K.S.A. 2010 Supp. 60-304 is hereby amended to read as follows: 60-304. As used in this section, "serving" means making service by any of the methods described in K.S.A. 60-303, and amendments thereto, unless a specific method of making service is prescribed in this section. Except for service by publication under K.S.A. 60-307, and amendments thereto, service of process under this article must be made as follows:

(a) *Individual*. On an individual other than a minor or a disabled person, by serving the individual or by serving an agent authorized by appointment or by law to receive



service of process. If the agent is one designated by statute to receive service, such further notice as the statute requires must be given. Service by return receipt delivery must be addressed to an individual at the individual's dwelling or usual place of abode and to an authorized agent at the agent's usual or designated address. If the sheriff, party or party's attorney files a return of service stating that the return receipt delivery to the individual at the individual's dwelling or usual place of abode was refused or unclaimed and that a business address is known for the individual, the sheriff, party or party's attorney may complete service by return receipt delivery, addressed to the individual at the individual's business address.

(b) *Minor*. On a minor, by serving:

(1) The minor; and

(2) either:

(A) The minor's guardian or conservator, if the minor has one within this state;

(B) the minor's father, mother or other person having the minor's care or control or with whom the minor resides; or

(C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court.

Service by return receipt delivery must be addressed to an individual at the individual's dwelling or usual place of abode and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

(c) *Disabled person*. On a disabled person, as defined in K.S.A. 77-201, and amendments thereto, by:

(1) Serving:

(A) The person's guardian, conservator or a competent adult member of the person's family with whom the person resides;

(B) if the person resides in an institution, the director or chief executive officer of the institution; or

(C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court; and

(2) unless the court otherwise orders, serving the disabled person.

Service by return receipt delivery must be addressed to the director or chief executive officer of an institution at the institution, to any other individual at the individual's dwelling or usual place of abode, and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

(d) *Governmental bodies*. On:

(1) A county, by serving one of the county commissioners, the county clerk or the county treasurer;

(2) a township, by serving the clerk or a trustee;

(3) a city, by serving the clerk or the mayor;

(4) any other public corporation, body politic, district or authority, by serving the clerk or secretary or, if the clerk or secretary is not found, any officer, director or manager thereof; and

(5) the state or any governmental agency of the state, when subject to suit, by serving the attorney general or an assistant attorney general.

Service by return receipt delivery must be addressed to the appropriate official at the official's governmental office. Income withholding orders for support and orders of garnishment of earnings of state officers and employees must be served on the state or

governmental agency of the state in the manner provided by K.S.A. 60-723, and amendments thereto.

(e) *Corporations, domestic or foreign limited liability companies, domestic or foreign limited partnerships, domestic or foreign limited liability partnerships and partnerships.* On a domestic or foreign corporation, domestic or foreign limited liability company, domestic or foreign limited partnership, domestic or foreign limited liability partnership or a partnership or other unincorporated association that is subject to suit in a common name, by:

- (1) Serving an officer, manager, partner or a resident, managing or general agent;
- (2) leaving a copy of the summons and petition or other document at any of its business offices with the person having charge thereof; or
- (3) serving any agent authorized by appointment or by law to receive service of process, and if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Service by return receipt delivery on an officer, partner or agent must be addressed to the person at the person's usual place of business.

(f) *Resident agent for a corporation, limited liability company, limited partnership or limited liability partnership.* A domestic corporation, domestic limited liability company or domestic limited partnership, and, if it is authorized to transact business or transacts business without authority in this state, a foreign corporation, foreign limited liability company or foreign limited partnership irrevocably authorizes the secretary of state as its agent to accept on its behalf service of process, or any notice or demand required or permitted by law to be served on it, when: (1) It fails to appoint or maintain in this state a resident agent on whom service may be had; or (2) its resident agent cannot with reasonable diligence be found at the registered office in this state. Service on the secretary of state of any process, notice or demand must be made by delivering to the secretary of state, by personal service or by return receipt delivery, the original and two copies of the process and two copies of the petition, notice or demand. When any process, notice or demand is served on the secretary of state, the secretary must promptly forward a copy of it by return receipt delivery, addressed to the corporation, limited liability company or limited partnership at its principal office as it appears in the records of the secretary of state, or at the registered or principal office of the corporation, limited liability company or limited partnership in the state of its incorporation or formation. The secretary of state must keep a record of all processes, notices and demands served on the secretary under this subsection, and must record the time of the service and the action taken by the secretary. A fee of \$40 must be paid to the secretary of state by the party requesting the service of process, to cover the cost of serving process, except the secretary of state may waive the fee for state agencies. The fee must not be included in or paid from any deposit as security for costs or the docket fee required by K.S.A. 60-2001 or 61-4001, and amendments thereto.

(g) *Insurance companies or associations.* Service of summons or other process on any insurance company or association, organized under the laws of this state, may also be made by serving the commissioner of insurance in the same manner as provided for service on foreign insurance companies or associations.

(h) *Service on an employee.* If a party or a party's agent or attorney files an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, that to the best of the affiant's or declarant's knowledge and belief the person to be served is employed in

this state, and is a nonresident or that the place of residence of the person is unknown, the affiant or declarant may request that the sheriff or other duly authorized person direct an officer, partner, managing or general agent or the individual having charge of the place at which the person to be served is employed, to make the person available to permit the sheriff or other duly authorized person to serve the summons or other process.";

And by renumbering sections accordingly;

On page 27, in line 29, after "60-270," by inserting "60-304,";

On page 1, in the title, in line 4, after "60-270," by inserting "60-304,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 83** be amended on page 1, in line 32, after the period, by inserting: "Any written agreement entered into pursuant to the provisions of this subsection shall be signed by the chief justice, or the chief justice's designee, with the approval of a majority of justices of the Kansas supreme court."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 93** be amended on page 1, in line 11, before the period by inserting ", except governmental unit shall not include the board of education of any school district employing school security officers"; in line 15, after "thereto" by inserting ", except law enforcement officer shall not include school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222, and amendments thereto"; in line 27, by striking "socio-economic status,"; in line 30, by striking "socio-economic status,";

On page 4, in line 15, by striking all after "report"; in line 16, by striking all before "and" and inserting "for the period of July 1 to June 30"; in line 25, after "(A)" by inserting the following:

"The number of racial or other biased-based policing complaints received;

(B);

And relettering paragraphs accordingly;

On page 5, by striking all in lines 2 through 4; by striking all in line 14; in line 15, by striking all before "shall" and inserting "the Kansas human rights commission. The commission"; in line 17, by striking "attorney general" and inserting "commission's designee"; in line 19, after the period, by inserting "The commission shall make a final recommendation regarding the complaint and forward such recommendation to the Kansas commission of peace officers' standards and training."; in line 24, by striking "persons" and inserting "officer"; in line 28, after "or" by inserting "the sheriff of the";

On page 6, in line 11, by striking "by the governing body";

On page 7, following line 15, by inserting the following:

"(d) Nothing in this section shall require a governmental entity to collect data concerning pedestrian stops.";

Also on page 7, in line 16, by striking "or county may"; in line 17, by striking "or resolution" and inserting "or the sheriff of any county may"; and the bill be passed as amended.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6018**—

By Representatives Mah, Alford, Arpke, Ballard, Billinger, Boman, Bowers, Brookens, Burgess, Burroughs, Calloway, Carlin, Cassidy, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Henderson, Henry, Hineman, Hoffman, M. Holmes, Howell, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Mosier, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Rhoades, Ruiz, Scapa, Schroeder, Seiwert, Shultz, Siegfried, Slattery, Smith, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, Wolfe Moore and Worley

A RESOLUTION designating March 30 as "Welcome Home Vietnam Veterans Day."

WHEREAS, Members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

WHEREAS, In 1965, United States Armed Forces ground combat units arrived in Vietnam; and

WHEREAS, By the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached; and

WHEREAS, On January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, On March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, More than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded; and

WHEREAS, The Vietnam War was an extremely divisive issue among the people of the United States and was also a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

WHEREAS, Members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations in the United States; and

WHEREAS, The establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That March 30 shall hereby be designated as "Welcome Home Vietnam Veterans Day" in the state of Kansas in order to honor and recognize the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; and

Be it further resolved: That the people of Kansas are encouraged to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; and

*Be it further resolved:* That local communities are encouraged to promote opportunities for such veterans to assist younger veterans returning from the wars in

Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Mah.

