

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 23, 2011, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Fund was excused on verified illness.

Rep. Bollier was excused on excused absence by the Speaker later in the day.

Prayer by guest chaplain, Father John Fongemie, St. Phillipine Latin Mass Community Blessed Sacrament, Kansas City, guest of Rep. Kiegerl.

The Pledge of Allegiance was led by Rep. Kiegerl.

Kansas Trivia Question – Danny Manning, a University of Kansas basketball star who graduated in 1989, has played for what professional basketball teams?

Answer: Clippers, Hawks, Suns, Bucks, Jazz, Mavericks and Pistons.

INTRODUCTION OF GUESTS

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

I bring before you today Donnie Lockhart, Jr., Donnie Lockhart III, and Coach Chad Parks. I am here to recognize Donnie for his recent victory, capping a perfect season and winning the 5A state championship in wrestling title at 189 pounds. I would not ordinarily bring athletes before you for simply athletic accomplishments. I feel that this in particular deserves recognition for three reasons. First is the perfect season, second Donnie maintained a GPA above 3.0, and most importantly, Donnie gave up a scholarship to the University of Oklahoma to play football right here in Topeka at Washburn University.

Rep. S. Gatewood presented Donnie with a framed House certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2396**.

Education Budget: **HB 2397**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution appearing on the calendar as “to be referred” were referred to committees as indicated:

Aging and Long Term Care: **SB 210** (jointly).

Energy and Utilities: **SCR 1606**.

Federal and State Affairs: **SB 223**.

Social Services Budget: **SB 210** (jointly).

Transportation: **SB 225**.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator Francisco as a member of the conference committee on **SB 67** to replace Senator Faust-Goudeau.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bethell, **HR 6014**, A RESOLUTION in memory of Richard “Dick” Wellman, was adopted.

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

I am privileged to have members of Dick Wellman’s family with me today. They are Mr. Wellman’s daughter, Ms. Emily Wellman who works for Senator Pat Roberts; and, his grandson Jesse Wellman and wife Karen, and great-grandchildren Lee and Amy Wellman.

As I reflect on the life of Mr. Wellman and as you have heard during the reading of the resolution honoring Mr. Wellman, he was a rancher, gentleman, father, grandfather and friend. Most of all as I remember Dick he was a Statesman. His life was one of being an advocate for Kansas in so many ways. I can tell you stories of how he interacted with those across our great nation. One interesting one concerns his induction into the “Hole in the Wall Gang.” I will not take the time to tell the story now but will offer it to any at another time.

You may “google” the Hole in the Wall Gang and see the other distinguished members that Mr. Wellman interacted with as an ambassador of the great citizens of Kansas.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Smith, in accordance with subsection (b) of House Rule 1309, that **HB 2372** be withdrawn from Committee on Judiciary and placed on the calendar under the order of business General Orders, was considered.

The motion did not prevail.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2221, AN ACT concerning state agencies; relating to the employee award program; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 4; Present but not voting: 0; Absent or not

voting: 1.

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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, 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, 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: Kinzer, Meigs, Schwab, Schwartz.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

HB 2336, AN ACT establishing the Kansas employment first initiative act. , was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Huebert, 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.

The bill passed, as amended.

Sub. HB 2340, AN ACT concerning crimes and punishments; relating to smoking; amending K.S.A. 2010 Supp. 21-4009 and 21-4010 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 1; Absent or not

voting: 1.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Flaharty, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Neal, Osterman, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Williams, B. Wolf, K. Wolf, Worley.

Nays: Burroughs, Carlin, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, Goodman, Grant, Grosserode, Henderson, Hildabrand, Kuether, McCray-Miller, Montgomery, O'Brien, O'Hara, Otto, Pauls, Peterson, Seiwert, Weber, Wetta, Winn, Wolfe Moore.

Present but not voting: Aurand.

Absent or not voting: Fund.

The substitute bill passed, as amended.

HB 2392, AN ACT concerning setoff against certain debtors; relating to federal department of the treasury, agreements, procedure and fees; amending K.S.A. 75-6204 and K.S.A. 2010 Supp. 75-6202 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Huebert, 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.

The bill passed, as amended.

SB 10, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Edwards county; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 13; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, 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, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Arpke, DeGraaf, Gregory, Grosserode, Hildabrand, Hoffman, Huebert, Kelley, Kiegerl, Kinzer, Patton, Scapa, Smith.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 11, AN ACT concerning school districts; relating to transportation of pupils residing on the Leavenworth military reservation, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Brookens, Brown, Bruchman, 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, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, 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, 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: Billinger, Bowers, Brunk, Grange, Hineman, Kelley, Kelly, Kiegerl, Kinzer, Landwehr, Mast, Schwartz.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

H. Sub. for SB 23, AN ACT concerning children and minors; relating to jury trials; relating to high school diplomas for children in the custody of the secretary and children in need of care; amending K.S.A. 2010 Supp. 38-2344 and 38-2357 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Huebert, 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.

The substitute bill passed.

H. Sub. for SB 55, AN ACT concerning crimes, criminal procedure and punishment; relating to electronic communications; relating to harassment by telecommunications device; relating to warrants for interception and information; amending K.S.A. 2010 Supp. 22-2502 and 22-2516 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Huebert, 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.

The substitute bill passed.

SB 103, AN ACT concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, 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: Lane.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 115, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 36; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fawcett, Finney, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mast, McCray-Miller, McLeland, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Carlin, Colloton, Davis, Denning, Dillmore, Feuerborn, Flaharty, Frownfelter, S. Gatewood, Grange, Grosserode, Henderson, Henry, Kelly, Kerschen, Kuether, Loganbill, Mah, Meier, Meigs, Mosier, Pauls, Peterson, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 119, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Aurand, Brown, Brunk, DeGraaf, Denning, Gregory, Grosserode, Hildabrand, Hoffman, Kelley, Kelly, Kiegerl, Kinzer, Landwehr, Meigs, O'Hara, Peck, Rhoades, Scapa, Smith, Tyson.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 125, AN ACT concerning elections; relating to candidate filing deadlines; amending K.S.A.2-624 and 25-4004 and K.S.A. 2010 Supp. 25-205 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

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, Donohoe, Fawcett, Feuerborn, Finney, 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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Dillmore, Flaharty, Lane, Schroeder, Victors.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

H. Sub. for Sub. SB 127, AN ACT concerning elections; amending K.S.A. 25-2102 and 25-4153 and K.S.A. 2010 Supp. 25-2021, 25-2108a, 25-4148 and 71-1415 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 44; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Calloway, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Henderson, Henry, Johnson, Kerschen, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Pauls, Peterson, Phelps, Ruiz, Ryckman, Schroeder, Slattery, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Most people already think that legislators write the rules so they are guaranteed re-election. The campaign finance amendment proves they are right. This incumbent protection act is an embarrassment. It allows incumbents to build up a war chest and eliminate the competition before it starts. I don't think voters were concerned about our war chests last November. They'd just like to get a job. Let's get our priorities straight. I vote no on **H. Sub. for Sub. SB 127**. — ANN MAH

H. Sub. for SB 129, AN ACT concerning elections; amending K.S.A. 25-321, 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-3002 and 65-2418 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 37; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, Williams, B. Wolf, K. Wolf, Worley.

