

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 20, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Heavenly Father, the days are growing longer and the sun is shining brighter as we get ever closer to the beauty and wonder of Spring. The flowers will bloom and remind us of all that is good and wonderful about your creation. Help us Lord never to forget that we are the stewards of your many gifts, the caretakers of what you have made. Forgive us when we lose track of the importance of that task, and make us mindful of your presence with us as we see and wonder at the world around us. In your holy name we pray, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 238, SB 239, SB 240.**
Education: **HB 2094.**
Public Health and Welfare: **Sub HB 2166.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2086.**
The House concurs in Senate amendments to **S Sub for HB 2022**, and requests return of the bill.
Announcing passage of **HB 2037, HB 2253,**
Announcing passage of **SB 85.**
Announcing passage of **Sub HB 2231.**
The House accedes to the request of the Senate for a conference on **SB 27** and has appointed Representatives Goico, Gonzalez and Meier as conferees on the part of the House.
The House accedes to the request of the Senate for a conference on **SB 128** and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.
The House accedes to the request of the Senate for a conference on **SB 168** and has

appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2037, HB 2086; Sub HB 2231; HB 2253 were thereupon introduced and read by title.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2012** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

A RESOLUTION recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with the Azerbaijani people.

WHEREAS, The Republic of Azerbaijan and the United States of America are long-standing allies, both dearly cherishing the universal values of freedom, democracy and human rights; and

WHEREAS, The State of Kansas and the Republic of Azerbaijan enjoy a strong, vibrant and mutually beneficial economic relationship with the prospect of further growth; and

WHEREAS, It is the custom of the State of Kansas to welcome all who come to our state, especially those who come in the interest of friendship and commerce; and

WHEREAS, It is the policy of the Kansas Senate to recognize the contributions of our allies and the value of maintaining beneficial relationships with the allies of the United States of America, including the contributions made by the Republic of Azerbaijan and the value of our positive relationship with this ally: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the many contributions made by the citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with Azerbaijan.

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the United States Speaker of the House of Representatives, the President of the United States Senate, the Secretary of State of the United States Department of State, the Kansas Congressional Delegation, Richard L. Morningstar, the United States Ambassador to the Republic of Azerbaijan and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1737** was adopted unanimously. The senators arose for a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 222, HB 2007, HB 2096, HB 2138, HB 2147, HB 2176, HB 2177, HB 2193 and **HB 2202** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 222, AN ACT concerning property taxation; relating to protesting payment of

taxes; loans by pooled money investment board to local taxing district; payment of refund of taxes; amending K.S.A. 2012 Supp. 79-2005 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2007, AN ACT concerning insurance holding companies; amending K.S.A. 40-3302, 40-3304, 40-3305, 40-3306, 40-3307, 40-3308, 40-3309, 40-3311 and 40-3311a and repealing the existing sections.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2096, AN ACT concerning local governing bodies; relating to investment of public moneys, conditions and limitations; amending K.S.A. 2012 Supp. 12-1675 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2138, AN ACT repealing K.S.A. 55-103, 55-104, 55-105, 55-106, 55-107, 55-108, 55-109, 55-301, 55-302, 55-303, 55-304, 55-305, 55-306, 55-307, 55-308, 55-309 and 55-310; concerning oil and gas.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2147, AN ACT repealing K.S.A. 68-422b, 68-1129, 68-1601, 68-1602, 68-1603, 68-1604, 68-1605, 68-1606, 68-1607, 68-1608, 68-1609, 68-1610, 68-1611, 68-1612

and 68-1613; relating to roads and bridges.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2176, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Eisenhower foundation license plate.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

HB 2177, AN ACT relating to motor carriers; concerning safety rules and regulations; certificates of convenience and necessity; transportation of certain materials; amending K.S.A. 66-1,129b and K.S.A. 2012 Supp. 8-2,127, 66-1,114b and 66-1,129 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2193, AN ACT concerning accessibility standards for public facilities; amending K.S.A. 58-1301b and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2202, AN ACT concerning transportation; relating to motor carrier regulations.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub for SB 165, AN ACT concerning property taxation; relating to authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed or substantially destroyed by calamity; certain agreements by board of county commissioners; payment of taxes; amending K.S.A. 2012 Supp. 79-1703 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

SB 203, AN ACT concerning intoxicating liquor; dealing with club and drinking establishments; amending K.S.A. 2012 Supp. 41-104 and 41-2640 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Bowers, Bruce, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wolf.