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

---

#### AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HCR 5022** be adopted.

Committee report to **SB 136** be adopted; and the bill be passed as amended.

Committee report to **SB 122** be adopted; also, on motion of Rep. Sloan to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 76** be adopted; also, on motion of Rep. Mosier to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 14** be adopted; also on motion of Rep. Kiegerl to amend, the motion did not prevail.

Also, on motion of Rep. Denning to amend **SB 14**, Rep. Ward requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Denning to amend and the bill be amended on page 3, preceding line 39, by inserting: "New Section 3. (a) A resident of this state has the right to purchase health insurance or refuse to purchase health insurance. The government shall not interfere with a resident's right to purchase health insurance or with a resident's right to refuse to purchase health insurance.

(b) A resident of this state has the right to enter into a private contract with health care providers for lawful health care services. The government shall not interfere with a resident's right to purchase lawful health care services.

(c) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

(d) No state agency, board, commission or any other governmental entity shall require an agreement to participate in medicare, medicaid or any other insurance plan, health care system or health information technology or benefit exchange as a condition for original application or renewal of license, registration or certification for a health care provider.

(e) No state agency, board, commission or any other governmental entity shall

prohibit participation in a health information organization for any health information technology or benefit exchange purposes by a health care provider based on whether such health care provider participates in medicare, medicaid or any other insurance plans or health care systems.

(f) The government shall not enact a law that would restrict these rights or that would impose a form of punishment for exercising these rights. No provision of this section shall render a resident of this state liable for any punishment, penalty, assessment, fee or fine as a result of such resident's failure to procure or obtain health insurance coverage or participate in any health care system or plan.

(g) As used in this section:

(1) "Direct payment or pay directly" means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

(2) "Health care provider" shall have the meaning provided in K.S.A. 40-3401, and amendments thereto.

(3) "Health care system" means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

(4) "Lawful health care services" means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

(5) "Penalties or fines" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.

(h) This section shall be known and may be cited as the health care freedom act.;

And renumbering sections accordingly;

On page 1, in the title, following "concerning" by inserting "health care; relating to"; in line 3, before "amending" by inserting "enacting the health care freedom act;" and **SB 14** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 213** be adopted; also, on motion of Rep. Kleeb be amended on page 1, after line 5, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-1558 is hereby amended to read as follows: 8-1558.

(a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

(1) In any urban district, 30 miles per hour;

(2) on any separated multilane highway, as designated and posted by the secretary of transportation, ~~70~~ 75 miles per hour;

(3) on any county or township highway, 55 miles per hour; and

(4) on all other highways, 65 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits

provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

(c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.

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

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

Sec. 3. K.S.A. 2010 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding ~~70~~ 75 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.;

And by renumbering the remaining sections accordingly;

On page 2, in line 34, after "Supp.", by inserting "8-1558, 8-1560c, 8-1560d, ";

On page 1, in the title, in line 1, by striking "concerning motor vehicles; relating to safety belts;" and inserting "regulating traffic; concerning safety belts,;" in line 2, after the semicolon, by inserting "maximum speed limits,;" in line 4, after "Supp." by inserting "8-1558, 8-1560c, 8-1560d, " and **H. Sub. for SB 213** be passed as amended.

Committee report recommending a substitute bill to **H. Sub for SB 63** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 37** be adopted; also, on motion of Rep. Colloton be amended, on page 29, by striking all in lines 14 through 16;

And by relettering subsections accordingly;

Also, roll call was demanded on motion of Rep. Kinzer to amend **H. Sub. for SB 37** on page 9, by striking all in line 20; in line 21, by striking "(B)" and inserting "(A)"; also in line 22, before "second" by inserting "first or"; in line 24 by striking "(C)" and inserting "(B)";

On roll call, the vote was: Yeas 59; Nays 57; Present but not voting: 0; Absent or not voting: 9.

Yeas: Arpke, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Crum, DeGraaf, Dillmore, Fawcett, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke,

Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Kelley, Kinzer, KleeB, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Rhoades, Rubin, Scapa, Schroeder, Shultz, Siegfried, Smith, Suellentrop, Tyson, Ward, Weber, Williams.

Nays: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Brookens, Burroughs, Carlin, Cassidy, Collins, Colloton, Denning, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Gordon, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kerschen, Kiegerl, Lane, Mah, McCray-Miller, Meier, Moxley, O'Neal, Pauls, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schwartz, Seiwert, Slattery, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Wetta, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Davis, Fund, Huebert, Kuether, Loganbill, Mosier, Peterson, Schwab, Sloan.

The motion of Rep. Kinzer prevailed.

Also, on further motion of Rep. Kinzer to amend **H. Sub. for SB 37**, the motion did not prevail, and the substitute bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2193** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2193," as follows:

"Substitute for HOUSE BILL NO. 2193

By Committee on Education

"An act concerning school districts; relating to school finance; authorizing tax levy, procedure and limitations; local activities budget."; And the substitute bill be passed. (**Sub. HB 2193** was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 143** be amended on page 1, in line 8, after "1." by inserting "(a)"; after line 10, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011.";

On page 3, after line 9, by inserting: "This section shall take effect and be in force on and after July 1, 2011."; after line 37, by inserting: "(d) This section shall take effect and be in force on and after July 1, 2011."; in line 38, after "4", by inserting "(a)";

On page 4, after line 4, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 5, after "5." by inserting "(a)"; after line 20, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 21, after "6." by inserting "(a)"; after line 24, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 25, after "7." by inserting "(a)"; after line 38, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011.";

On page 5, after line 23, by inserting: "(d) This section shall take effect and be in force on and after July 1, 2011."; in line 24, after "9." by inserting "(a)"; after line 32, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 33, after "10." by inserting "(a)"; after line 34, by inserting: "(b) This section shall take effect and be in force on and after July 1, 2011."; in line 35, after "11." by inserting "(a)";

On page 6, after line 7, by inserting: "(b) This section shall take effect and be in



force on and after July 1, 2011."; after line 26, by inserting: "(e) This section shall take effect and be in force on and after July 1, 2011."; by striking all in lines 27 through 39;

By striking all on pages 7 through 9;

On page 10, by striking all in lines 1 through 29; after line 29; by inserting:

"Sec. 13. On July 1, 2011, K.S.A. 71-601, as amended by section 18 of this act, is hereby amended to read as follows: 71-601. (a) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. ~~Credit hour~~

(b) The term "credit hour" does not include ~~within its meaning~~ instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board.

(c) The state board shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve for funding any subject or course offered at a higher level.

(b) ~~"Full-time equivalent enrollment" or "FTE enrollment" means the quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal year of students of a community college who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto.~~

(e) ~~"State operating grant" means the community college operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, and if eligibility is determined, the quality performance grant provided for under subsection (b) of K.S.A. 71-620, and amendments thereto.~~

Sec. 14. On July 1, 2011, K.S.A. 71-620, as amended by section 24 of this act, is hereby amended to read as follows: 71-620. (a) In each fiscal year, commencing with the ~~2001~~ 2012 fiscal year, each community college is eligible ~~to receive an operating for a grant from the state general fund in an amount to be determined by the state board, for non-tiered course credit hours, as defined in section 2, and amendments thereto, approved by the state board and delivered by the community college. The method of distribution of such funds shall be established by the state board after dialogue with the community college presidents. The state board shall:~~

(1) ~~Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;~~

(2) (A) ~~in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); (D) in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);~~

(3) ~~determine the total number of FTE students of all the community colleges;~~

(4) ~~multiply the amount computed under (2) by the total number of FTE students determined under (3). Subject to the provisions of subsection (e) of K.S.A. 74-3202d, and amendments thereto, the product is the total amount of operating grants the~~

community colleges are entitled to receive for the fiscal year.

