

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 6, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Wagle was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

In state government only the Governor has the power to veto. But centuries ago
You exercised a veto with far more ramifications than the Governor's.

You vetoed hate and violence;
You vetoed sin and strife;
You vetoed greed and malice;
When Jesus gave His life.

But we are in your image,
Free will You've not denied,
And we still have within us
The power to override.

And it doesn't take much effort,
A lot less than two-thirds.
We can override Your veto
And never say a word.

A proud and stubborn silence
Will surely do the trick.
An absence of commitment
Will override real quick.

So, Lord, help us remember
For us the lamb was slain;
And faith will do our voting
Your veto to sustain.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 379, AN ACT concerning farm wineries; amending K.S.A. 2011 Supp. 41-308a and repealing the existing section, by Committee on Agriculture.

SB 380, AN ACT concerning wildlife; relating to crossbow hunting; amending K.S.A. 2011 Supp. 32-932 and repealing the existing section, by Committee on Natural Resources.

SB 381, AN ACT concerning alcoholic beverages; relating to sales of cereal malt beverage; relating to retailer licenses under the Kansas liquor control act; amending K.S.A. 41-308 and K.S.A. 2011 Supp. 41-102, 41-2703, 41-2704 and 41-2708 and repealing the existing sections; also repealing K.S.A. 41-103, by Senator Steineger.

SB 382, AN ACT concerning insurance; pertaining to the patient protection act; prohibiting the use of certain provisions in agreements; amending K.S.A. 40-4607 and repealing the existing section, by Committee on Federal and State Affairs.

SB 383, AN ACT concerning public utilities; relating to net metering; amending K.S.A. 2011 Supp. 66-1267 and repealing the existing section, by Committee on Utilities.

SB 384, AN ACT concerning the Kansas 911 act; definitions; terms of council members; fees, distribution; amending K.S.A. 2011 Supp. 12-5363, 12-5364 and 12-5374 and repealing the existing sections, by Committee on Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 377**.

Ethics and Elections: **SB 378**.

MESSAGE FROM THE GOVERNOR

February 6, 2012

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 41 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Following nearly a year long process of stakeholder input and studying Medicaid, Lieutenant Governor Jeff Colyer, M.D. and I announced a comprehensive plan to reform Medicaid to improve the health of vulnerable Kansans while transforming Medicaid into a program that will be sustainable for years to come. A crucial component in the reform plan is to more efficiently administer the state agencies that administer the Medicaid program.

When Dr. Colyer and I came into office, Medicaid was spread across four state agencies, service was highly fragmented, and communication between agencies was a challenge. Following this reorganization, major Medicaid agencies will be consolidated from four to two and each more closely aligned with their core mission. The Kansas Department of Health and Environment Division of Health Care Finance will consolidate the financing arm of Medicaid. The former Department on Aging will

become the Department for Aging and Disability Services, consolidating all disability waiver and mental health services from the Department of Social and Rehabilitation Services into one agency that will manage the programmatic functions of Medicaid. This reorganization will transform the Department of Social and Rehabilitation Services into the new Department for Children and Families which will focus, in a targeted way, on child and family welfare issues. The consolidations and transfers are summarized as follows:

1) The disability and behavioral health services section of the Kansas department for children and families as established by K.S.A. 75-3301, *et. seq.*; K.S.A. 75-5375, *et. seq.*; and other statutory and rule and regulation authority as set forth more fully in Executive Reorganization Order No. 41, is transferred to the Kansas department for aging and disability services.

2) All institutions, as defined by subsection (b) of K.S.A. 76-12a01 and the programs operated by such institutions shall be transferred from the Kansas department for children and families to the Kansas department for aging and disability services.

3) Parts of the health occupations credentialing program of the department of health and environment under the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011 along with other statutory and rule and regulation authority as set forth more fully in Executive Reorganization Order No. 41, shall be transferred to and shall be administered by the secretary for aging and disability services.

4) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, K.S.A. 39-970, and subsection (b) of K.S.A. 22-4707, shall be transferred from the department of health and environment to the Kansas department for aging and disability services.

5) The psychiatric residential treatment facility licensure program of the department of health and environment under K.S.A. 65-501 *et seq.* along with other statutory and rule and regulation authority as set forth more fully in Executive Reorganization Order No. 41, is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof.