Nays: Apple, Arpke, Denning, Donovan, King, Knox, Love, Lynn, Masterson, McGinn, Petersen, Pyle, Tyson.

The bill passed, as amended.

Sub SB 214, AN ACT concerning bottle rockets; amending K.S.A. 31-155 and 31-156 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

SB 226, AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2009, AN ACT concerning the uniform act regulating traffic; relating to failure to comply with traffic citation; restricted driving privileges; amending K.S.A. 2012 Supp. 8-2110 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2041, AN ACT concerning criminal history record information; definition; relating to municipal court reporting; district court reporting; amending K.S.A. 2012 Supp. 12-4106, 22-4701 and 22-4704 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2044, AN ACT concerning crimes and punishment; relating to distribution of controlled substances causing death or great bodily harm, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2305, AN ACT concerning the Kansas storage tank act; relating to secondary containment of underground storage tanks; amending K.S.A. 2012 Supp. 65-34,102 and 65-34,103 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

Sub for SB 165, SB 203 reported correctly engrossed March 20, 2013.

REPORT OF ENROLLED BILLS

SR 1734, SR 1735, SR 1736 reported correctly enrolled, properly signed and presented to the Secretary of the Senate, on March 20, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2049**, as amended by House Committee, be amended on page 1, in line 31, by striking "2019" and inserting "2015";

On page 2, in line 1, by striking "2019" and inserting "2015";

On page 3, in line 4, by striking "2019" and inserting "2015";

On page 4, in line 14, by striking "2019" and inserting "2015"; in line 41, by striking "2019" and inserting "2015";

On page 5, in line 4, by striking "2019" and inserting "2015";

On page 6, in line 5, by striking "2019" and inserting "2015";

On page 7, in line 4, by striking "2019" and inserting "2015";

On page 8, in line 12, by striking "2019" and inserting "2015"; in line 18, by striking "2019" and inserting "2015"; in line 24, by striking "2019" and inserting "2015"; in line 32, by striking "2019" and inserting "2015"; in line 40, by striking "2019" and inserting "2015";

On page 9, in line 4, by striking "2019" and inserting "2015"; in line 37, by striking "2019" and inserting "2015";

On page 10, in line 3, by striking "2019" and inserting "2015"; in line 9, by striking "2019" and inserting "2015"; in line 17, by striking "2019" and inserting "2015"; in line 27, by striking "2019" and inserting "2015"; in line 37, by striking "2019" and inserting "2015";

On page 11, in line 3, by striking "2019" and inserting "2015";

On page 12, in line 28, by striking "2019" and inserting "2015";

On page 13, in line 17, by striking "2019" and inserting "2015";

On page 14, in line 37, by striking "2019" and inserting "2015";

On page 15, in line 36, by striking "2019" and inserting "2015";

On page 16, in line 25, by striking "2019" and inserting "2015";

On page 18, in line 16, by striking "2019" and inserting "2015"; in line 27, by striking "2019" and inserting "2015"; in line 32, by striking "2019" and inserting "2015";

On page 19, in line 5, by striking "2019" and inserting "2015"; in line 25, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of"; in line 27, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of";

On page 20, in line 41, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of"; in line 43, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 232** be passed.