~~(5) In the 2002 fiscal year and in each fiscal year thereafter, the amount determined under (4) shall be allocated to each community college according to the ratio the amount of the operating grant received by the community college in the prior fiscal year bears to the total amount of operating grants received by all community colleges in the prior fiscal year, subject to adjustments for changes in each community college's FTE enrollment from the prior fiscal year to the current fiscal year.~~

~~(b) In each fiscal year, commencing with the 2003 fiscal year, each community college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the community college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for community colleges identified and approved by the state board, the community college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the community college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the community college shall receive for the fiscal year. No amount of grant under this section shall be based upon any credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid in accordance with section 3, and amendments thereto. Only the credit hours of students who are residents of the state of Kansas enrolled in courses for postsecondary credit shall be considered for funding.~~

~~(c) For the purposes of this section, the FTE enrollment of the community college shall be based on: (1) Enrollment of students who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto; and (2) the greater of FTE enrollment of the community college in the current fiscal year or FTE enrollment in the preceding fiscal year. For purposes of this section, residency for all community college students shall be determined in accordance with K.S.A. 71-406 and 71-407, and amendments thereto.~~

~~(d) As used in this section, the term "regional state educational institutions" means Emporia state university, Fort Hays state university and Pittsburg state university and the term "lower division undergraduate student" means a freshman or sophomore.~~

Sec. 15. On July 1, 2011, K.S.A. 72-4480, as amended by section 39 of this act, is hereby amended to read as follows: 72-4480. (a) In each fiscal year, commencing with the 2012 fiscal year, each technical college, as defined in section 2, and amendments thereto, is eligible for a grant from the state general fund, in an amount to be determined by the state board of regents, for non-tiered course credit hours, as defined in section 2, and amendments thereto, approved by the state board and delivered by the technical college. The method of distribution of such funds shall be established by the state board after dialogue with the technical college presidents.

(b) No amount of grant under this section shall be based upon any credit hour for which the technical college is receiving or is eligible to receive postsecondary tiered technical education state aid in accordance with section 3, and amendments thereto. Only the credit hours of students who are residents of the state of Kansas enrolled in courses for postsecondary credit shall be considered for funding.

~~(a)~~ (c) The state board of regents shall identify and approve core indicators of quality performance for technical colleges and shall establish and implement a data

management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the colleges in meeting the role and mission thereof.

~~(b) In each fiscal year, commencing with the 2003 fiscal year, each technical college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for technical colleges identified and approved by the state board, the college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of state aid the college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the college shall receive for the fiscal year.~~

~~(e)(d) The One-half of the distribution of the appropriation for quality performance grants under this section to technical colleges ~~entitled to eligible for~~ such grants shall be made at a time to be determined by the state board. On August 1, and the remaining one half shall be made on January 1 of each fiscal year, or as soon thereafter as possible. The state board shall certify, on or before July 20 and December 20 of each fiscal year to the director of accounts and reports the amount due on August 1 or January 1, as the case may be, to each technical college ~~entitled to eligible for~~ a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the technical college for such amount. Upon receipt of the warrant, the treasurer of the technical college shall credit the amount of the warrant to the general fund of the technical college.";~~

On page 11, after line 38, by inserting:

"Sec. 17. K.S.A. 2010 Supp. 71-201 is hereby amended to read as follows: 71-201.

(a) The board of trustees, in accordance with the provisions of law and the rules and regulations of the state board of regents, shall have custody of and be responsible for the property of the community college and shall be responsible for the operation, management and control of the college. The board of trustees shall hold at least one regular meeting each month at a time prescribed by the board. The board shall make an annual report in the manner prescribed by the state board of regents. Members of the board of trustees shall be paid subsistence allowances, mileage and other actual and necessary expenses incurred in the performance of their official duties.

(b) For effectuation of the purposes of this act, the board of trustees in addition to such other powers expressly granted to it by law and subject to the rules and regulations of the state board of regents is hereby granted the following powers:

(1) To select its own chairperson and such other officers as it may deem desirable, from among its own membership. The secretary may be chief administrative officer of the college.

(2) To sue and be sued.

(3) To determine the educational program of the college subject to prior approval thereof as provided in this act and to grant certificates of completion of courses or curriculum.

(4) To appoint and fix the compensation and term of office of a president or chief administrative officer of the college.

(5) To appoint upon nomination of the president or the chief administrative officer members of the administrative and teaching staffs, to fix and determine within state

adopted standards their specifications, define their duties; and to fix their compensation and terms of employment. No community college teacher shall be required to meet licensure requirements greater than those required in the state educational institutions.

(6) Upon recommendation of the chief administrative officer, to appoint or employ such other officers of the college, agents and employees as may be required to carry out the provisions of law and to fix and determine within state adopted standards their qualifications, duties, compensation, terms of office or employment and all other items and conditions of employment.

(7) To enter into contracts.

(8) To accept from any government or governmental agency, or from any other public or private body, or from any other source, grants or contributions of money or property which the board may use for or in aid of any of its purposes.

(9) To acquire by gift, purchase, lease-purchase, condemnation or otherwise, and to own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for community college purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the community college to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature. To the extent that the provisions of the cash-basis and budget laws conflict with this subsection in such a manner as to prevent the intention of this subsection from being made effective, the provisions of this subsection shall control. This provision is subject to the provisions of subsection (d).

(10) To enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the community college. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the board of trustees determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(11) To determine that any property owned by the college is no longer necessary for college purposes and to dispose of the same in such manner and upon such terms and conditions as provided by law.

(12) To exercise the right of eminent domain, pursuant to chapter 26 of Kansas Statutes Annotated.

(13) To make and promulgate such rules and regulations, not inconsistent with the provisions of law or with rules and regulations of the state board of regents, that are

necessary and proper for the administration and operation of the community college, and for the conduct of the business of the board of trustees.

(14) To exercise all other powers not inconsistent with the provisions of law or with the rules and regulations of the state board of regents which may be reasonably necessary or incidental to the establishment, maintenance and operation of a community college.

(15) To appoint a member to fill any vacancy on the board of trustees for the balance of the unexpired term. When a vacancy occurs, the board shall publish a notice one time in a newspaper having general circulation in the community college district stating that the vacancy has occurred and that it will be filled by appointment by the board not sooner than 15 days after such publication.

(16) To contract with one or more agencies, either public or private, whether located within or outside the community college district or whether located within or outside the state of Kansas for the conduct by any such agencies of ~~academic or vocational~~ education for students of the community college, and to provide for the payment to any such agencies for their contracted educational services from any funds or moneys of the community college, including funds or moneys received from student tuition and fees, funds received from the state of Kansas or the United States for ~~academic or vocational~~ education, or taxes collected under K.S.A. 71-204, and amendments thereto. Any contract made under this subsection with an institution of another state shall be subject to the provisions of K.S.A. 71-202, and amendments thereto.

(17) To authorize by resolution the establishment of a petty cash fund in an amount not to exceed \$1,000, and to designate in such resolution an employee to maintain such petty cash fund. The employee designated in any resolution provided for in this subsection receiving such funds shall keep a record of all receipts and expenditures from the fund, and shall from time to time, and at the end of the fiscal year, prepare a statement for the board showing all receipts, expenditures, and the balance in the petty cash fund. The board of trustees may authorize the employee designated to maintain any petty cash fund to make a claim for replenishment of the fund to its original amount in advance of approval by the board of trustees if, at any time during the period between regular monthly meetings of the board of trustees, the balance remaining in the fund is insufficient to make needed expenditures for any purpose for which the petty cash fund is maintained. No petty cash fund may be replenished more than one time during each period between regular monthly meetings of the board of trustees. If a petty cash fund is replenished prior to the end of the fiscal year in accordance with the foregoing authorization, the employee authorized to maintain the petty cash fund shall keep an accurate record of all expenditures made therefrom, and the purpose therefor, and shall submit the record to the board of trustees at the next regular monthly meeting thereof. The petty cash fund shall be replenished by payment from the appropriate funds of the community college to the petty cash fund upon proper claim. The fund shall be kept separate from all other funds and shall be used only for authorized expenditures and itemized receipts shall be taken for each expenditure. No part of such fund may be loaned or advanced against the salary of an employee. All employees entrusted with such funds under this subsection shall be bonded by the community college district.

(c) Subject to the provisions of subsection (d), the board of trustees may purchase or otherwise acquire land or land and improvements and may acquire, construct,

reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the board of trustees is authorized to issue and sell general obligation bonds, the cumulative total not to exceed the following amounts: Where the community college district has a taxable tangible valuation of less than \$90,000,000 or is located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, not to exceed 5% of the taxable tangible property of the community college district, and where the community college district has a taxable tangible valuation of more than \$90,000,000 not to exceed 3% except as provided above for any community college district located in a county designated as urban under the provisions of K.S.A. 19-3524, and amendments thereto, of the taxable tangible property of the community college district. If any increase in the valuation of a community college district results in an outstanding bonded indebtedness in excess of that provided in this subsection, such increase shall not constitute a violation of this subsection. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the community college district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such community college district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

(d) The board of trustees of a community college may purchase or otherwise acquire land or land and improvements within: (1) The community college district; or (2) the service area of the community college. Nothing in this subsection shall be construed or operate in any manner to require a board of trustees to sell, convey or otherwise dispose of land or land and improvements located outside the community college district or the service area of the community college and owned or being acquired by the community college on the effective date of this act.