Nays: Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

SB 134, AN ACT relating to nursing; concerning advanced practice nursing; amending K.S.A. 40-2250, 65-1113, 65-1114, 65-1118, 65-1120, 65-1122, 65-1130, 65-1131, 65-1133, 65-1154, 65-1163, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138 and K.S.A. 2010 Supp. 8-1,125, 39-7,119, 40-2,111, 65-468, 65-1132, 65-1626, 65-2921, 65-4101, 65-5402, 65-6112, 65-6119, 65-6120, 65-6121, 65-6123, 65-6124, 65-6129c, 65-6135, 65-6144, 72-5213, 72-8252 and 74-1106 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 65-1626d, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, 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, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Dillmore, Hildabrand, Kelley, Kinzer, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 150, AN ACT concerning cities; relating to boundaries ; amending K.S.A. 12-519, 12-5206, 12-521, 12-531, 12-532, 15-116, 15-117, 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Garber, S. Gatewood, Goico, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bowers, Brookens, Burroughs, Carlin, Davis, Frownfelter, D. Gatewood, Gonzalez, Goodman, Henderson, Kelly, Kuether, Landwehr, Meier, Ruiz, Schroeder, Slattery, Swanson, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 185, AN ACT concerning insurance; designating trust companies as trustees; amending K.S.A. 2010 Supp. 40-2a20 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 1; Absent or not voting: 1.

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, 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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, Knox, Kuether, 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: Dillmore, Lane.

Present but not voting: Landwehr.

Absent or not voting: Fund.

The bill passed.

SB 212, AN ACT concerning taxation; relating to abatement of tax liability; annual report; amending K.S.A. 2010 Supp. 79-3233b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, 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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, 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: Burroughs.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Kleeb in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 60** be adopted; also, on motion of Rep. Colloton be amended on page 1, following line 6, by inserting the following:

"Section 1. K.S.A. 2010 Supp. 12-4509 is hereby amended to read as follows: 12-4509. (a) Whenever a person is found guilty of the violation of an ordinance, the municipal judge may:

(1) Release the person without imposition of sentence;

(2) release the person on probation after the imposition of sentence, without imprisonment or the payment of a fine or a portion thereof, subject to conditions imposed by the court as provided in subsection (e); ~~or~~

(3) impose such sentence of fine or imprisonment, or both, as authorized for the ordinance violation; or

(4) impose a sentence of house arrest as provided in section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(b) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance and there is evidence that the act constituting the violation of the ordinance was substantially related to the possession, use or ingestion of cereal malt beverage or alcoholic liquor by such person, the judge may order such person to attend and satisfactorily complete an alcohol or drug education or training program certified by the chief judge of the judicial district or licensed by the secretary of social and rehabilitation services.

(c) Except as provided in subsection (d), in addition to or in lieu of any other sentence authorized by law, whenever a person is convicted of having violated, while under 21 years of age, an ordinance prohibiting an act prohibited by K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or K.S.A. 8-1599, 41-719 or 41-727, and amendments thereto, the municipal judge shall order such person to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the judge finds that the person is indigent, the fee may be waived.

(d) If the person is 18 or more years of age but less than 21 years of age and

is convicted of a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (c) are permissive and not mandatory.

(e) The court may impose any conditions of probation or suspension of sentence that the court deems proper, including, but not limited to, requiring that the defendant:

(1) Avoid such injurious or vicious habits, as directed by the court or the probation officer;

(2) avoid such persons or places of disreputable or harmful character, as directed by the court or the probation officer;

(3) report to the probation officer as directed;

(4) permit the probation officer to visit the defendant at home or elsewhere;

(5) work faithfully at suitable employment insofar as possible;

(6) remain within the state unless the court grants permission to leave;

(7) pay a fine or costs, applicable to the ordinance violation, in one or several sums and in the manner as directed by the court;

(8) support the defendant's dependents;

(9) reside in a residential facility located in the community and participate in educational counseling, work and other correctional or rehabilitative programs;

(10) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;

(11) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors;

(12) make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court; or

(13) reimburse the city, in accordance with any order made under subsection (f), for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant.

(f) In addition to or in lieu of any other sentence authorized by law, whenever a person is found guilty of the violation of an ordinance the judge may order such person to reimburse the city for all or a part of the reasonable expenditures by the city to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.";

And renumbering the remaining sections accordingly;

On page 7, following line 34, by inserting the following:

"Sec. 5. Section 249 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 249. (a) The court or the secretary of

corrections may implement a house arrest program for defendants or inmates being sentenced by the court or in the custody of the secretary of corrections or as a sanction for offenders who have failed to comply with the conditions of probation, parole or postrelease supervision, except:

(1) No defendant shall be placed by the court under house arrest if found guilty of:

(A) Any crime designated as a class A or B felony in article 34 or 35 of the Kansas Statutes Annotated, prior to their repeal;

(B) subsection (b) of section 81 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or

(C) section 79 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

(D) any off-grid felony; or

(E) any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, unless the offender has been sentenced to probation;

(2) no inmate shall be placed under house arrest if such inmate's security status is greater than minimum security; or

(3) no inmate shall be placed under house arrest who has been denied parole by the parole board within the last 6 months. Any inmate who, while participating in the house arrest program, is denied parole by the parole board shall be allowed to remain under house arrest until the completion of the sentence or until the inmate is otherwise removed from the program.

~~(b) Prior to the~~ At the time of placement of an inmate under house arrest, the court ~~or~~, secretary or house arrest staff shall provide written notification to the sheriff and district or county attorney of the county in which any person under house arrest is to be placed and to the chief law enforcement officer of any incorporated city or town in which such person is to be placed of the placement of the person under house arrest within the county or incorporated city or town.

(c) House arrest sanctions shall be administered by the court and the secretary of corrections, respectively, through rules and regulations, and may include, but are not limited to, rehabilitative restitution in money or in kind, curfew, revocation or suspension of the driver's license, community service, deprivation of nonessential activities or privileges, or other appropriate restraints on the inmate's liberty.

(d) Upon placement in a house arrest program, the court, secretary or house arrest staff shall inform the offender, and any other people residing with such offender, of the nature and extent of such house arrest monitoring, and shall obtain the written agreement of such offender to comply with all requirements of the program.

(e) The offender shall remain within the property boundaries of the offender's residence at all times during the term of house arrest, except as provided under the house arrest agreement with such offender.

(f) The offender shall allow any law enforcement officer, community corrections officer, court services officer or duly authorized agent of the department of corrections, to enter such offender's residence at any time to verify the offender's compliance with the conditions of the house release.