Also, **SB 72** be amended on page 5, by striking all in lines 37 through 43;

By striking all on pages 6 through 10;

On page 11, by striking all in lines 1 through 11; in line 12, by striking "and 79-3603 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and sales"; in line 2, by striking "and 79-"; in line 3, by striking "3603"; also in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

SB 212 be amended on page 1, in line 17, by striking "to recycle,."; in line 18, by striking "store, transport or use" and inserting "primarily for the purpose of recycling"; also in line 18, after the period, by inserting "Produced water recycling, storage and transportation equipment shall not include any such equipment used primarily in the production of oil and natural gas."; in line 31, by striking "25%" and inserting "20%"; in line 32, by striking "\$250,000,000" and inserting "\$100,000,000"; in line 34, by striking "\$250,000,000" and inserting "\$100,000,000";

On page 3, by striking all in lines 32 through 43;

On page 4, by striking all in lines 1 through 5;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and deductions"; in line 2, after "recycling" by inserting a comma; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2179**, as amended by House Committee, be passed.

Committee on **Ethics, Elections and Local Government** recommends **HB 2118** be amended on page 1, in line 24, by striking "an" and inserting "a"; and the bill be passed as amended.

Also, **HB 2249**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 18 through 36;

On page 2, by striking all in lines 1 through 40;

And renumbering sections accordingly;

Also on page 2, in line 41, by striking "19-3631 and K.S.A."; also in line 41, by striking "are" and inserting "is";

On page 1, in the title, in line 1, before "fire" by inserting "city annexation of"; in line 2, by striking all before the semicolon and inserting "district lands and taxation"; also in line 2, by striking "K.S.A. 19-3631 and"; in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2033** be passed.

Also, **HB 2212** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2014**, as amended by House Committee, be passed.

Also, **HB 2217**, as amended by House Committee of the Whole, be passed.

HB 2093 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2093," as follows:

"Senate Substitute for HOUSE BILL NO. 2093

By Committee on Judiciary

"AN ACT concerning the Kansas consumer protection act; relating to unconscionable acts or practices.";

And the substitute bill be passed.

HB 2015 be amended on page 1, following line 15, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 23-2704 is hereby amended to read as follows: 23-2704. (a) *Verification of petition*. The truth of the allegations of any petition under this article must be verified by the petitioner in person or by the guardian of an incapacitated person.

(b) *Captions*. All pleadings shall be captioned, "In the matter of the marriage of _____ and _____." In the caption, the name of the petitioner shall appear first and the name of the respondent shall appear second, but the respective parties shall not be designated as such.

(c) *Contents of petition*. The grounds for divorce, annulment or separate maintenance shall be alleged as nearly as possible in the general language of the statute, without detailed statement of facts. If there are minor children of the marriage, the petition shall state their names and dates of birth and shall contain, or be accompanied by an affidavit which contains, the information required by K.S.A. 2012 Supp. 23-37,209, and amendments thereto.

(d) *Bill of particulars*. The opposing party may demand a statement of the facts which shall be furnished in the form of a bill of particulars. The facts stated in the bill of particulars shall be the specific facts upon which the action shall be tried. If interrogatories have been served on or a deposition taken of the party from whom the bill of particulars is demanded, the court in its discretion may refuse to grant the demand for a bill of particulars. A copy of the bill of particulars shall be delivered to the judge. The bill of particulars shall not be filed with the clerk of the court or become a part of the record except on appeal, and then only when the issue to be reviewed relates to the facts stated in the bill of particulars. The bill of particulars shall be destroyed by the district judge unless an appeal is taken, in which case the bill of particulars shall be destroyed upon receipt of the final order from the appellate court.

(e) *Service of process*. Service of process shall be made in the manner provided in article ~~27~~ 3 of chapter ~~23~~ 60 of the Kansas Statutes Annotated, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 1, in line 16, by striking "is" and inserting "and 23-2704 are";

Also on page 1, in the title, in line 1, after "property;" by inserting "dissolution of marriage; service of process;"; in line 2, after "23-2601" by inserting "and 23-2704"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2203, as amended by House Committee, be amended on page 3, in line 4, by striking "person" and inserting "adult"; and the bill be passed as amended.

HB 2204, as amended by House Committee, be amended on page 2, in line 24, by striking "who has a claim"; by striking all in line 25; in line 26, by striking "and such" and inserting "whose"; and the bill be passed as amended.