For the purposes of this subsection, "service area" means a designated geographic area of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.

Sec. 18. K.S.A. 71-601 is hereby amended to read as follows: 71-601. (a) "Credit hour" means the basic unit of collegiate level instruction, as determined by the state board, in a subject or course offered at a level not higher than those subjects or courses normally offered to freshmen and sophomores in four-year institutions of postsecondary education which subject or course is approved by the state board. Credit hour does not include within its meaning instruction in a subject or course taken by a student enrolled for audit or in any subject or course not approved by the state board. The state board shall determine whether the subjects and courses offered in the community colleges are at the level of freshmen and sophomore subjects and courses offered in the state educational institutions and shall not approve any subject or course offered at a higher level.

(b) "Full-time equivalent enrollment" or "FTE enrollment" means the quotient obtained by dividing by 30 the total credit hour enrollment in a fiscal year of students of a community college who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto.

(c) "State operating grant" means the community college operating grant provided for under subsection (a) of K.S.A. 71-620, and amendments thereto, and if entitlement eligibility is determined, the quality performance grant provided for under subsection (b) of K.S.A. 71-620, and amendments thereto.

Sec. 19. K.S.A. 71-604 is hereby amended to read as follows: 71-604. (a) If the amount of any appropriation for state entitlements aid is insufficient to pay in full the amount each community college is entitled otherwise eligible to receive, the amount appropriated shall be prorated among all community colleges in proportion to the amount each is entitled eligible to receive.

(b) If any community college is paid more than the amount it is entitled eligible to receive, the state board shall notify the community college of the amount of the overpayment and the community college shall remit the same to the state board and the state board shall deposit the same in the state treasury to the credit of the general fund, and if any such community college fails ~~so~~ to remit, the state board shall deduct the excess amount so paid from future payments becoming due to such community college.

(c) If any community college is paid less than the amount it is entitled eligible to receive, the state board shall pay the additional amount due at any time within the fiscal year in which the underpayment was made or within 60 days after the end of such fiscal year.

Sec. 20. K.S.A. 71-609 is hereby amended to read as follows: 71-609. (a) No amount of a state entitlement funding shall be based upon enrollment in any subject or course the principal part of which is taught at a location outside the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of regents.

(b) (1) No amount of a state entitlement funding shall be based upon enrollment in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

Sec. 21. K.S.A. 71-609a is hereby amended to read as follows: 71-609a. No amount of the state entitlement operating grant of a community college shall be based upon any ~~course or program if such course or program is taught in an area vocational school, an area vocational-technical school, or a technical college under an agreement with such community college and for which payments of state or federal moneys are made to the area vocational school, the area vocational-technical school, or the technical college under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated: credit hour for which the community college is receiving or is eligible to receive postsecondary tiered technical education state aid.~~

Sec. 22. K.S.A. 71-613 is hereby amended to read as follows: 71-613. (a) The vocational education fund of a community college, established by K.S.A. 72-4424, and

amendments thereto, which statutory section shall expire on June 30, 2000, is hereby continued in existence in each community college, and shall be known as the career technical education fund. All moneys received by a community college for establishing, conducting, maintaining and administering any ~~vocational education~~ career technical program ~~authorized under article 44 of chapter 72 of Kansas Statutes Annotated approved by the state board of regents~~ shall be deposited in the ~~vocational career technical~~ education fund, unless required to be deposited in the general fund. The expenses of a community college attributable to ~~vocational career technical~~ education shall be paid from the ~~vocational career technical~~ education fund.

(b) Community colleges shall maintain fund accounting procedures as may be necessary to assure proper accounting for federal funds for ~~vocational career technical~~ education special projects, whether received directly from the federal government or any of its agencies, or received through the state or any of its agencies.

Sec. 23. K.S.A. 71-614 is hereby amended to read as follows: 71-614. Any lawful transfer of money from the general fund of a community college to the ~~vocational career technical~~ education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund shall be an operating expense in the year the transfer is made. The board of trustees of any community college may transfer moneys from its general fund to its ~~vocational career technical~~ education fund, adult education fund, adult supplementary education fund or motorcycle driver safety fund. Expenditures for ~~vocational career technical~~ education, adult basic education, adult supplementary education and motorcycle driver safety shall not be made from the general fund of a community college.

Sec. 24. K.S.A. 71-620 is hereby amended to read as follows: 71-620. (a) In each fiscal year, commencing with the 2001 fiscal year, each community college is ~~entitled~~ eligible to receive an operating grant from the state general fund in an amount to be determined by the state board. The state board shall:

(1) Determine the average amount of moneys from the state general fund expended per FTE lower division undergraduate student in the preceding fiscal year at the regional state educational institutions;

(2) (A) in the 2001 fiscal year, compute 50% of the amount determined under (1); (B) in the 2002 fiscal year, compute 55% of the amount determined under (1); (C) in the 2003 fiscal year, compute 60% of the amount determined under (1); (D) in the 2004 fiscal year and in each fiscal year thereafter, compute 65% of the amount determined under (1);

(3) determine the total number of FTE students of all the community colleges;

(4) multiply the amount computed under (2) by the total number of FTE students determined under (3). Subject to the provisions of subsection (e) of K.S.A. 74-3202d, and amendments thereto, the product is the total amount of operating grants the community colleges are entitled to receive for the fiscal year.

(5) ~~Each community college which is not an officially designated area vocational school shall receive an amount equivalent to the difference between credit hour state aid received in the 1999 fiscal year for credit hours in any subject or course approved as a vocational education subject or course and 1 1/6 times the amount of credit hour state aid received in the 1999 fiscal year for credit hours in any subject or course approved as a vocational education subject or course. The amount determined under this provision shall be distributed in equal installments in the 2001 through 2004 fiscal years as a part~~



of the community college's operating grant, but shall not be subject to the provisions of K.S.A. 71-204, and amendments thereto.

~~(6)~~ In each fiscal year, the state board, for the purpose of allocating the amount determined under (4) to the community colleges, shall deduct the total of the amounts determined under (5) from the amount determined under (4).

~~(7)~~ In the 2001 fiscal year, the remaining balance determined under (6) shall be allocated to each community college according to the ratio the total amount of state aid received by the community college in the 2000 fiscal year bears to the total amount of state aid received by all community colleges in the 2000 fiscal year, subject to adjustments for changes in each community college's FTE enrollment from the 2000 fiscal year to the 2001 fiscal year.

~~(8)~~ (5) In the 2002 fiscal year and in each fiscal year thereafter, the ~~remaining balance~~ amount determined under ~~(6)~~ (4) shall be allocated to each community college according to the ratio the amount of the operating grant received by the community college in the prior fiscal year bears to the total amount of operating grants received by all community colleges in the prior fiscal year, subject to adjustments for changes in each community college's FTE enrollment from the prior fiscal year to the current fiscal year.

(b) In each fiscal year, commencing with the 2003 fiscal year, each community college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the community college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for community colleges identified and approved by the state board, the community college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of the operating grant the community college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the community college shall receive for the fiscal year.

(c) For the purposes of this section, the FTE enrollment of the community college shall be based on: (1) Enrollment of students who are residents of the state of Kansas, or are considered residents of the state of Kansas pursuant to the provisions of K.S.A. 71-407, and amendments thereto; and (2) the greater of FTE enrollment of the community college in the current fiscal year or FTE enrollment in the preceding fiscal year.

(d) As used in this section, the term "regional state educational institutions" means Emporia state university, Fort Hays state university and Pittsburg state university and the term "lower division undergraduate student" means a freshman or sophomore.

Sec. 25. K.S.A. 71-701 is hereby amended to read as follows: 71-701. As used in this act:

(a) "Board of trustees" means the governing body of a community college.

(b) "Campus" means the location of all or part of the buildings and facilities of a community college.

(c) "Chief administrative officer" means the president or one so appointed by the board of trustees.