(g) As a condition of house arrest, the court or secretary may require an offender placed under house arrest to pay any supervision costs associated with the

house arrest program.

(h) The offender shall consent to be monitored by:

(1) An electronic monitoring device on such offender's person;

(2) an electronic monitoring device in such offender's home;

(3) a remote blood alcohol monitoring device;

(4) a home telephone verification procedure;

(5) radio frequency devices; or

(6) any combination of monitoring methods as the court, secretary or house arrest staff finds necessary.

(i) The secretary or the court may contract for independent monitoring services. Such independent monitoring service shall be able to provide monitoring 24 hours a day, every day of the year, and any other services as determined by the secretary.

(j) As used in this section:

(1) "House arrest staff" means an independent contractor or government entity, and agents thereof, utilized by the secretary or court to administer the provisions of a house arrest program;

(2) "electronic monitoring device" means:

(A) an active or passive global positioning system-enabled device capable of recording and transmitting an offender's location at all times or at designated intervals. Such monitoring device may record or transmit sound, visual images or other information regarding such offender's location, via wireless communication; or

(B) a radio frequency device capable of monitoring an offender's location; and

(3) "remote alcohol monitoring device" means a device capable of monitoring an offender's blood alcohol content via micro fuel cell or deep lung tissue sample. Such monitoring devices shall be of comparable accuracy to roadside breath alcohol testing devices utilized by law enforcement, and shall have wireless or landline telephone transmission capabilities. Such device may be used in conjunction with an alcohol and drug-sensing bracelet to monitor such offender's compliance with the terms of house arrest.

Sec. 7. Section 285 of chapter 136 of the 2010 Session Laws of Kansas is hereby amended to read as follows: Sec. 285. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. The following sentencing guidelines grid shall be applicable to nondrug felony crimes:

(b) Sentences expressed in the sentencing guidelines grid for nondrug crimes represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to the sentencing court's discretion to enter a departure sentence. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within

the sentencing range. In the usual case it is recommended that the sentencing judge select the center of the range and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the:

(A) Prison sentence;

(B) maximum potential reduction to such sentence as a result of good time;

and

(C) period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the:

(A) Prison sentence; and

(B) duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence as provided in subsection (q).

(g) The sentence for a violation of ~~section 48, and amendments thereto, K.S.A. 21-3415, prior to its repeal~~, aggravated battery against a law enforcement officer committed prior to July 1, 2006, or a violation of subsection (d) of section 47 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, aggravated assault against a law enforcement officer, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(i) (1) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 of chapter 136 of the 2010 Session Laws of Kansas and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(2) If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and section 288 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in section 109 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(3) Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of section 49 of chapter 136 of the 2010 Session Laws of Kansas, subsections (b)(3) and (b)(4) of section 109 of chapter 136 of the 2010 Session Laws of Kansas, section 223 and section 227 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review. Prior to imposing any sentence pursuant to this subsection, the court may consider assigning the defendant to a house arrest program pursuant to section 249 of the 2010 Session Laws of Kansas, and amendments thereto.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who:

(A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto; and

(ii) at the time of the conviction under ~~paragraph~~ subsection (j)(2)(A)(i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717, and amendments thereto, in this state or comparable felony under the laws of another state, the federal government or a foreign government; or

(B) (i) has been convicted of rape, as defined in K.S.A. 21-3502, prior to its repeal, or section 67 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; and

(ii) at the time of the conviction under paragraph subsection (j)(2)(B)(i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in ~~paragraph~~ subsection (j)(2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) (1) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence as provided in subsection (q).

(2) As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities:

(A) The commission of one or more person felonies; or

(B) the commission of felony violations of K.S.A. 2009 2010 Supp. 21-

36a01 through 21-36a17, and amendments thereto; and

(C) its members have a common name or common identifying sign or symbol; and

(D) its members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of K.S.A. ~~2009~~ 2010 Supp. 21-36a01 through 21-36a17, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) Except as provided in subsection (o), the sentence for a violation of subsection (a)(1) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy, as defined in sections 33 and 34 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to commit such offense, when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715, prior to its repeal, 21-3716, prior to its repeal, subsection (a)(1) or (a)(2) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, or subsection (b) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or any attempt or conspiracy to commit such offense, shall be ~~presumed~~ presumptive imprisonment.

(m) The sentence for a violation of K.S.A 22-4903 or subsection (a)(2) of section 138 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence as provided in subsection (q).

(n) The sentence for a violation of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, and when such person being sentenced has any combination of two or more prior convictions of subsection (b) of K.S.A. 21-3705, prior to its repeal, or of criminal deprivation of property, as defined in section 89 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such property is a motor vehicle, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(o) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has no prior convictions for a violation of K.S.A. 21-3701 or 21-3715, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one or two prior felony convictions for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of section 93 of

chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has one prior felony conviction for a violation of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be the sentence as provided by this section, except that the court may order an optional nonprison sentence for a defendant to participate in a drug treatment program, including, but not limited to, an approved after-care plan, if the court makes the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment in the community is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program will serve community safety interests.

A defendant sentenced to an optional nonprison sentence under this subsection shall be supervised by community correctional services. The provisions of subsection (f)(1) of section 305 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall apply to a defendant sentenced under this subsection. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(p) The sentence for a felony violation of theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of three or more prior felony convictions for violations of K.S.A. 21-3701, 21-3715 or 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas; or the sentence for a violation of burglary as defined in subsection (a) of section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, when such person being sentenced has any combination of two or more prior convictions for violations of K.S.A. 21-3701, 21-3715 and 21-3716, prior to their repeal, or theft of property as defined in section 87 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or burglary or aggravated burglary as defined in section 93 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section, except that the court may recommend that an offender be placed in the custody of the secretary of corrections, in a facility designated by the secretary to participate in an intensive substance abuse treatment program, upon making the following findings on the record:

(1) Substance abuse was an underlying factor in the commission of the crime;

(2) substance abuse treatment with a possibility of an early release from imprisonment is likely to be more effective than a prison term in reducing the risk of offender recidivism; and

(3) participation in an intensive substance abuse treatment program with the possibility of an early release from imprisonment will serve community safety interests

by promoting offender reformation.

The intensive substance abuse treatment program shall be determined by the secretary of corrections, but shall be for a period of at least four months. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision. The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(q) As used in this section, an "optional nonprison sentence" is a sentence which the court may impose, in lieu of the presumptive sentence, upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(r) The sentence for a violation of subsection (c)(2) of section 48 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(s) The sentence for a violation of section 76 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(t) (1) If the trier of fact makes a finding that an offender wore or used ballistic resistant material in the commission of, or attempt to commit, or flight from any felony, in addition to the sentence imposed pursuant to the Kansas sentencing guidelines act, the offender shall be sentenced to an additional 30 months' imprisonment.