HB 2163; HB 2169 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2205, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2107**, as amended by House Committee, be amended on page 1, in line 6, before "Section" by inserting "New"; in line 9, before "Sec." by inserting "New"; in line 14, before "Sec." by inserting "New"; in line 27, before "Sec." by inserting "New";

On page 3, in line 37, by striking "seven" and inserting "five";

On page 4, following line 31, by inserting:

"Sec. 5. K.S.A. 40-2,112 is hereby amended to read as follows: 40-2,112. (a) In the event of an adverse underwriting decision the insurance company, health maintenance organization or agent responsible for the decision shall either provide the applicant, policyholder or individual proposed for coverage with the specific reason or reasons for the adverse underwriting decision in writing or advise such persons that upon written request they may receive the specific reason or reasons in writing.

(b) Upon receipt of a written request within 60 business days from the date of the mailing of notice or other communication of an adverse underwriting decision to an applicant, policyholder or individual proposed for coverage, the insurance company, health maintenance organization or agent shall furnish to such person within 21 business days of the receipt of such written request:

(1) The specific reason or reasons for the adverse underwriting decision, in writing, if such information was not initially furnished in writing pursuant to subsection (a); or

(2) if specific items of medical-record information are supplied by a health care institution or health care provider it shall be disclosed either directly to the individual about whom the information relates or to a health care provider designated by the individual and licensed to provide health care with respect to the condition to which the information relates, whichever the insurance company, health maintenance organization or agent prefers; and

(3) the names and addresses of the institutional sources that supplied the specific items of information given pursuant to subsection (b)(2) if the identity of any health care provider or health care institution is disclosed either directly to the individual or to the designated health care provider, whichever the insurance company, health maintenance organization or agent prefers.

(c) The obligations imposed by this section upon an insurance company, health maintenance organization or agent may be satisfied by another insurance company, health maintenance organization or agent authorized to act on its behalf.

(d) The company, health maintenance organization or the agent, whichever is in possession of the money, shall refund to the applicant or individual proposed for coverage, the difference between the payment and the earned premium, if any, in the event of a declination of insurance coverage, termination of insurance coverage, or any other adverse underwriting decision.

(1) If coverage is in effect, such refund shall accompany the notice of the adverse underwriting decision, ~~except such refund obligation shall not apply if:~~

~~(A) Material underwriting information requested by the application for coverage is clearly misstated or omitted and the company or health maintenance organization attempts to provide coverage based on the proper underwriting information; or~~

organization includes with the notice of the adverse underwriting decision an offer of coverage to an applicant for life insurance under a different policy or at an increased premium. If such a counter-offer is made by the insurer, the insured or the insured's legal representative shall have 10 business days after receipt thereof in which to notify the company or health maintenance organization of acceptance of the counter-offer, during which time coverage will be deemed to be in effect under the terms of the policy for which application has been made, but such coverage shall not extend beyond 30 calendar days following the date of issuance of the counter-offer by the insurance company or health maintenance organization. The insurance company or health maintenance organization shall promptly refund the premium upon notice of the insured's refusal to accept the counter-offer or upon expiration of such 30 calendar day period, whichever occurs first.

(2) If coverage is not in effect and payment therefor is in the possession of the company, health maintenance organization or the agent, the underwriting decision shall be made within 20 business days from receipt of the application by the agent unless the underwriting decision is dependent upon substantive information available only from an independent source. In such cases, the underwriting decision shall be made within 10 business days from receipt of the external information by the party that makes the decision. The refund shall accompany the notice of an adverse underwriting decision, or such refund may separately be returned in not more than 10 days from the date of such notice. The notice shall contain language indicating that any refund due will be returned in not more than 10 days from the date on such notice.

Sec. 6. K.S.A. 40-2,112 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "act" by inserting "; relating to adverse underwriting decisions; allowing return of premiums separate from notice; amending K.S.A. 40-2,112 and repealing the existing section"; and the bill be passed as amended.