~~(a)~~ (d) "Community college" means a public community college established under the provisions of this act. The official name of a community college shall be "the \_\_\_\_\_ community college" and the blank shall be filled with the name of the city or county.

- (b) ~~"State board" means the state board of regents.~~
- (e) ~~(e)~~ "Community college district" means the taxing district of a community college.
- (d) ~~"Board of trustees" means the governing body of a community college.~~
- (e) ~~"State plan" means the plan adopted for community colleges as provided by law, and such plan as it is from time to time amended by the state board upon recommendation of the advisory council; such plan may include other matters listed in the community college act and acts amendatory thereof, or supplemental thereto.~~
- (f) ~~"Campus" means the location of all or part of the buildings and facilities of a community college.~~
- (g) ~~"Advisory council" means the advisory council provided for by K.S.A. 71-901, and amendments thereto.~~
- (f) ~~"State board" means the state board of regents.~~
- (h) (g) "Student tuition" means the charge made to and paid by students for the privilege of attending a community college and participating in the institutional program.
- (i) ~~"Chief administrative officer" means the president or one so appointed by the board of trustees.~~

Sec. 26. K.S.A. 71-802 is hereby amended to read as follows: 71-802. At any time, if the state board of regents finds that a community college previously approved or deemed approved has failed to comply with the provisions of this act or with any provision of a rule or regulation adopted pursuant to this act, or fails to meet the standards contained in this act, the state board of regents shall so advise the board of trustees. If after 12 calendar months after any such notification such board of trustees has failed to correct the deficiency noted, the state board of regents shall withdraw approval of the community college and it shall not be ~~entitled to~~ eligible for state aid during the continuance of any such period of withdrawal. Any action of the state board of regents in granting, denying or withdrawing approval of a community college shall be subject to review by the legislature.

Sec. 27. K.S.A. 71-1201 is hereby amended to read as follows: 71-1201. Territory may be added to any community college district which has been established under this act either by deemed approval or by election approval by one of the following methods:

(a) The board of education of any unified district a part of which is in the community college district or which touches and adjoins a community college district may petition the state board for attachment of the territory of such unified district to the community college district for community college purposes. Upon receiving any petition under this subsection, the same shall be submitted to ~~the advisory council for its advice and recommendations which, together with the petition, shall be presented to the state board.~~ After considering the petition, the state board may approve such attachment; ~~if the advisory council has so recommended. If the advisory council has not so recommended.~~ The state board ~~shall so inform~~ may seek the recommendation of the board of trustees of the community college involved ~~and may request its recommendation~~ as to such attachment. If such request is made and if such board of trustees recommends such attachment, the same may be approved by the state board. Upon granting any approval for attachment of territory the state board shall so inform the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval for such

attachment in the area petitioned for attachment. Such election shall be conducted in accordance with the procedure for approval for establishment of a community college as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the \_\_\_\_\_ community college district be approved?", and the blank shall be filled with the name of the community college. The expenses of the election shall be paid by the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The provisions of subsection (b) of K.S.A. 71-1102, and amendments thereto, shall also apply to this subsection.

(b) Any board of trustees may petition the state board for the attachment of any adjoining territory to the community college district. Such petition shall be processed as set forth in subsection (a) ~~of this section, except that in the event of disapproval by the advisory council the state board shall so inform the board of trustees and in such case such attachment shall not be made.~~ If the ~~advisory council~~ state board approves such petition, the state board shall notify the county election officers of counties in which the territory to be attached is located, and such county election officers shall conduct an election for approval of such attachment in the area petitioned for attachment. No attachment of territory shall be made under this subsection unless such attachment has been approved by a majority of those voting in the territory to be attached. Such election shall be conducted in accordance with the procedure for approval of the establishment of community colleges as specified in this act. The question submitted shall be: "Shall the proposed attachment of territory to the \_\_\_\_\_ community college district be approved?", and the blank shall be filled with the name of the community college. In the event that such attachment is so approved by such election the state board shall issue an order attaching the same to the community college district. The expenses of the election shall be paid by the community college.

(c) No territory shall be attached to any community college district within 120 days prior to the general election of members of the board of trustees.

(d) If the community college attaching territory under subsection (a) or (b) has member district method of election, no approval thereof shall be given by the state board and no proposition for approval thereof shall be submitted to any election until new proposed member districts for the community college territory as the same will exist after the addition of territory have been established by the state board.

Sec. 28. K.S.A. 2010 Supp. 71-1507 is hereby amended to read as follows: 71-1507. (a) ~~The board of trustees of any community college and the board of any area vocational school or area vocational-technical school~~ technical college or the institute of technology at Washburn university, may make and enter into agreements providing for the transfer from the ~~area vocational school or area vocational-technical school~~ technical college or the institute of technology to the community college of any approved career technical education program being offered and taught at the postsecondary level in the ~~area vocational school or area vocational-technical school~~ technical college or the institute of technology.

(b) In the event the board of trustees of a community college and the board of ~~an area vocational school or area vocational-technical school~~ any technical college or the institute of technology at Washburn university enter into an agreement authorized under subsection (a), the following conditions shall apply:

(1) The state board of regents shall be notified of the agreement at the time the

agreement is executed.

(2) The agreement shall be effective only after approval by the state board of regents.

(3) Any career technical education program transferred in accordance with the agreement shall be offered and taught in the community college only after approval of the program by the state board of regents.

(4) The agreement shall be subject to change or termination by the legislature.

(5) (A) The duration of the agreement shall be perpetual unless terminated in accordance with provision (B).

(B) Termination of the agreement may be accomplished only upon approval by the state board of regents of a joint petition to it for termination by the contracting boards after adoption of a resolution to that effect by each such board. The state board of regents shall consider the petition and approve or disapprove termination of the agreement. Upon termination of the agreement, any program transferred thereunder shall be discontinued.

Sec. 29. K.S.A. 2010 Supp. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act:

(a) "Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.

~~(a) (b) "Board" means the board of education of any school district, the board of trustees of any community college, the board of regents of any municipal university, the board of control of any area vocational-technical school, the governing body of any technical college, or the chief executive officer of any state educational institution.~~

~~(b) "Area vocational school" means any vocational education school established under authority of the laws of this state, approved and officially designated as an area vocational school by the state board, and operated under any board. Any area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school."~~

~~(c) "Area vocational-technical school" means any vocational education school which was classified as a type II area vocational-technical school under authority of former laws or which is established and classified as a type II area vocational-technical school under authority of this act. The school to which this definition applies is the Southeast Kansas area vocational-technical school.~~

~~The state board may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically designated in this subsection.~~

(c) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.

~~(d) "School district" means any school district organized under the laws of this state.~~

~~(e) (d) "Community college" means any community college organized and operating under the laws of this state.~~

(e) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.

(f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

~~(g) "School district" means any school district organized under the laws of this state.~~

(h) "School year" means the 12-month period ending on June 30.

(i) "State board" means the state board of regents.

~~(g) (j) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.~~

(k) "State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.

~~(h) (l) "Technical college" means an educational institution that formerly was an area vocational school or an area vocational-technical school and that has been converted to, established as, and officially designated a technical college under authority of this act.~~

~~(i) "State board" means the state board of regents.~~

~~(j) "School year" means the twelve-month period ending on June 30.~~

~~(k) "Career technical education" means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. The term "career technical education" also includes technology education and career and technical education as referenced in the Carl D. Perkins career and technical education act of 2006.~~

~~(l) (m) "Technology education" means an applied discipline designed to promote technological literacy which provides knowledge and understanding of the impacts of~~

technology including its organizations, techniques, tools and skills to solve practical problems and extend human capabilities in technological areas.

(m) ~~"State plan" means a document or set of documents, together with attachments and supplements thereto, containing such provisions as are authorized by this act and required by the Carl D. Perkins career and technical education act of 2006, and acts amendatory thereof or supplemental thereto.~~

(n) ~~"Associate of applied science degree program" means a program that is offered and maintained by a technical college, composed of career technical and general education courses of instruction for which individuals may earn college credit, designed to prepare individuals for gainful employment in technical or technological occupations requiring other than a baccalaureate or advanced degree or to qualify individuals for transfer to another college or university and, after satisfactory completion of the requirements for graduation, results in the conferral of an associate of applied science degree. For the purpose of awarding college credit for completion of coursework leading to the conferral of an associate of applied science degree, the state board of regents shall determine the number of clock hours of instruction in general education courses or career technical education courses which shall be equivalent to a credit hour.~~

Sec. 30. K.S.A. 2010 Supp. 72-4415 is hereby amended to read as follows: 72-4415. The state board shall be responsible for the allocation and distribution of the state and federal funds for career and technical education provided for pursuant to the Carl D. Perkins career and technical education act of 2006 in accordance with the state plan. Moneys allocated and distributed under the provisions of this section shall be expended only in accordance with and for the purposes specified in federal or state law or the state plan. Payments under this act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. Federal funds for career and technical education shall be deposited in the state treasury.