Kansas is asking providers and consumers of Medicaid to change the way they do business to improve outcomes for the most vulnerable Kansans while managing costs. This reorganization will enhance the Administration's ability to serve those Kansans in an effective and efficient manner. I look forward to working with the Legislature to achieve these important goals for Kansans.

Sam Brownback
Governor

EXECUTIVE REORGANIZATION ORDER NO. 41

Section 1. The department on aging is hereby renamed the Kansas department for aging and disability services. Except as otherwise provided by this order, whenever the department on aging, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department for aging and disability services. Except as otherwise provided by this order, whenever the secretary of aging, or words of like effect, are referred to or designated by

any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary for aging and disability services.

Sec. 2. The department of social and rehabilitation services is hereby renamed the Kansas department for children and families. Whenever the department of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department for children and families. Except as otherwise provided by this order, whenever the secretary of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary for children and families.

Sec. 3. (a) The disability and behavioral health services section of the Kansas department for children and families is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof. The disability and behavioral health services section transferred to the Kansas department for aging and disability services by this order shall be administered by the secretary for aging and disability services.

The programs to be transferred by this section are:

(1) Mental health and substance abuse, serious emotionally disturbed, developmental disability, physical disability, traumatic brain injury, autism, technology assistance, and money-follows-the-person Medicaid waivers and programs;

(2) licensure and regulation of community mental health centers, as defined by K.S.A. 75-3307b, and amendments thereto;

(3) regulation of community developmental disability organizations, as defined by K.S.A. 75-3307b, and amendments thereto;

(4) licensure of private psychiatric hospitals, as defined by K.S.A. 75-3307b, and amendments thereto;

(5) licensure and regulation of facilities and providers of residential services, as defined by K.S.A. 75-3307b, and amendments thereto;

(6) licensure and regulation of providers of addiction and prevention services, as defined by K.S.A. 75-5375, *et. seq.*; and

(7) any other programs and related grants administered by the disability and behavioral health services section of the Kansas department for children and families prior to the effective date of this order.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for children and families pertaining to the disability and behavioral health services section transferred by this order, including that agency's designation as the Medicaid single state authority for substance abuse and for mental health, are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the Kansas department for children and families pertaining to the disability and behavioral health services section

transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the Kansas department for children and families in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 4. (a) All institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, and the programs operated by such institutions are hereby transferred from the Kansas department for children and families to the Kansas department for aging and disability services. All such institutions shall be administered by the secretary for aging and disability services.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for children and families pertaining to the programs and operation of the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the Kansas department for children and families pertaining to the programs and operation of institutions that are transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the Kansas department for children and families in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 5. (a) Whenever the Kansas department for children and families, the secretary for children and families, or words of like effect, is referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the Kansas department for aging and disability services from the Kansas department for children and families by this order, such reference or designation shall be deemed to apply to the Kansas department for aging and disability services or the secretary for aging and disability services.

(b) All rules and regulations, orders, and directives of the Kansas department for children and families, or the secretary for children and families, or words of like effect, which relate to the functions transferred by this order and which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the Kansas department for aging and disability services and the secretary for aging and disability services until revised, amended, revoked, or nullified pursuant to law.

(c) The secretary for aging and disability services shall determine the manner in which disability and behavioral health programs are organized within the Kansas department for aging and disability services.

(d) The secretary for aging and disability services shall determine the manner in which programs provided by the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are organized within the Kansas department for aging and disability services.

Sec. 6. (a) The secretary for aging and disability services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to disability and behavioral health functions and institution functions of the

Kansas department for aging and disability services.

(b) All officers and employees in the Kansas department for children and families who, immediately prior to the effective date of this order, were engaged in the exercise and performance of the powers, duties, and functions transferred by this order, and who are determined by the secretary for aging and disability services to be necessary for the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department for aging and disability services. In addition, all officers and employees who are determined jointly by the secretary for aging and disability services and the secretary for children and families to have been engaged in providing necessary administrative, technical or other support to the disability and behavioral health services section and to the institutions, as defined in subsection (b) of K.S.A. 76-12a01, and amendments thereto, immediately prior to the effective date of this order, are hereby transferred to the Kansas department for aging and disability services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary for aging and disability services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees who are transferred by this order to the Kansas department for aging and disability services shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas department for children and families prior to the date of transfer.

(d) Notwithstanding the effective date of this order, the provisions of this section prescribing the transfer of officers and employees from the Kansas department for children and families to the Kansas department for aging and disability services shall be administered so that the date of transfer of such personnel shall be the start of a payroll period.