Also, **HB 2339** be amended on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 and 3 and inserting the following:

"Section 1. K.S.A. 2012 Supp. 40-401 is hereby amended to read as follows: 40-401. Any 10 or more persons, a majority of whom are citizens of this state, may associate in accordance with the provisions of this code and form an incorporated company, upon either the stock or mutual plan, to make insurance upon the lives of persons and every insurance appertaining thereto or connected therewith and to grant, purchase or dispose of annuities, and to issue funding agreements, guaranteed investment contracts and synthetic guaranteed investment contracts. Such companies may incorporate: (a) In their policies provisions or conditions for the waiver of premiums or for the granting of an annuity to the insured, or for special surrender values or other benefits in the event the insured shall from any cause become unemployed or totally and permanently disabled; (b) in their policies provisions for acceleration of life or annuity benefits in advance of the time they would otherwise be payable subject to such reserve and other regulatory standards as the commissioner may prescribe by rules and regulations, except that any provision providing for acceleration of life or annuity benefits for persons diagnosed as having a medical condition usually requiring continuous confinement for the rest of the person's life in a nursing home or other eligible facility as defined in the policy, may also provide for acceleration of benefits upon diagnosis of such condition even if the person is not confined in a nursing

home or similar facility; (c) in their policies and annuity contracts provisions or conditions for waiver of surrender charges upon terms and conditions as specified in the policy or contract, subject to rules and regulations adopted by the commissioner of insurance; or (d) in their policies provisions for the payment of a larger sum if death is caused by accident than if it results from any other causes.

Prior to the payment of any accelerated benefit, the insurer shall receive from any assignee or irrevocable beneficiary of the policy a signed acknowledgment of concurrence for the payment. For the purposes of this section, "totally and permanently disabled" means disabled continuously for a period, such period to be specified in any such provision, of not less than 60 days nor more than one year, except this provision shall not apply to and specifically excludes group life insurance. Such company may make insurance on the health of individuals, against accidental personal injury, disablement or death and against loss, liability or expense on account thereof. Such company so transacting such health and accident insurance business, or either kind, shall maintain statutory and separate reserves for such business, shall issue such contracts only in separate policies except as otherwise permitted herein and shall make separate reports to the commissioner of insurance of the premiums received and expenses and losses incurred in connection with such business, except that such reports will not be required for accelerated benefits incorporated in a life or annuity policy. Long-term care insurance meeting the applicable requirements of K.S.A. 40-2227 and 40-2228, and amendments thereto, may be incorporated in life insurance policies and annuities if approved by the commissioner.

The business of life insurance in this state shall not be in any way conducted or transacted by any company which in this state makes insurance on marine, fire, inland or any other like risks, except that: (a) Life, health and accident insurance on the group or industrial plan may be combined in one policy, which shall show the premium charged for life insurance and the premium charged for health and accident insurance, and the insured, at the insured's option, may discontinue either and by payment of the stated premium continue the other; and (b) (1) specified disease or critical illness riders, or both, meeting the applicable requirements of K.S.A. 40-2201 et seq., and amendments thereto, and article 4 of the Kansas administrative regulations, may be incorporated in life insurance policies which shall show the premium charged for specified disease or critical illness, or both, insurance and the premium charged for life insurance; and (2) the insured, at the insured's option, may discontinue the disease or critical illness rider, or both, and continue the life insurance policy by payment of the stated premium. The amount of capital stock of a company organized on the stock plan shall be not less than \$600,000.

Companies organized on the mutual plan shall be required to have applications from at least 200 persons for insurance upon their lives, aggregating not less than \$400,000, upon which one full annual premium in cash shall have been paid. No such company shall transact any business of insurance until, if a stock company, all the capital stock named in its charter has been paid in cash including all contributions to surplus to be made by the original purchasers of such stock. The surplus shall be at least \$600,000, and at least \$400,000 in securities authorized by this code shall have been deposited with the commissioner of insurance pursuant to K.S.A. 40-229a, and amendments thereto, and if a mutual company, a guaranty fund of at least \$1,200,000, and at least \$400,000 of which shall be in securities as authorized in this code and deposited with

the commissioner of insurance pursuant to K.S.A. 40-229a, and amendments thereto. The guaranty fund may be returned to the contributors with interest at 6% per annum whenever the surplus shall equal the amount of such guaranty fund and interest, and no company shall transact any business of insurance unless it shall maintain the capital or surplus or both required of a company commencing to transact business, or, if a mutual company, the required number and amount of applications for insurance have been received and the annual premiums collected in cash. The securities deposited pursuant to this section shall be held by the commissioner of insurance in trust for the benefit and protection of the policyholders or creditors, or both, of the company depositing the same and may be withdrawn only upon order of the commissioner of insurance.