Sec. 31. K.S.A. 72-4440 is hereby amended to read as follows: 72-4440. As used in this act:

(a) ~~"Area vocational school," "area vocational technical school," "Board," "state board," and "school year" and "technical college" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.~~

(b) ~~"Operating budget" shall have the meaning ascribed thereto in K.S.A. 72-4430, and amendments thereto.~~

(e) ~~"School" means any area vocational school and any area vocational technical school.~~

(d) ~~"Vocational (b) "Career technical education capital outlay aid" means state financial aid distributed under this act by the state board to a school an eligible institution for the purpose of construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of school buildings, architectural expenses incidental thereto, the acquisition of buildings for school purposes and school building sites and the acquisition of equipment.~~

(c) "Eligible institution" or "institution" means any technical college, Coffeyville community college, Cowley county community college, Dodge City community college, Highland community college, Hutchinson community college, Johnson county community college, Kansas City, Kansas community college, Pratt community college, Seward county community college and the institute of technology at Washburn

university.

Sec. 32. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every ~~area vocational technical school~~ eligible institution a fund which shall be called the "~~vocational career technical~~ education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by an ~~area vocational technical school~~ eligible institution from distributions made under this act shall be credited to the ~~vocational career technical~~ education capital outlay fund.

(b) Any moneys received, prior to or after the effective date of this act, by an ~~area vocational technical school~~ eligible institution from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the ~~vocational career technical~~ education capital outlay fund and may be expended by the ~~area vocational technical school~~ institution for any purpose for which ~~vocational career technical~~ education capital outlay aid may lawfully be expended.

Sec. 33. K.S.A. 72-4442 is hereby amended to read as follows: 72-4442. The amount of ~~vocational career technical~~ education capital outlay aid for each ~~school~~ eligible institution shall be determined by the state board on the basis of need and the condition of existing facilities and equipment and payments thereof shall be distributed on payment dates to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due as ~~vocational career technical~~ education capital outlay aid to each ~~school~~ eligible institution five days before each payment date. The director of accounts and reports shall draw warrants on the state treasurer payable to the treasurer of each ~~school~~ institution eligible for payment of ~~vocational career technical~~ education capital outlay aid, pursuant to vouchers approved by the state board or by a person or persons designated by the state board. Upon receipt of such warrant, the treasurer of each ~~area vocational school~~ shall deposit the amount thereof to the credit of the ~~area vocational school~~ fund. The treasurer of each ~~area vocational technical school~~ eligible institution shall deposit the amount of such warrant to the credit of the ~~vocational career technical~~ education capital outlay fund established by this act.

In the event any ~~school~~ eligible institution is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the ~~school~~ institution of the amount of such overpayment, and such ~~school~~ institution shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such ~~school~~ institution fails to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such ~~school~~ institution. In the event any ~~school~~ institution is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the ~~school~~ academic year in which the underpayment was made or within 60 days after the end of such ~~school~~ academic year.

Sec. 34. K.S.A. 2010 Supp. 72-4450 is hereby amended to read as follows: 72-4450. As used in this act:

(a) "Career technical education program" means a program of vocational or

technical training or retraining which is operated at the postsecondary level and is designed to prepare persons for gainful employment.

(b) "Career technical education institution" means any ~~area vocational school, area vocational-technical school,~~ technical college, community college, municipal university, or any state educational institution which operates one or more career technical education programs.

(c) ~~"Area vocational school," "area vocational-technical school,"~~ "Community college," "institute of technology," "municipal university," "state educational institution," "technical college," and "state board" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(d) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(e) "Program" means the Kansas training information program established by this act.

Sec. 35. K.S.A. 72-4453 is hereby amended to read as follows: 72-4453. (a) The board of trustees of every community college and the governing board of every ~~area vocational school or area vocational-technical school~~ technical college and the institute of technology shall make and enter into agreements providing the transferability of substantially equivalent courses of study and programs which are offered at such educational institutions in order to facilitate the articulation of students to and among such educational institutions.

(b) The following conditions shall apply to the agreements required under subsection (a):

(1) The state board of regents shall be notified of the agreement at the time the agreement is executed; and

(2) the agreement shall be effective only after approval by the state board of regents.

(c) The state board of regents shall prescribe criteria or guidelines for the purpose of determining which courses of study and programs offered in the ~~area vocational schools and area vocational-technical schools~~ technical colleges and the institute of technology are: (1) Substantially equivalent to courses of study and programs offered in the community colleges; and (2) transferable to the community colleges. ~~A current, complete list of such courses of study and programs shall be maintained on file in the office of the state board of regents and shall be open for public inspection at any reasonable time.~~

Sec. 36. K.S.A. 72-4454 is hereby amended to read as follows: 72-4454. The state board of regents shall adopt a policy requiring articulation agreements among ~~area vocational schools, area vocational-technical schools,~~ community colleges, technical colleges, the institute of technology and state educational institutions providing for the transferability of substantially equivalent courses of study and programs which are offered at ~~area vocational schools, area vocational-technical schools,~~ community colleges, technical colleges, the institute of technology and state educational institutions in order to facilitate articulation of students in technical programs to and among ~~area vocational schools, area vocational-technical schools,~~ community colleges, technical colleges, the institute of technology and state educational institutions.

Sec. 37. K.S.A. 2010 Supp. 72-4466 is hereby amended to read as follows: 72-



4466. As used in this act:

(a) ~~"Area vocational school", "area vocational-technical school", and "Community college,"~~ "technical college" and "institute of technology" have the meanings respectively ascribed thereto in K.S.A. 72-4412, and amendments thereto.

(b) ~~"Career technical education institution" means any area vocational school, area vocational-technical school or community college,~~ technical college or the institute of technology.

(c) "Board" means the state board of regents.

(d) "Program" means Kansas technology innovation and internship program.

Sec. 38. K.S.A. 2010 Supp. 72-4470a is hereby amended to read as follows: 72-4470a. (a) ~~On or before July 1, 2005, All technical college boards shall develop and present to the state board of regents a plan to replace the governing body described in K.S.A. 72-4470, and amendments thereto, with a new~~ establish and maintain a plan for a governing board, which shall be separate and independent of any board of education of any school district, to operate, control and manage the technical college. The plan shall include, but not be limited to, provisions relating to:

- (1) The composition of the independent governing board;
- (2) the territory of the technical college. If the territory of the technical college includes more than one county, the plan shall designate a home county;
- (3) the method of election or appointment and the terms of service of the members of the independent governing board;
- (4) the date upon which the independent governing board shall assume management and control of the technical college;
- (5) the manner, terms upon which and extent to which the facilities; will be transferred to the independent governing board and the division of other assets and indebtedness and other liabilities; and
- (6) the manner and terms upon which faculty, employees and students will be transferred to the independent governing board. Subject to the provisions of K.S.A. 2010 Supp. 72-4478, and amendments thereto, such provisions shall specify terms of employment and address other personnel matters.

(b) (1) ~~Upon approval of the plan by the state board of regents and the governing body of the technical college which submitted the plan, and~~ On the date determined in the approved plan, the independent governing board established under subsection (a) of this section shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges; ~~technical schools and area vocational technical schools.~~ Any amendments to the plan shall be submitted to the state board of regents for approval.