Sec. 7. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department for children and families relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department for aging and disability services and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the Kansas department for aging and disability services under this order shall be assumed and paid by the Kansas department for aging and disability services.

(c) The problem gambling and addictions grant fund and all fees, grant funds, and loan repayment funds of the Kansas department for children and families dedicated to programs transferred by this order shall be transferred to the Kansas department for aging and disability services.

Sec. 8. (a) The following parts of the health occupations credentialing program of the department of health and environment under the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments thereto, shall be transferred to and shall be

administered by the secretary for aging and disability services:

(1) Licensure of adult care home administrators, as defined by subsection (c) of K.S.A. 65-3501, and amendments thereto;

(2) licensure of dietitians, as defined by subsection (f) of K.S.A. 65-5902, and amendments thereto;

(3) certification of residential care facility operators, as defined by subsection (a)(21) of K.S.A. 39-923, and amendments thereto;

(4) certification of activity directors, as defined by subsection (a) of K.A.R. 26-39-100 on the effective date of this order;

(5) certification of social service designees, as defined by subsection (ppp) of K.A.R. 26-39-100 on the effective date of this order;

(6) certification of nurse aides, as defined by subsection (pp) of K.A.R. 26-39-100 on the effective date of this order;

(7) certification of medication aides as defined by subsection (mm) of K.A.R. 26-39-100 on the effective date of this order;

(8) certification of home health aides as defined by subsection (d) of K.S.A. 65-5101, and amendments thereto; and

(9) maintenance of the Kansas nurse aide registry under subsection (c) of K.S.A. 39-936, and amendments thereto, and K.S.A. 39-1411, and amendments thereto.

(b) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, and amendments thereto, K.S.A. 39-970, and amendments thereto, and subsection (b) of K.S.A. 22-4707, and amendments thereto, is hereby transferred from the department of health and environment to the Kansas department for aging and disability services and shall be a part thereof.

(c) The licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry, and the criminal history record check program shall be administered by the secretary for aging and disability services. Nothing in this order shall change or diminish the authority of the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(d) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of health and environment pertaining to the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the Kansas nurse aide registry, and the criminal record check program transferred by this order are hereby transferred to and imposed upon the secretary for aging and disability services.

(e) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the department of health and environment pertaining to those portions of the health occupations credentialing program transferred by this order. Every act performed in the exercise of such

transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the department of health and environment in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 9. (a) The psychiatric residential treatment facility licensure program of the department of health and environment is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof. The psychiatric residential treatment facility licensure program shall be administered by the secretary for aging and disability services. As used in this section, "psychiatric residential treatment facility licensure program" means that portion of the licensure program of the department of health and environment under K.S.A. 65-501 *et seq.*, for licensure of child care facilities, as defined by subsection (c) of K.S.A. 65-503, and amendments thereto, that are psychiatric residential treatment facilities, as defined by subsection (k) of K.A.R. 28-4-1200 on the effective date of this order, and subsection (g)(3) of K.S.A. 72-8187, and amendments thereto.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of health and environment pertaining to the psychiatric residential treatment facility licensure program transferred by this order are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the department of health and environment pertaining to the psychiatric residential treatment facility licensure program transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the department of health and environment in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 10. (a) Whenever the department of health and environment, the secretary of health and environment, or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred from the department of health and environment to the Kansas department for aging and disability services by this order, such reference or designation shall be deemed to apply to the Kansas department for aging and disability services or the secretary for aging and disability services.

(b) All rules and regulations, orders, and directives of the department of health and environment which relate to the functions transferred to the Kansas department for aging and disability services by this order and which are in effect on the effective date of this order shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the Kansas department for aging and disability services until revised, amended, revoked, or nullified pursuant to law.

(c) The secretary for aging and disability services shall determine the manner in which the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry programs, and the criminal history record check program are organized within the

Kansas department for aging and disability services.

(d) The secretary for aging and disability services shall determine the manner in which the psychiatric residential treatment facility licensure program shall be organized within the Kansas department for aging and disability services.

Sec. 11. (a) The secretary for aging and disability services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to the licensure of adult care home administrators, the licensure of dieticians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the maintenance of the Kansas nurse aide registry programs, the criminal history record check program, and the psychiatric residential treatment facility licensure program of the Kansas department for aging and disability services.