The commissioner of insurance may adopt rules and regulations to implement the provisions of this section.

Sec. 2. K.S.A. 2012 Supp. 40-401 is hereby repealed.

Sec. 3 This act shall take effect and be in force from and after its publication in the statute book.":

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3 and inserting "life insurance; providing for certain additional riders on life insurance policies; amending K.S.A. 2012 Supp. 40-401 and repealing the existing section."; and the bill be passed as amended.

HB 2099, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2312 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **HB 2154** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2154," as follows:

"Senate Substitute for HOUSE BILL NO. 2154

By Committee on Public Health and Welfare

"AN ACT concerning cosmetology; relating to licensure and renewal of persons, salons and clinics; amending K.S.A. 65-1904a and K.S.A. 2012 Supp. 65-1904b, 65-1905, 65-1943, 65-1945 and 65-1950 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Transportation** recommends **HB 2318**, as amended by House Committee, be amended on page 1, in line 14, after "headlamp" by inserting a comma; also in line 14, after "section" by inserting a comma; and the bill be passed as amended.

Also, **HB 2357** be amended on page 1, in line 6, by striking "northeastern"; also in line 6, by striking "limits"; in line 9, by striking "memorial"; in line 12, by striking "memorial";

On page 1, in the title, in line 2, by striking "memorial"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2139**, as amended by House Committee of the Whole, be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with

Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Recommended: **HB 2030** be passed.

Sub HB 2183 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Francisco to amend **Sub HB 2183** failed and the following amendment was rejected: , on page 2, following line 36, by inserting:

"(d) Nothing in this section shall be construed to authorize the isolation or quarantine of any person afflicted with or exposed to acquired immune deficiency syndrome or any causative agent thereof, because such disease is subject to the provisions of K.S.A. 65-6001 et seq., and amendments thereto."

HB 2319 be amended by the adoption of the committee amendments, and the bill be passed as amended.

An amendment was offered by Senator Denning. A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment not germane.

HB 2078 be amended by the adoption of the committee amendments, be further amended by motion of Senator Emler, on page 1, following line 5, by inserting:

"New Section 1. (a) For the purposes of this section:

(1) "Applicant" means a person who entered into military service and separated from such military service with an honorable discharge or a general discharge under honorable conditions;

(2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto; and

(3) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States.

(b) (1) Notwithstanding any other provision of law, upon presentation of complete application by an applicant with an honorable discharge for certification or licensure, a licensing body shall accept education, training or service completed in military service by the applicant towards any educational requirements for certification or licensure in this state if the applicant demonstrates to the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency.

(2) A licensing board under this section may accept education, training or service completed in military service towards any educational requirements for certification or licensure in this state if a person applicant was separated from military service with a general discharge under honorable conditions.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 2. K.S.A. 2012 Supp. 48-3406 is hereby amended to read as follows: 48-3406.

(a) For the purposes of this section:

(1) "Licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto;

(2) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States;

(3) "military service member" means a member who entered into military service and separated from such military service with an honorable discharge or a general discharge under honorable conditions; and

(4) "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.