(2) ~~After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.~~

(c) In addition to such other powers expressly granted by law and subject to the provisions of subsection (b), the governing board shall have the power to:

- (1) Determine the career technical and general education courses of instruction that

will comprise the associate of applied science degree programs of the college;

(2) establish the requirements for satisfactory completion of the associate of applied science degree programs of the college;

(3) confer the associate of applied science degree upon students who successfully complete an associate of applied science degree program of the college and to award a certificate or diploma to students who successfully complete a career technical education program of the college;

(4) appoint teaching staff and fix and determine teacher qualifications, duties and compensation. No teacher appointed to teach courses comprising the associate of applied science degree programs of the college shall be required to meet licensure requirements greater than those required in the state educational institutions;

(5) have custody of, and be responsible for, the property of the college and be responsible for the operation, management and control of the college;

(6) select a chairperson and such other officers as it deems desirable, from its membership;

(7) sue and be sued;

(8) appoint and fix the compensation and term of office of a president or chief administrative officer of the college;

(9) fix and determine, within state adopted standards, all other employees' qualifications, duties, compensation and all other items and conditions of employment;

(10) enter into contracts;

(11) accept any gifts, grants or donations;

(12) acquire and dispose of real or personal property;

(13) enter into lease agreements as lessor of any property owned or controlled by the college;

(14) adopt any rules and regulations, not inconsistent with any law or any rules and regulations of the state board of regents, which are necessary for the administration and operation of the college or for the conduct of business of the governing board;

(15) contract with one or more agencies, either public or private, whether located within or outside the territory of the college or whether located within or outside the state of Kansas, for the conduct by any such agency of academic or career technical education for students of the college and to provide for the payment to any such agency for the contracted educational services from any funds or moneys of the college, including funds or moneys received from student tuition and fees;

(16) appoint as its resident agent for the purpose of service of process, either the president of the technical college or the chairperson of the governing board, or both;

(17) take any other action, not inconsistent with any law or any rules and regulations of the state board of regents, which is necessary or incidental to the establishment, operation and maintenance of the college;

(18) issue bonds for capital improvement projects, enter into bond covenants and take such ancillary action as the governing board approves, relating thereto, except that such bonds shall not be secured by a pledge of any property tax revenues of the technical college; ~~and~~

(19) enter into agreements with counties relating to funding for capital improvement projects at technical colleges; ~~and~~

(20) fix different rates per hour of tuition, fees and charges for the different postsecondary programs administered by such board.

Sec. 39. K.S.A. 72-4480 is hereby amended to read as follows: 72-4480. (a) The state board of regents shall identify and approve core indicators of quality performance for ~~vocational education schools and~~ technical colleges and shall establish and implement a data management system that includes a process and format for collecting, aggregating and reporting common and institution-specific information documenting effectiveness of the ~~schools and~~ colleges in meeting the role and mission thereof.

(b) In each fiscal year, commencing with the 2003 fiscal year, each ~~vocational education school and~~ technical college is eligible to receive a quality performance grant from the state general fund. If the state board determines that the ~~school or~~ college has demonstrated effectiveness in complying with its role and mission statement and has met or exceeded the core indicators of quality performance for ~~vocational education schools and~~ technical colleges identified and approved by the state board, the ~~school or~~ college shall receive a quality performance grant in an amount which shall be determined by the state board by computing 2% of the amount of ~~postsecondary aid state aid~~ the ~~school or~~ college received in the preceding fiscal year. The computed amount is the amount of the quality performance grant the ~~school or~~ college shall receive for the fiscal year.

(c) The distribution of the appropriation for quality performance grants to ~~vocational education schools and~~ technical colleges entitled to such grants shall be made at a time to be determined by the state board. The state board shall certify to the director of accounts and reports the amount due to each ~~vocational education school and~~ technical college entitled to a grant, and the director of accounts and reports shall draw a warrant upon the state treasurer in favor of the ~~school or~~ college for such amount. Upon receipt of the warrant, the treasurer of the ~~school or~~ college shall credit the amount of the warrant to the general fund.

Sec. 40. K.S.A. 72-6214 is hereby amended to read as follows: 72-6214. (a) As used in this section, the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

(1) "Board" means the state board of regents, the state board of education, the board of trustees of any public community ~~junior~~ college, the board of regents of any municipal university, ~~the board of control of any area vocational technical school~~ the governing board of any technical college and the board of education of any school district.

(2) "Student" means a person who has attained ~~eighteen (18)~~ 18 years of age, or is attending an institution of postsecondary education.

(3) "Pupil" means a person who has not attained ~~eighteen (18)~~ 18 years of age and is attending an educational institution below the postsecondary level.

(b) Every board shall adopt a policy in accordance with applicable federal laws and regulations to protect the right of privacy of any student, or pupil and ~~his or her~~ such pupil's family regarding personally identifiable records, files and data directly related to such student or pupil. The board shall adopt and implement procedures to effectuate such policy by January 1, 1977. Such procedures shall provide for: (1) Means by which any student or parent of a pupil, as the case may be, may inspect and review any records or files directly related to the student or pupil; and (2) restricting the accessibility and availability of any personally identifiable records or files of any student or pupil and preventing disclosure thereof unless made upon written consent of such student or parent of such pupil, as the case may be. To the extent that any other

provision of law conflicts with this section, this section shall control.

Sec. 41. K.S.A. 2010 Supp. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the ~~board of control of every area vocational school governing board of every technical college~~ and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's ~~father parent~~ or ~~his such parent's~~ reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the ~~Kansas veterans' commission~~ Kansas commission on veterans affairs for reimbursement of the amount of such tuition or fees. The ~~Kansas veterans' commission~~ Kansas commission on veterans affairs shall administer this act and qualifications of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 42. K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. The state board of regents, the board of trustees of every community ~~junior~~ college, the board of regents of Washburn university of Topeka, the ~~board of every area vocational school, the board of control of every area vocational-technical school governing board of every technical college~~ and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed ~~twelve (12)~~ 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the ~~Kansas veterans' commission~~ on veterans affairs for reimbursement of the amount of such tuition or fees. The ~~Kansas veterans' commission~~ on veterans affairs shall administer this act and the qualification of persons as dependents shall be determined by such commission. Such commission may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

"Dependent" as used in this act shall mean any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving in said U. S. armed forces in the geographical area of the Vietnam conflict, has been declared to

be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

Sec. 43. K.S.A. 2010 Supp. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments thereto.

(b) "Community college" means any community college established under the laws of this state.

(c) "Institute of technology" or "Washburn institute of technology" means the institute of technology at Washburn university.

(d) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.

(e) "Postsecondary educational institution" means any public university, municipal university, community college and technical college, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(f) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(g) "Public university" means any state educational institution.

(h) "Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.

(a) (i) "State board of regents" or "state board" means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(b) (j) "State educational institution" means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

(e) "Municipal university" means Washburn university of Topeka or any other municipal university established under the laws of this state.

(d) "Community college" means any community college established under the laws of this state.

(e) (k) "Technical college" means any technical college established under the laws of this state.

(f) "Career technical education school" means any area vocational school or area vocational technical school established under the laws of this state.

(g) "Public university" means any state educational institution.

(h) "Postsecondary educational institution" means any public university, municipal university, community college, technical college and career technical education school, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(i) "Private postsecondary educational institution" and "out-of-state postsecondary educational institution" have the meanings ascribed thereto in K.S.A. 2010 Supp. 74-32,163, and amendments thereto.

(j) "Adult basic education program" and "adult supplementary education program" have the meanings respectively ascribed thereto in K.S.A. 72-4517, and amendments

thereto.

(k) ~~"Representative of a postsecondary educational institution" means any person who is the holder of an associate degree, a bachelor's degree, or a certificate of completion awarded by a postsecondary educational institution.~~

Sec. 44. K.S.A. 2010 Supp. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

(a) "Kansas educational institution" means and includes ~~area vocational schools, area vocational technical schools,~~ community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and accredited independent institutions.

(b) "Eligible guard member" means a newly enlisted or reenlisted member of the Kansas national guard with not more than 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educational benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

Sec. 45. K.S.A. 2010 Supp. 74-32,151 is hereby amended to read as follows: 74-32,151. (a) This section and K.S.A. 74-32,152 through 74-32,159, and amendments thereto, shall be known and may be cited as the workforce development loan program act.

(b) As used in the workforce development loan act, "postsecondary educational institution" shall have the meaning ascribed thereto by K.S.A. 74-3201b, and amendments thereto.

(c) Within the limits of appropriations and private contributions therefor, and in accordance with the provisions of this act, the state board of regents may award such loans to Kansas residents who are enrolled in or admitted to ~~an area vocational technical school, a technical college, community college, vocational school coordinated under the state board of regents~~ the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions and who enter into a written agreement with the state board of regents as provided in K.S.A. 74-32,152, and amendments thereto.

(d) The board of regents may accept any private contributions to the program. The chief executive officer of the board of regents shall turn such contributions over to the state treasurer who shall deposit such moneys into the workforce development loan fund.