(2) The sentence imposed pursuant to subsection (t)(1) shall be presumptive imprisonment and shall be served consecutively to any other term or terms of imprisonment imposed. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) As used in this subsection, "ballistic resistant material" means: (A) Any commercially produced material designed with the purpose of providing ballistic and trauma protection, including, but not limited to, bulletproof vests and kevlar vests; and (B) any homemade or fabricated substance or item designed with the purpose of providing ballistic and trauma protection.";

And renumbering the remaining sections accordingly;

Also on page 7, in line 35, after "Supp." by inserting "12-4509,"; in line 36, after "75-52,112" by inserting "and sections 249 and 285 of chapter 136 of the 2010

Session Laws of Kansas";

On page 1, in the title, in line 2, after the semicolon where it appears for the second time by inserting "relating to house arrest,"; in line 3, after "Supp." by inserting "12-4509,"; in line 4, after "75-52,112" by inserting "and sections 249 and 285 of chapter 136 of the 2010 Session Laws of Kansas";

Also, on motion of Rep. Dillmore, **H. Sub. for SB 60** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2010 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2011, the supreme court may impose an additional charge, not to exceed \$15 per docket fee, to fund the costs of ~~non-judicial~~ nonjudicial personnel. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings; or
- (4) the expungement would be in the best interests of justice and (A)

charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(g) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(h) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.;

And by renumbering the remaining sections accordingly;

On page 7, in line 35, after "Supp." by inserting "22-2410,";

On page 1, in the title, in line 3, after "Supp." by inserting "22-2410," and **H. Sub. for SB 60** be passed as amended.

Committee report to **Sub. SB 50** be adopted; also, on motion of Rep. Hineman be amended on page 4, in line 23, after "who" by inserting ", after January 1, 2012,"; in line 27, before "The" by inserting "Prior to January 1, 2012, the department of administration shall provide the council with any staffing necessary in carrying out the business of the council or effectuating the provisions of this act."; and **Sub. SB 50** be passed as amended.

Committee report to **HR 6008** be adopted; also, on motion of Rep. Hineman be amended on page 1, in the title, in line 2, by striking "mandate" and inserting "train wreck"; and the resolution be adopted as amended.

Committee report to **HB 2386** be adopted; also, on motion of Rep. Kinzer be amended on page 1, in line 33, by striking all after the period; by striking all in line 34; in line 35, by striking "one time."; and the bill be passed as amended.

Committee report to **SB 143** be adopted; also, on motion of Rep. Calloway be amended on page 12, in line 37, before "K.S.A." by inserting "On July 1, 2011,";

On page 46, in line 38, before "71-620" by inserting "as amended by section 22 of this act,";

On page 1, in the title, in line 13, before "71-613a" by inserting "as amended by section 22 of this act,"; and **SB 143** be passed as amended.

Committee report to **SB 83** be adopted; also, on motion of Rep. Kinzer to amend, Rep. Davis requested a ruling on the amendment being germane to the bill.

Rose and reported progress.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 111; SB 227**.

Announcing passage of **HB 2124, HB 2227**.

Announcing passage of **HB 2008**, as amended by **S. Sub. for HB 2008; HB 2010**, as amended; **HB 2015**, as amended; **HB 2067**, as amended; **HB 2071**, as amended by **S. Sub. for HB 2071; HB 2104**, as amended; **HB 2118**, as amended; **HB 2125**, as amended; **HB 2147**, as amended; **HB 2149**, as amended by **S. Sub. for HB 2149; HB 2182**, as amended; **Sub. HB 2191**, as amended; **HB 2194**, a amended by **S. Sub. for HB 2194; HB 2195**, as amended; **HB 2251**, as amended by **S. Sub. for HB 2251; Sub. HB 2271**, as amended.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

Sub. SB 111; SB 227.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 35** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 35," as follows:

"HOUSE Substitute for SENATE BILL NO. 35
By Committee on Federal and State Affairs

"AN ACT concerning abortion; relating to restrictions on late term abortions; amending K.S.A. 65-445 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for SB 35 was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 91, by Representative Valdenia Winn, congratulating Martin Chislom for his outstanding dedication to the advancement of the arts in the metropolitan Kansas City area as Co-founder and Artistic Director of the MC Players, Inc.;

Request No. 92, by Representative Valdenia Winn, congratulating Otis Charles Williams for promoting the history and legacy of Cathy Williams, who was the only female buffalo soldier during the post Civil War era in the United States;

Request No. 93, by Representative Valdenia Winn, congratulating Granville T. O'Neal for his outstanding contribution to MC Players, Inc. and to the advancement of the performing arts;

Request No. 94, by Representative Grange, congratulating Alice Lietzen George on her 88th birthday;

Request No. 95, by Representative Fund, congratulating the 2010-2011 Holton High School girls' basketball team in recognition for taking first place in the 4A state tournament with a 26-0 season record and also, coach Jon Holliday for being selected Kansas High School girls' coach of the year;

Request No. 96, by Representatives Henderson and Winn, congratulating Chester C. Owens, Jr. on his outstanding service to Youth Build and the dedication of the Chester C. Owens, Jr. Youth Build Skills Training Center, March 25, 2011;

Request No. 97, by Representative Peck, congratulating Grace Irma Cook on her 85th birthday;

Request No. 98, by Representative Goodman, commending Davis and Debbie Moulden and their daughter, Hope Hundley, recognizing 156 years of family ownership and operation of Davis Funeral Chapel, Leavenworth, Kansas;

Request No. 99, by Representative Fawcett, congratulating C. W. Bill Crites and Mary L. Crites on celebrating their 65th wedding anniversary on March 1, 2011;

Request No. 100, by Representative Phelps, commending Hays Police Chief Jim Brown on his retirement after serving 32 years;

Request No. 101, by Representative Kiegerl, commending Blake R. Phelps on receiving a national award from Boy Scouts of America;

Request No. 101, by Representative Kiegerl, commending Blake R. Phelps on receiving a national award from Boy Scouts of America;

Request No. 102, by Representative Schwartz, congratulating the Terry Henry Family for celebrating their Sesquicentennial year in farming in Riley County;

Request No. 103, by Representative Gonzales, congratulating Clayton and Sharon Williams on their 50th wedding anniversary;

Request No. 104, by Representative Mesa, congratulating Fred and Frances Medina on celebrating their 50th wedding anniversary;

Request No. 105, by Representative Goodman, commending Jerry Gerleman, Leavenworth's Unofficial Commissioner of Trash, for his many years of planning,

organizing, and running the annual Spring Clean-up volunteer project in Leavenworth; be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Siegfroid, the committee report was adopted.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 97** from the calendar under the heading General Orders and referral to Committee on Appropriations.

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

AFTERNOON SESSION

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

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 40** from the calendar under the heading General Orders and referral to Committee on Appropriations.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. B. Wolf, the House nonconcurrred in Senate amendments to **HB 2105** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Kiegerl, B. Wolf and S. Gatewood as conferees on the part of the House.

On motion of Rep. Huebert, the House nonconcurrred in Senate amendments to **HB 2119** and asked for a conference.