(b) ~~Notwithstanding any other provision of law, any licensing body, as defined by K.S.A. 74-146, and amendments thereto, shall;~~

(1) ~~Upon submission of a complete application, issue a license to a nonresident military spouse, so that the nonresident military spouse may lawfully practice the person's occupation; and~~

(2) ~~upon submission of a complete application within six months following release from military service, issue a license to a military service member with an honorable discharge so that the military service member may lawfully practice the person's occupation.~~

~~(b)~~ (c) A military service member with an honorable discharge or nonresident military spouse shall receive a license under subsection ~~(a)~~(b) of this section:

(1) Pursuant to applicable licensure by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the profession license; or

(2) if the professional practice act does not have licensure by endorsement, reinstatement or reciprocity statutes, then, at the time of application, the military service member or nonresident military spouse:

(A) Holds a current license in another state, district or territory of the United States with licensure requirements that the licensing body determines are equivalent to those established by the licensing body of this state;

(B) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure denied or refused to practice an occupation for which the military service member or nonresident military spouse seeks licensure;

(C) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or licensing jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in a Kansas practice act;

(D) pays any fees required by the licensing body of this state; and

receiving such affidavit, the licensing body shall issue the license to the military service member or the nonresident military spouse on a probationary basis, but may revoke the license at any time if the information provided in the application is found to be false. Any probationary license issued under this section to a military service member or nonresident military spouse shall not exceed three months.

~~(d)~~ (d) Any person who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license may be required to complete such additional testing, training, mentoring, monitoring or education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice with reasonable skill and safety.

~~(e)~~ (e) A nonresident military spouse licensed under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure shall automatically cause the same revocation or suspension of such nonresident military spouse's license in Kansas. No hearing shall be granted to a nonresident licensee where the license is subject to such automatic revocation or suspension except for the purpose of establishing the fact of revocation or suspension of the nonresident military spouse's license by the nonresident military spouse's state of residence.

~~(e) For the purposes of this section, "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.~~

~~(f) In the event the licensing body determines that the license currently held by the military service member under subsection (c)(2)(A) is not equivalent to those issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the military service member to lawfully practice the person's occupation while completing any specific requirements that are required in this state for licensure that were not required in the state, district or territory of the United States in which the military service member was licensed or certified.~~

~~(g) A licensing board may grant certification, licensure or a temporary permit to any person who meets the requirements under this section but was separated from such military service with a general discharge under honorable conditions.~~

~~(h) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.~~

~~(i)~~ (i) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A 7-103, and amendments thereto.;

On page 5, in line 5, following "Supp." by inserting "48-3406,";

And by redesignating sections accordingly;

On page 1, in the title, in line 2, following "Supp." by inserting "48-3406," and HB 2078 be passed as further amended.

The committee report on **HB 2143** recommending a **S Sub for HB 2143** be adopted, and further amended by Senator Masterson: on page 25, in line 1, by subtracting \$450 from the dollar amount and by adjusting the dollar amount in line 1 accordingly;

On page 205, in line 28, by adding \$301,600 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 215, in line 24, by adding \$1,748 to the dollar amount and by adjusting the

dollar amount in line 24 accordingly;

On page 270, in line 27, by adding \$2,996 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 32, by adding \$2,996 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

On page 304, in line 22, by adding \$21,910 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 305, in line 5, by adding \$29,044 to the dollar amount and by adjusting the dollar amount in line 5 accordingly;

On page 412, in line 2, by adding 12.00 to the amount and by adjusting the amount in line 2 accordingly;

On page 428, in line 28, by subtracting \$65,000 from the dollar amount and by adjusting the dollar amount in line 28 accordingly; following line 28, by inserting:

"Hollenberg Station exterior siding preservation.....	\$35,000
Mine Creek exterior cleaning.....	\$30,000"

The amendment was adopted.

S Sub for HB 2143 be further amended by motion of Senator Denning: on page 151, in line 7, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 33, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

On page 499, in line 37, following the period, by inserting: "On and after July 1, 2013, through June 30, 2014, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Eight percent to the special county mineral production tax fund created under subsection (c); and (2) the remainder shall be credited to the state general fund."; in line 38, by striking "2013" and inserting "2014"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Bowers, Emler, Holmes, Knox, Love, McGinn, Ostmeyer, Powell.

The amendment was adopted.