(e) After consultation with the secretaries of the departments of social and rehabilitation services and commerce, the board may establish a list of education programs in which an applicant must enroll to be eligible for a loan under this program.

(f) The loans shall be awarded on a priority basis to qualified applicants who have the greatest financial need with the highest priority given to those applicants with the greatest financial need who were in foster care on their 18th birthday or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care. All loans shall be awarded to resident students attending ~~area-vocational-technical schools~~, technical colleges, community colleges, ~~area-vocational schools~~ the institute of technology at Washburn university or associate degree programs at postsecondary educational institutions. Special preference shall also be established for residents drawing unemployment compensation or such residents who were laid off from employment within the prior six months. The board may also establish preferences for workers deemed to be eligible for North American free trade agreement transition assistance under United States department of labor standards or the Kansas department of labor standards.

(g) Loans awarded under this program shall be awarded on an annual basis and shall be in effect for one year unless otherwise terminated before the expiration of such period of time. Such loans shall be awarded for the payment of tuition, fees, books, room and board and any other necessary school related expenses.

Sec. 46. K.S.A. 2010 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(2) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.

(3) "Firefighter" means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(4) "Kansas educational institution" means and includes ~~area-vocational schools, area-vocational-technical schools~~, community colleges, the municipal university, state educational institutions, ~~the institute of technology at Washburn university and technical colleges.~~

(5) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(6) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(7) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established

by the United States secretary of defense, after January 1, 1960.

~~(2) (8) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.~~

~~(3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.~~

~~(4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.~~

~~(5) "Emergency medical services attendant" means an attendant as defined by K.S.A. 65-6112, and amendments thereto.~~

~~(6) "Dependent" means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.~~

~~(9) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.~~

~~(10) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.~~

~~(7) (11) "State board" means the state board of regents.~~

~~(8) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.~~

~~(9) "Prisoner of war" means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.~~

~~(10) "Resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.~~

~~(11) "Spouse" means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.~~

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or



spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 47. K.S.A. 2010 Supp. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

(a) "Kansas educational institution" means and includes any ~~area vocational school, area vocational-technical school,~~ community college, the municipal university, state educational institution, the institute of technology at Washburn university or technical college.

(b) "Eligible foster child" means anyone: (1) Who (A) is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age, (B) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary, (C) is adopted from a foster care placement on or after such child's 16th birthday, or (D) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated on or after such child's 16th birthday; and

(2) who enrolls in a Kansas educational institution on or after July 1, 2006.

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act which shall provide for undergraduate enrollment of eligible foster children through the semester the eligible foster child attains 23 years of age.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree

upon satisfactory completion of course work requirements.

(e) "Secretary" means the secretary of social and rehabilitation services.

Sec. 48. K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in ~~subsection (g) of~~ K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.

(h) Sale of the Olathe travel information center shall not be subject to the provisions of this section.

Sec. 49. K.S.A. 2010 Supp. 75-7222 is hereby amended to read as follows: 75-7222. As used in this act, unless the context requires otherwise:

(a) "Board" means the state board of regents.

(b) "Hospital" means a licensed hospital, as defined in K.S.A. 65-425, and amendments thereto.

(c) "Library" means: (1) The state library; (2) any public library established and operating under the laws of this state; or (3) any regional system of cooperating libraries, as defined in K.S.A. 75-2548, and amendments thereto.

(d) "Network" means the KAN-ED network created pursuant to this act.

(e) "School" means: (1) Any unified school district, school district interlocal cooperative, school district cooperative or nonpublic school accredited by the state board of education; or (2) any community college, technical college, ~~area vocational school, area vocational technical school~~ the institute of technology at Washburn

university or Kansas educational institution, as defined in K.S.A. 74-32,120, and amendments thereto.

Sec. 50. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

(a) "Board" means the state board of regents or the board of regents of a municipal university or the ~~board of control of the Northwest Kansas area vocational-technical school governing board of the northwest Kansas technical college or the board of control of the North Central Kansas area vocational-technical school governing board of the north central Kansas technical college~~ or the board of trustees of any community college.

(b) "Institution" means and includes any state educational institution operated and managed under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college, the ~~Northwest Kansas area vocational-technical school, and the North Central Kansas area vocational-technical school.~~ northwest Kansas technical college and the north central Kansas technical college.

(c) "Building," when heretofore or hereafter acquired or constructed by the state board of regents for any state educational institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, hospital buildings or facilities for the university of Kansas medical center, including outpatient treatment or support facilities and acquisition of any real estate therefor, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for acquisition or construction of any building, structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such acquisition, construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such acquisition, construction or rehabilitation or renovation with the joint committee on state building construction.

(d) "Revenue bonds" means bonds issued by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto, and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by

the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

(e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.

(f) "Building," when heretofore or hereafter acquired or constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.

Sec. 51. K.S.A. 2010 Supp. 76-768 is hereby amended to read as follows: 76-768.

(a) On and after July 1, 2006:

(1) No postsecondary educational institution shall print or encode a person's social security number on or into the person's identification card.

(2) Any distinguishing identifier assigned to the person's identification card shall be a combination of numbers or letters or both, which is unique to such person.

(3) A person's distinguishing identifier shall not, in any way, be based on or depend on the person's social security number.

(b) As used in this section:

(1) "Person" means an employee of or a student enrolled at a postsecondary educational institution.

(2) "Postsecondary educational institution" means and includes ~~area vocational schools, area vocational-technical schools,~~ community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and private institutions of postsecondary education.";

And by renumbering the remaining sections;

Also on page 11, by striking all in line 39;

On page 12, by striking all in lines 1 and 2 and by inserting:

"Sec. 52. K.S.A. 71-601, 71-604, 71-609, 71-609a, 71-613, 71-613a, 71-614, 71-620, 71-701, 71-802, 71-1201, 71-1706, 72-4428, 72-4435, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4468, 72-4480, 72-6214, 72-6803, 73-1218, 74-3229a and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4430, 72-4431, 72-4432, 72-4433, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222, 76-768 and 76-781 are hereby repealed.

Sec. 53. On July 1, 2011, K.S.A. 71-601, as amended by section 18 of this act, 71-613, 71-620, as amended by section 24 of this act, 72-4480, as amended by section 39 of this act and 72-6503 are hereby repealed.";

Also on page 12, in line 4, by striking "statute book" and inserting "Kansas register";

On page 1, in the title by striking all in lines 3 through 5, and inserting:

"K.S.A. 71-601, 71-601, as amended by section 18 of this act, 71-604, 71-609, 71-609a, 71-613, 71-614, 71-620, 71-620, as amended by section 24 of this act, 71-701, 71-802, 71-1201, 72-4440, 72-4441, 72-4442, 72-4453, 72-4454, 72-4480, 72-4480, as amended by section 39 of this act, 72-6214, 72-6503, 73-1218 and 76-6a13 and K.S.A. 2010 Supp. 71-201, 71-1507, 72-4412, 72-4415, 72-4450, 72-4466, 72-4470a, 73-1217, 74-3201b, 74-32,146, 74-32,151, 75-4364, 75-53,112, 75-6609, 75-7222 and 76-768 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a, 71-1706, 72-4428, 72-4435, 72-4468, 72-6803 and 74-3229a and K.S.A. 2010 Supp. 72-4430,

72-4431, 72-4432, 72-4433 and 76-781."; and the bill be passed as amended.

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

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was thereupon introduced and read by title:

**HB 2395**, AN ACT concerning school districts; relating to the use of moneys by school districts; amending K.S.A. 72-3607, 72-6423 and 72-8237 and K.S.A. 2010 Supp. 72-965, 72-3715, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-8250, 72-9509 and 72-9609 and repealing the existing sections, by Committee on Appropriations.

### **CHANGE OF REFERENCE**

Speaker O'Neal announced the withdrawal of **SB 34**, **SB 35**, **SB 36**, **SB 45** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **SB 21**, **SB 41** from Committee on Appropriations and rereferral to Committee on Education Budget.

### **REPORT ON ENGROSSED BILLS**

**HB 2117** reported correctly engrossed March 21, 2011.

**HB 2027**, **HB 2029**, **HB 2030**, **HB 2258** reported correctly re-engrossed March 21, 2011.

### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6013**, **HR 6016** reported correctly enrolled and properly signed on March 21, 2011.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Tuesday, March 22, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