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

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on the ruling of the Rules Chair on **SB 83** regarding the germane issue on the amendment offered by Rep. Kinzer. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Kinzer to amend on page 2, following line 30, by inserting:

"New Sec. 2. (a) On and after July 1, 2011, any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court pursuant to K.S.A. 20-3002, and amendments thereto, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office pursuant to K.S.A. 20-3006, and amendments thereto,

or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate.

(b) Whenever a vacancy occurs, will occur or position opens on the court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(c) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the president of the senate shall convene the senate for the sole purpose of voting on such appointment and no other action shall be in order during such session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this section. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the 60-day time limitation, the senate shall be deemed to have given consent to such appointment.

(d) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005, prior to its repeal, and this section, shall commence the duties of office upon appointment and consent, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.

(e) Any person appointed shall be a person of recognized integrity, character, ability, experience and judicial temperament, to the end that persons serving as judges of the court of appeals will be the best qualified therefor.

Sec. 3. K.S.A. 2010 Supp. 20-3002 is hereby amended to read as follows: 20-3002. (a) On and after January 1, 2008, through December 31, 2011, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, 2012, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

(b) Judges of the court of appeals shall be ~~selected~~appointed in the manner provided by ~~K.S.A. 20-3003 through 20-3010~~section 2, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.

Sec. 4. K.S.A. 20-3006 is hereby amended to read as follows: 20-3006. ~~(a) Persons~~

~~who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005 and amendments thereto shall commence the duties of office upon appointment, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals.~~

~~—(b)(1)(a) Not~~For judges of the court of appeals holding office on June 30, 2011, ~~Not~~ less than 60 days prior to the holding of the general election next preceding the expiration of the term of any such judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall _____ (Here insert name of judge.) _____, Judge of the Court of Appeals, be retained in office?"

~~—(2)(b)~~ If a majority of those voting on the question votes against retaining the judge in office, the position which the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for a term of four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge ~~holding office on June 30, 2011~~ shall be eligible for retention in office by election in the manner prescribed in this section.

~~—(3)(c)~~ If a majority of those voting on the question votes against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.

~~—(4)(d)~~ Election laws applicable to the general election of other state officers shall apply to elections upon the question of retention of judges of the court of appeals pursuant to this section, to the extent that they are not in conflict with and are consistent with the provisions of this ~~act~~ section.

Sec. 5. K.S.A. 20-3010 is hereby amended to read as follows: 20-3010. (a) Any person appointed to the office of judge of the court of appeals pursuant to K.S.A. 20-3009 shall commence upon the duties of his or her office on the date such appointment takes effect, and any person so appointed shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. Any such judge who is so appointed to fill a vacancy or appointed by reason of the expiration of a term of office, shall serve until the second Monday in January following the next general election which occurs after one year in office and shall be eligible to ~~succeed himself or herself~~ be retained in office for a full term of four (4) years as provided in K.S.A. 20-3006, and amendments thereto, for the retention of judges first appointed to the court of appeals.

(b) If a majority of the votes cast and counted at such election is in favor of retaining such judge in office, ~~he or she~~ the judge shall remain in office for a regular term of four years from the second Monday in January next following such election. Thereafter, such judge shall be subject to retention in office as provided in K.S.A. 20-

3006, and amendments thereto. If a majority of the votes cast and counted at such election is against retaining such judge in office, such judge's position on the court of appeals shall become vacant on the second Monday in January next following the election, and a successor shall be appointed pursuant to ~~K.S.A. 20-3007, 20-3008 and 20-3009~~ section 2, and amendments thereto. If such judge does not declare ~~his or her~~ such judge's candidacy for election to ~~succeed himself or herself~~ be retained in office, such judge's position on the court of appeals shall be vacant on the second Monday in January next following such election.";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 31, by striking "is" and inserting ", 20-3004, 20-3005, 20-3006, 20-3007, 20-3008, 20-3009 and 20-3010 and K.S.A. 2010 Supp. 20-3002 are";

On page 1, in the title, in line 1, following "retirants;" by inserting "relating to the appointments of court of appeals judge;"; in line 2, by striking "and repealing the existing section" and inserting ", 20-3006 and 20-3010 and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009";

Roll call was demanded.

On roll call, the vote was: Yeas 64; Nays 51; Present but not voting: 0; Absent or not voting: 10.

Yeas: Arpke, Aurand, Billinger, Boman, Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Bollier, Bowers, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bruchman, Fund, S. Gatewood, Goico, Gonzalez, Lane, Mesa, Peck, Ruiz, Tyson.

The motion of Rep. Kinzer prevailed; and **SB 83** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2333** be adopted; also, roll call was demanded on motion of Rep. Flaharty to amend on page 1, by striking all in lines 31 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

On page 9, by striking all in lines 12 through 21;

And by renumbering sections accordingly;

On page 11, in line 38, by striking "K.S.A. 74-4915 and"; also in line 38, by striking the last comma; in line 39, by striking "74-49,205";

On page 1, in the title, in line 3, by striking "benefits;"; in line 5, by striking "K.S.A. 74-4915 and"; also in line 5, by striking the last comma; in line 6, by striking "74-49,205";

On roll call, the vote was: Yeas 38; Nays 78; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burgess, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Gordon, Grant, Henderson, Henry, Kiegerl, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Peterson, Phelps, Prescott, Slattery, Sloan, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Bollier, Fund, S. Gatewood, Goico, Gonzalez, Mesa, Ruiz, Schwab.

The motion of Rep. Flaharty did not prevail.

Also, on motion of Rep. Suellentrop, **Sub. HB 2333** be amended on page 1, after line 8, by inserting:

"New Section 1. (a) The provisions of sections 1 through 18, and amendments thereto, shall be known and may be cited as the Kansas public employees retirement system defined contribution act, and shall be effective on and after July 1, 2013.

(b) This act applies to any individual who is: (1) First hired on and after July 1, 2013, by a participating employer and who would otherwise qualify for membership in the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto; and (2) an inactive non-vested member of the Kansas public employees retirement system on June 30, 2013, and who returns to employment with a participating employer on and after July 1, 2013, and who would otherwise qualify for membership in the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto. The individuals described in this subsection are required to become members of the defined contribution plan established under section 3, and amendments thereto.

(c) This act does not apply to members of the Kansas police and firemen's retirement system, K.S.A. 74-4951 et seq., and amendments thereto, and the retirement system for judges, K.S.A. 20-2601 et seq., and amendments thereto.

New Sec. 2. Unless the context requires otherwise, terms that are used in this act have the meanings set forth for them in K.S.A. 74-4902, and amendments thereto, and the following definitions apply:

(a) "Act" means the provisions of section 1 et seq., and amendments thereto;

(b) "active DC plan member" means a DC plan member who is actively employed by a participating employer;

(c) “defined benefit plan” means the defined benefit plan for the Kansas public employees retirement system for KPERS;

(d) “DC plan member” means an individual who is required by section 1, and amendments thereto, to be a member of the defined contribution plan, and any individual who elects to transfer to the defined contribution plan under section 8, and amendments thereto. The term also includes any survivor or beneficiary of a DC plan member, who has a retirement account in the defined contribution plan;

(e) “optional retirement program” means the retirement plan established by the state board of regents under K.S.A. 74-4925, and amendments thereto.