(b) All officers and employees in the department of health and environment who, immediately prior to the effective date of this order, were engaged in the exercise and performance of the powers, duties, and functions transferred by this order, and who are determined by the secretary for aging and disability services to be necessary for the exercise and performance of such powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department for aging and disability services. In addition, all officers and employees who are determined jointly by the secretary for aging and disability services and the secretary of health and environment to have been engaged in providing necessary administrative, technical or other support to the transferred programs are hereby transferred to the Kansas department for aging and disability services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary for aging and disability services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees in the department of health and environment transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs, or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the department of health and environment prior to the date of transfer.

(d) Notwithstanding the effective date of this order, the provisions of this section prescribing the transfer of officers and employees from the department of health and environment to the Kansas department for aging and disability services shall be administered so that the date of transfer of such personnel shall be the start of a payroll period.

Sec. 12. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the department of health and environment relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department for aging and disability services and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who

are transferred to the Kansas department for aging and disability services under this order shall be assumed and paid by the Kansas department for aging and disability services.

(c) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds in the department of health and environment dedicated to programs transferred by this order shall be transferred to the Kansas department for aging and disability services.

Sec. 13. (a) The Kansas department for aging and disability services shall succeed to all property, property rights, and records which were used for or pertain to the performance of powers, duties, and functions transferred to it by this order. Any conflict as to the proper disposition of property, personnel, or records arising under this order shall be determined by the governor, whose decision shall be final.

(b) When any conflict arises as to any power, duty, or function resulting from any transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 14. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 15. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2012, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 6th day
of February 2012.

BY THE GOVERNOR:
Sam Brownback

KRIS W. KOBACH
Secretary of State of Kansas

ERIC RUCKER
Assistant Secretary of State of Kansas

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2456, HB 2471, HB 2502.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2456, HB 2471, HB 2502 were thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

SB 249, SB 258, SB 270, SB 272, SB 274, SB 279, SB 280, SB 289, SB 290, SB 291, SB 303 reported correctly engrossed February 3, 2012.

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **SB 102** be amended on page 1, in line 6, by striking "2010" and inserting "2011"; in line 10, by striking "\$500" and inserting "\$1,000"; in line 12, by striking "\$500" and inserting "\$1,000"; in line 15, by striking "\$50" and inserting "\$75"; in line 21, by striking "\$50" and inserting "\$75"; in line 30, by striking "2010" and inserting "2011";

On page 2, in line 35, by striking "\$720" and inserting "\$400"; in line 38, by striking "\$105" and inserting "\$70"; in line 41, by striking "\$60" and inserting "\$40";

On page 3, in line 4, by striking "\$720" and inserting "\$330"; in line 10, by striking "\$45" and inserting "\$80"; in line 16, by striking "2010" and inserting "2011";

On page 4, in line 5, by striking "\$105" and inserting "\$50"; in line 9, by striking "\$900" and inserting "\$400"; in line 14, by striking "\$795" and inserting "\$350"; in line 17, by striking "\$1,080" and inserting "\$450"; following line 33, by inserting:

"Sec. 4. K.S.A. 2011 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed ~~in both~~ with the office of the secretary of state. Reports filed by treasurers for candidates for state-wide office shall be filed electronically and only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

- (b) Each report required by this section shall state:
- (1) Cash on hand on the first day of the reporting period;
 - (2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of ~~\$50~~-\$100 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;
 - (3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;
 - (4) the aggregate amount of contributions for which the name and address of the contributor is not known;
 - (5) each contribution, rebate, refund or other receipt not otherwise listed;
 - (6) the total of all receipts;
 - (7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;
 - (8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;
 - (9) the aggregate of all expenditures not otherwise reported under this section; and
 - (10) the total of expenditures.
- (c) In addition to the requirements of subsection (b), every treasurer for any political committee and party committee shall report the following:
- (1) (A) The name and address of each candidate for state or local office for whom an expenditure in the form of an in-kind contribution has been made in an aggregate amount or having a fair market value in excess of \$300, with the amount, date and purpose of each. The report shall show in detail the specific service or product provided; and
 - (B) the name and address of each candidate for state or local office who is the subject of an expenditure which:
 - (i) Is made without the cooperation or consent of a candidate or candidate committee;
 - (ii) expressly advocates the nomination, election or defeat of such candidate; and
 - (iii) is an aggregate amount or having a fair market value in excess of \$300.
 - (2) The report shall state the amount, date and purpose of the expenditure in the form of an in-kind contribution. The report shall show in detail the specific service or product provided. The reporting requirements imposed by this subsection shall be in addition to all other requirements required by this section.
 - (d) Treasurers of candidates and of candidate committees shall itemize the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or

admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(e) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, a description of the connection to or affiliation with such organization. If, the committee is not connected or affiliated with any one organization, the report shall state the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(f) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions. The notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(g) The commission may require any treasurer to file a report for any period for which the required report is not on file. The notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(h) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(i) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(j) Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.