(f) “plan” or “defined contribution plan” means the defined contribution retirement plan established by section 3, and amendments thereto.

New Sec. 3. (a) The board shall establish within the Kansas public employees retirement system a separate defined contribution plan in accordance with the provisions of this act. The plan must be established as a pension plan for the exclusive benefit of members and their beneficiaries and as a “qualified governmental plan” pursuant to sections 401(a) and 414(d) of the federal internal revenue code and its implementing regulations. Retirement accounts must be established for each DC plan member. Assets of the plan must be held in trust. The plan is established in addition to any retirement, pension, deferred compensation or other benefit plan administered by the state or a political subdivision.

(b) The board may contract for plan administration and use a competitive proposal process when contracting for consulting, educational, investment, recordkeeping or other services for the plan.

New Sec. 4. (a) The board has the powers and shall perform the duties regarding the defined contribution plan as provided in K.S.A. 74-4909, and amendments thereto, as applicable. The board may also exercise the powers and shall perform the duties provided in this act.

(b) The board shall adopt a plan document and reasonable and necessary policies and procedures, without the need for corresponding rules and regulations.

(c) The contract for administration of the defined contribution plan shall be awarded through a competitive proposal process.

New Sec. 5. (a) The board may establish an account within the defined contribution plan for paying the plan’s administrative expenses.

(b) The board may:

(1) Assess fees on DC plan member accounts to pay the reasonable administrative costs of the plan; and

(2) negotiate with a vendor or vendors for vendor reimbursement of board administrative expenses for the plan.

(c) All fees assessed must be fully disclosed to members and treated as public information.

(d) Costs for the board to secure investment advice, recordkeeping, contract oversight, educational materials for members, performance evaluations and other appropriate information and services, are included as part of the administrative expenses of the plan.

New Sec. 6. The statutory provisions governing the defined contribution plan are subject to amendment by the legislature. The board has the power to amend the plan document, policies and procedures, consistent with the statutory provisions governing

the defined contribution plan at the time of the amendment.

New Sec. 7. (a) This section shall not be implemented until the board has obtained approval from the federal internal revenue service. The board may implement the remainder of this act prior to implementation of this section. This section is severable from the remainder of this act and shall be repealed if the federal internal revenue service refuses to grant such approval or issues an adverse decision.

(b) Except as otherwise provided in this act, an active member of the defined benefit plan of the system on July 1, 2013, may elect to become a member of the defined contribution plan by making an election within a 90-day period established by the board.

(c) (1) Elections made pursuant to this section shall be made on a form and in a manner prescribed by the board.

(2) A defined benefit plan member failing to make an election prescribed by this section remains a member of the defined benefit plan.

(3) An election under this section, including the default election pursuant to subsection (c)(2), is a one-time irrevocable election.

(4) A member who makes an election to transfer to the defined contribution plan shall have such member's employee account balance as of the date of the transfer directly transferred to the defined contribution plan.

(5) A member who makes an election to transfer to the defined contribution plan shall have no rights of any nature in the defined benefit plan after the transfer.

(d) A member in either the defined benefit plan or the defined contribution plan who becomes inactive after an election under this section and who returns to active membership remains in the plan previously elected.

(e) A system member may not simultaneously be a member of the defined benefit plan and the defined contribution plan and shall be a member of either the defined benefit plan or the defined contribution plan. A period of service may not be credited in more than one retirement plan within the system.

(f) A member of the defined benefit plan who is subject to a domestic relations order or an execution or income-withholding order may not transfer to the defined contribution plan unless the order is modified to apply under the defined contribution plan.

(g) (1) A member of the defined benefit plan who is purchasing service credit through installment payments, either made directly to the board or pursuant to a payroll deduction agreement, may not transfer membership to the defined contribution plan unless the member first completes the contract for purchase of service credit.

(2) A member who files an election to transfer membership may make a lump-sum payment for up to the balance of the service credit remaining to be purchased prior to transferring, subject to the limitations of section 415 of the federal internal revenue code. The lump-sum payment, unless made by a rollover, shall be made with after-tax dollars.

(3) If a member who files an election to transfer membership fails to complete the contract for purchase of service credit by the end of the member's 90-day election window, the board shall terminate the service purchase contract and credit the member with the prorated amount of service credit purchased under the contract.

New Sec. 8. (a) If a member actively covered by the defined benefit plan on July 1, 2013, is employed by the state board of regents and has previously chosen under K.S.A.

74-4911, and amendments thereto, to be a member of the defined benefit plan that member shall not be eligible to elect the defined contribution plan pursuant to this section.

(b) If a member who is employed by the state board of regents and who is covered by the defined benefit plan on July 1, 2011, elects to remain in the defined benefit plan under section 7, and amendments thereto, and subsequently becomes eligible to make a choice between the defined benefit plan and the optional retirement plan under K.S.A. 74-4911, and amendments thereto, the member may only elect to remain in the defined benefit plan.

(c) If a member who is employed by the state board of regents who is covered by the defined contribution plan becomes eligible to make a choice between the defined contribution plan and the optional retirement plan under K.S.A. 74-4911, and amendments thereto, the member may elect to remain in the defined contribution plan or become a member of the optional retirement plan.

(d) Elections made pursuant to this section must be made on a form prescribed by the board and must be made within 90 days of the date of employment.

(e) An election under this section is a one-time irrevocable election.

(f) A member in either the defined contribution plan or the optional retirement program who becomes inactive after an election under this section and who returns to active membership remains in the plan previously elected.

(g) A regents employee in a position covered under the system may not simultaneously be a member of more than one retirement plan under this act, but must be a member of the defined benefit plan, the defined contribution plan, or the optional retirement program. The same period of service may not be credited in more than one retirement system or plan.

(h) An election to become a member of the optional retirement program pursuant to this section is a waiver of all rights and benefits under the Kansas public employees retirement system.

New Sec. 9. The board shall accept the rollover of contributions and the income on those contributions from another eligible retirement plan to the member's rollover account only to the extent allowed under applicable federal law.

New Sec. 10. (a) A DC plan member's mandatory contribution account includes the DC plan member's contributions and the income on those contributions and is vested from the date that the employee becomes a member of the plan.

(b) A DC plan member's employer contribution account includes the employer's contributions and the income on those contributions and is vested only when the member has a total of five years of participating service in the defined contribution plan.

(c) A DC plan member's rollover account includes the member's rollovers of contributions made pursuant to section 9, and amendments thereto, and income on those contributions and are vested from the date that the contribution is credited to the account.