Sec. 5. K.S.A. 46-268 is hereby amended to read as follows: 46-268. (a) Except as otherwise provided in subsection (b), every lobbyist shall file with the secretary of state a report of employment and expenditures on a form and in the manner prescribed and provided by the commission. A report shall be filed on or before the ~~10th~~ 15th day of the months of February, March, April, May, September and January. Reports shall include all expenditures which are required to be reported under K.S.A. 46-269, and amendments thereto, or a statement that no expenditures in excess of \$100 were made for such purposes, during the preceding calendar month or months since the period for which the last report was filed.

(b) For any calendar year in which a lobbyist expects to expend an aggregate amount of less than \$100 for lobbying in each reporting period, a lobbyist shall file an affidavit of such intent with the secretary of state. Such lobbyist shall not be required to file the reports required under subsection (a) for the year for which such affidavit is filed ~~but shall file a report on or before January 10, which shall include all expenditures made in the preceding calendar year which are required to be reported under K.S.A. 46-269, and amendments thereto.~~ If in any reporting period a lobbyist filing such affidavit expends in excess of \$100 in reportable expenses, a report shall be filed for such period in the manner prescribed by subsection (a).

Sec. 6. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
 - (2) entertainment, gifts, honoraria or payments;
 - (3) mass media communications;
 - (4) recreation provided as hospitality;
 - (5) communications for the purpose of influencing legislative or executive action;
- and

(6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality and the amount expended on such gift, entertainment or hospitality and the date the expenditure was made.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

- (A) Meals, the provision of which is motivated by a personal or family relationship;
- (B) meals provided at public events in which the person is attending in an official capacity;

(C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person's official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

- (i) All members of the legislature or all members of either house of the legislature;

or

(ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) If all members of a legislative committee are invited to an event where a meal is provided, the aggregate amount of the event shall be reported.

~~(d)(e)~~ Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist. The primary sponsor or sponsors of the event shall itemize such expenditures.

~~(e)(f)~~ Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

~~(f)(g)~~ All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission."

And by renumbering sections accordingly;

Also on page 4, in line 34, by striking all before "are" and inserting "Sec. 7. K.S.A. 46-268 and 46-269 and K.S.A. 2011 Supp. 25-4119f, 25-4145, 25-4148 and 46-265";

On page 1, in the title, in line 1, after "amending" by inserting "K.S.A. 46-268 and 46-269 and"; in line 2, by striking "2010" and inserting "2011"; also in line 2, following "25-4145" by inserting ", 25-4148"; and the bill be passed as amended.

Also, **SB 309** be amended on page 2, in line 1, after "ad" by inserting "or I approve of this ad"; in line 11, after "ad" by inserting "or I approve of this ad"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 39** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 39," as follows:

"Substitute for SENATE BILL NO. 39

By Committee on Judiciary

"AN ACT concerning the Kansas offender registration act; relating to aggravated sex offenders; amending K.S.A. 2011 Supp. 22-4902, 22-4904 and 22-4913 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 22-4902a.";

And the substitute bill be passed.

Also, **HCR 5007**, as amended by House Committee, be adopted.

Committee on **Natural Resources** recommends **SB 316** be amended on page 39, in line 31, following the period by inserting "The wildlife and parks nonrestricted fund is hereby redesignated as the wildlife, parks and tourism nonrestricted fund."; in line 32, by striking "and parks" and inserting ", parks and tourism"; in line 36, by striking the second "and"; in line 37, by striking "parks" and inserting ", parks and tourism"; in line 38, by striking "and parks" and inserting ", parks and tourism"; in line 42, by striking "

On page 114, in line 9, by striking all following "the"; in line 10, by striking "fund-federal" and inserting "plant and animal disease and pest control fund"; and the bill be passed as amended.

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FEBRUARY 6, 2012

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Tuesday, February 7, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