(d) If the DC plan member's employer contribution account is not vested upon termination of plan membership, as provided in this section, the employer contributions and income are forfeited as provided in section 11, and amendments thereto.

New Sec. 11. (a) An active DC plan member shall contribute 6% of compensation to the defined contribution plan. These contributions shall be picked up by the employer

via a salary reduction as provided in section 414 (h)(2) of the federal internal revenue code.

(b) A DC plan member may not make voluntary contributions to the defined contribution plan.

(c) Subject to adjustment by the board as provided in section 12, and amendments thereto, an active DC plan member's employer shall contribute the following:

(1) Three percent of compensation to the active DC plan member's employer contribution account;

(2) a percentage of compensation, determined by the board under section 12, and amendments thereto, to the defined benefit plan as the plan funding rate as described in section 12, and amendments thereto;

(3) a percentage of compensation, determined by the board, must be allocated to the administrative account established by section 5, and amendments thereto; and

(4) a percentage of compensation, determined by the board, must be allocated to the death and long-term disability plan under K.S.A. 74-4927, and amendments thereto.

(d) Forfeitures of employer contributions and investment income on the employer contributions may not be used to increase a DC plan member's retirement account. The board shall allocate the forfeitures under section 10, and amendments thereto, to meet the plan's administrative expenses, including startup expenses.

New Sec. 12. (a) The board shall periodically review the sufficiency of the plan funding rate and shall adjust the amount of contributions under section 11, and amendments thereto, as specified in this section. The board shall collect and maintain the data necessary to comply with this section. The plan funding rate set in section 11, and amendments thereto, must be adjusted as provided in this section and the plan document to actuarially fund the defined benefit plan's unfunded liabilities and the change in the normal cost contribution rate that is the result of the DC plan member participation in the defined contribution plan.

(b) If the board determines that the plan funding rate should be increased or decreased, the plan funding rate under section 11, and amendments thereto, must be increased or decreased accordingly.

New Sec. 13. (a) The investment alternatives under the defined contribution plan may be the same as the investment alternatives under the Kansas public employees deferred compensation plan.

(b) The board shall from time to time review the suitability and management of investment alternatives and may change the alternatives to be offered. The board shall notify affected DC plan members of potential changes before any changes become effective.

(c) The board shall establish a default investment option for any DC plan member who does not have an effective investment direction. The board may utilize a balanced fund as the default investment fund.

(d) Assets within each member's accounts must be invested as directed by the member. However, the non-vested portion of the DC plan member's employer contribution account shall be invested in the board's default investment fund.

New Sec. 14. Except as provided in section 18, and amendments thereto, any time after termination of service, a DC plan member or the DC plan member's beneficiary may terminate plan membership by filing a written application with the board and removing the DC plan member's vested account balance from the plan through any

combination of the following payout options, each of which is subject to the provisions of the plan document and the federal internal revenue code and the applicable regulations of the internal revenue service:

- (a) A direct rollover to an eligible retirement plan;
- (b) a regular rollover to an eligible retirement plan;
- (c) a lump-sum distribution of the DC plan member's vested account balance; or
- (d) an optional form of distribution offered by the board under section 15, and amendments thereto.

New Sec. 15. (a) Subject to the provisions of the plan document, a DC plan member, after termination of service, may leave the DC plan member's vested account balance in the plan, and the DC plan member is eligible for a distribution as provided in this section.

(b) After termination of service and upon filing a written application with the board, a DC plan member may select any distribution option provided by the plan document.

(c) A DC plan member who is less than 70 ½ years of age who returns to service may not continue to receive a distribution under this section while actively employed in a covered position.

(d) The plan document shall provide that distributions must comply with the minimum distribution requirements established in the federal internal revenue code and applicable under K.S.A. 74-49,123, and amendments thereto.

(e) The plan document may specify minimum account balances for purposes of allowing benefit payment options and rollovers in accordance with federal law.

New Sec. 16. A DC plan member's beneficiary must be determined as provided in the defined benefit plan regulations. Upon filing a written application with the board after the death of a DC plan member, the DC plan member's beneficiary is entitled to the DC plan member's vested account balance.

New Sec. 17. Before termination of service, a DC plan member may not receive a refund of any portion of the DC plan member's vested account balance.

New Sec. 18. (a) For the purposes of providing the "insured death benefit" and "insured disability benefit" as prescribed in K.S.A. 74-4927, and amendments thereto, the term "member" as used in K.S.A. 74-4927, and amendments thereto, shall include those members of the Kansas public employees retirement system's defined contribution plan as defined in section 2, and amendments thereto.

(b) Each participating employer shall pay to the Kansas public employees retirement system in such manner as the board of trustees shall prescribe each payroll period an amount sufficient to pay the employer's contribution to the group insurance reserve as provided in subsection (c)(4) of section 11, and amendments thereto.

(c) Except as otherwise provided, in the event that a DC plan member as defined in section 2, and amendments thereto, becomes eligible for and begins to receive the insured disability benefit prescribed in K.S.A. 74-4927, and amendments thereto, the member's participating employer shall continue to make the contributions on behalf of such individual to the retirement plan as required under subsection (c)(1) of section 11, and amendments thereto, and shall also contribute to the retirement plan an amount equal to the individual's contribution required under subsection (a) of section 11, and amendments thereto, if the DC plan member is permanently and totally disabled as defined in section 72(m) of the federal internal revenue code. Commencing on and after

July 1, 2013, such contributions shall cease at the earlier of: (1) The date that the individual is no longer entitled to an insured disability benefit under K.S.A. 74-4927, and amendments thereto; or (2) the date that is five years after the date the individual becomes eligible for and begins to receive the insured disability benefit prescribed in K.S.A. 74-4927, and amendments thereto. For purposes of applying this subsection, compensation under section 11, and amendments thereto, means the individual's compensation at the time the individual became disabled as defined under the insured disability program prescribed in K.S.A. 74-4927, and amendments thereto.";

And by renumbering remaining sections accordingly;

Also on page 1, in the title, in line 2, after "thereunder;" by inserting "enacting the Kansas public employees retirement system defined contribution act, terms, conditions and requirements, and benefits and contributions; relating to"; and **Sub. HB 2333** be passed as amended.

Committee report to **SB 9** be adopted; and the bill be passed as amended.

SB 12, SB 24, SB 38 be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 6** be adopted; also, on motion of Rep. Colloton be amended on page 13, in line 11, after the period by inserting: "The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.";

On page 15, in line 29, after the period by inserting: "The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 72 consecutive hours' imprisonment.";

Also, on motion of Rep. Pauls, **H. Sub. for SB 6** be amended on page 7, in line 8, by striking all after "privileges"; in line 9, by striking all before "for"; also in line 9, before the semicolon by inserting "to driving only a motor vehicle equipped with an ignition interlock device";

On page 9, in line 41, by striking "(g)" and inserting "(f)";

On page 10, by striking all in lines 38 through 43;

On page 11, by striking all in lines 1 through 13; in line 14, by striking, "Except as provided in subsection (b),"

And redesignating remaining subsections accordingly;

On motion of Rep. K. Wolf to amend **H. Sub. for SB 6**, the motion did not prevail. Also, on motion of Rep. Kinzer to amend, the motion did not prevail; and the substitute bill be passed as amended.

On motion of Rep. Hayzlett, **SB 112** be amended on page 1, in line 11, by striking "shall" and inserting "may"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfried pursuant to House Rule 2311, **H. Sub. for SB 60; Sub. SB 50; HB 2386, SB 143, SB 83, SB 9, SB 112, SB 24, SB 38; H. Sub. for SB 6; SB 112** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 60, AN ACT concerning crimes, criminal punishment and procedure; relating to grand juries, relating to appeals; relating to community corrections; relating to house arrest; amending K.S.A. 22-3001 and 22-3601 and K.S.A. 2010 Supp. 12-4509, 22-2410, 75-5291 and 75-52,112 and sections 249-85 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, 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, Huebert, 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, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The substitute bill passed, as amended.

Sub. SB 50, AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2010 Supp. 12-5327, 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5303, 12-5305, 12-5306, 12-5307, 12-5308 and 12-5309 and K.S.A. 2010 Supp. 12-5301, 12-5302, 12-5304, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, 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, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, 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, 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: Grosserode, Landwehr, McLeland, Schwab.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The substitute bill passed, as amended.

HB 2386, AN ACT concerning animal shelters; amending K.S.A. 47-1731 and repealing the existing section, was considered on final action.

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, 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, Huebert, 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: Bollier, Fund.

The bill passed, as amended.

SB 143, AN ACT concerning postsecondary technical education; creating the postsecondary tiered technical education state aid act; amending K.S.A. 71-601, 71-620, 72-4480 and 72-6503 and repealing the existing sections; also repealing K.S.A. 71-613, 71-613a and 71-1706 and K.S.A. 2010 Supp. 72-4430, 72-4431 and 72-4432, was considered on final action.

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, 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, Huebert, 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: Bollier, Fund.

The bill passed, as amended.

SB 83, AN ACT concerning judges and justices; relating to the employment of retirees; amending K.S.A. 20-2622 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 57; Present but not voting: 0; Absent or not voting: 2.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Alford, Ballard, Bethell, Brookens, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grange, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

SB 9, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-228a, 60-235, 60-249, 60-260, 60-270, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a, was considered on final action.

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, 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, Huebert, 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: Bollier, Fund.

The bill passed, as amended.

SB 12, AN ACT concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, 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, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, 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, 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: Brunk, Kelly, Kiegerl, Knox, Proehl.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The bill passed.

SB 24, AN ACT concerning domestic relations; relating to recodification of certain domestic relations matters; amending K.S.A. 20-164, 20-165, 20-302b, 23-4,118, 60-1606, 60-1613 and 60-1620 and K.S.A. 2010 Supp. 12-5005, 60-1629 and 60-3107 and repealing the existing sections; also repealing K.S.A. 23-101, 23-201, 60-1608, 60-1611, 60-1612 and 60-1616 and K.S.A. 2010 Supp. 60-1610, was considered on final action.

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, 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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebl, 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: Bollier, Fund.

The bill passed.

SB 38, AN ACT concerning children; relating to permanency; priority of certain orders; amending K.S.A. 2010 Supp. 38-1116, 38-1121, 38-2201, 38-2203, 38-2262, 38-2284, 38-2304 and 60-1610 and repealing the existing sections, was considered on final action.

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, 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, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebl, 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: Bollier, Fund.

The bill passed.

H. Sub. for SB 6, 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, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy,

Collins, Colloton, Crum, Davis, DeGraaf, Denning, 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, Huebert, 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: Dillmore.

Present but not voting: None.

Absent or not voting: Bollier, Fund.

The substitute bill passed, as amended.

SB 112, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 58-3102, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 1; Absent or not voting: 2.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, 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, Huebert, Johnson, Kelly, Kerschen, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, 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: Arpke, Brunk, Carlson, Collins, Dillmore, Donohoe, M. Holmes, Howell, Kelley, Kinzer, Kleeb, Lane, O'Hara.

Present but not voting: Kiegerl.

Absent or not voting: Bollier, Fund.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 34** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 34," as follows:

"HOUSE Substitute for SENATE BILL NO. 34

By Committee on Federal and State Affairs

"AN ACT concerning abortion; regarding certain prohibitions on late-term and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-6710 and repealing the existing sections; also repealing K.S.A. 65-6713."; And the substitute bill be passed.

(**H. Sub. for SB 34** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 36** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 36," as follows:

"HOUSE Substitute for SENATE BILL NO. 36

By Committee on Federal and State Affairs

"AN ACT concerning abortion; relating to licensure of abortion clinics."; and the substitute bill be passed.

(**H. Sub. for SB 36** was thereupon introduced and read by title.)

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **H. Sub. for SB 176** from the calendar under the heading General Orders and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 14**, requests a conference and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 37**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 63**, requests a conference and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 101**, requests a conference and has appointed Senators Reitz, Brungardt and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 123**, requests a conference and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 124**, requests a conference and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 136**, requests a conference and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 170**, requests a conference and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 196**, requests a

conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 213**, requests a conference and has appointed Senators Umbarger., Marshall and Kultala as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 214**, requests a conference and has appointed Senators Ostmeyer, McGinn and Francisco as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 14**.

Speaker O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as conferees on the part of the House.

On motion of Rep.. Siegfroid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 37**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H. Sub for SB 63**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H. Sub for SB 101**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 123**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 124**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 136**.

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

On motion of Rep.. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 170**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 196**.

Speaker O'Neal thereupon appointed Reps. Carlson, Kleeb and Dillmore as conferees on the part of the House.

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 213**.

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

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 214**.

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwab, the House nonconcurrent in Senate amendments to **HB 2067** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Grant moved that **HB 2002** be withdrawn from Committee on Federal and State Affairs and be placed on the calendar under the order of business General Orders. Also, in accordance with House Rule 1503 (b), that the bill be changed to the first order of business on General Orders.

The Chief Clerk of the House Representatives is requested to read this motion and cause it to be printed in the calendar of March 28, 2011, under the order of business Consideration of Motions and House Resolutions Offered on a Previous Day as provided by House Rule 1309 (b) and 1503 (b).

REPORT ON ENGROSSED BILLS

HB 2336 reported correctly engrossed March 22, 2011.

HB 2028 reported correctly re-engrossed March 22, 2011.

Also, **Sub. HB 2221; Sub. HB 2340; HB 2392** correctly engrossed March 23, 2011.

HB 2060 reported correctly re-engrossed March 23, 2011.

REPORT ON ENROLLED RESOLUTIONS

HR 6012 reported correctly enrolled and properly signed on March 23, 2011.

On motion of Rep. Siegfroid, the House adjourned until 11:00 a.m., Monday, March 28, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