S Sub for HB2143 be further amended by motion of Senator Kelly: on page 53, in line 1, by subtracting \$25,000 from the dollar amount and by adjusting the dollar amount in line 1 accordingly; following line 3, by inserting:

"(e) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000 from the Kansas endowment for youth fund to the sexually violent predator expense fund of the attorney general.";

And by relettering the remaining subsection accordingly;

On page 56, in line 26, by subtracting \$25,000 from the dollar amount and by adjusting the dollar amount in line 26 accordingly; following line 28, by inserting:

"(e) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000 from the Kansas endowment for youth fund

to the sexually violent predator expense fund of the attorney general.";

And by relettering the remaining subsections accordingly

The amendment was adopted.

S Sub for HB 2143 be further amended by motion of Senator Wolf: on page 233, following line 12, by inserting the following: "(k) On July 1, 2013, the director of accounts and reports shall transfer \$6,000,000 from the Kansas reads to succeed account and \$1,000,000 from the Kansas reads to succeed incentive account of the children's initiative fund of the Kansas department for children and families to the early childhood block grant account of the children's initiative fund of the Kansas department for children and families, if 2013 Senate Bill No. 169, or any other legislation which creates the Kansas reads to succeed act is not passed by the legislature during the 2013 regular session and enacted into law."

The amendment was adopted.

S Sub for HB 2143 be amended by motion of Senator Pyle: on page 414, following line 16, by inserting the following:

"Sec. 195. No state agency named in this or any other appropriation act of the 2013 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2013, 2014 and 2015, for the purpose of expanding eligibility for receipt of benefits under title XIX of the social security act, commonly known as medicaid, as provided for in the patient protection and affordable care act unless the legislature expressly consents to the expansion of medicaid services.";

And by renumbering the remaining sections accordingly

The amendment was adopted and **S Sub for HB 2143** be passed as further amended.

A motion by Senator Powell to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 205, in line 27, before the period by inserting the following: "*Provided further*, That the secretary for aging and disability services shall expend not less than \$3,000,000 in the mental health and retardation services aid and assistance account of the above agency for the purpose of providing services of the home and community based services of the I/DD waiver for individuals who are currently on a waiting list and are not receiving any services of the I/DD waiver"

A motion by Senator McGinn to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 152, in line 31, by adding \$275,000 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 36, by subtracting \$275,000 from the dollar amount and by adjusting the dollar amount in line 36 accordingly;

On page 158, in line 24, by adding \$275,000 to the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 32, by subtracting \$275,000 from the dollar amount and by adjusting the dollar amount in line 32 accordingly

A motion by Senator Francisco to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 81, in line 31, by adding \$5,706,052 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;

On page 83, in line 32, by adding \$5,497,318 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

On page 187, in line 42, by subtracting \$33,000,000 from the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 190, by striking lines 3 through 11; in line 25, by subtracting \$33,000,000

from the dollar amount and by adjusting the dollar amount in line 25 accordingly;

On page 192, by striking lines 17 through 25;

On page 207, in line 22, by adding \$5,000,000 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 218, in line 28, by adding \$10,000,000 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 220, in line 26, by adding \$5,000,000 to the dollar amount and by adjusting the dollar amount in line 26 accordingly;

On page 259, in line 17, by adding \$669,092 to the dollar amount and by adjusting the dollar amount in line 17 accordingly;

On page 264, in line 18, by adding \$2,064,358 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 270, in line 27, by adding \$363,927 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 32, by adding \$595,668 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

On page 274, in line 24, by adding \$299,665 to the dollar amount and by adjusting the dollar amount in line 24 accordingly;

On page 277, in line 29, by adding \$624,016 to the dollar amount and by adjusting the dollar amount in line 29 accordingly;

On page 281, in line 31, by adding \$700,426 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;

On page 286, in line 8, by adding \$2,740,920 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

On page 291, in line 3, by adding \$2,124,052 to the dollar amount and by adjusting the dollar amount in line 3 accordingly;

On page 296, in line 8, by adding \$1,405,492 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

On page 302, in line 7, by adding \$81,156 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 43, by adding \$1,900 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On page 303, in line 1, by adding \$21,318 to the dollar amount and by adjusting the dollar amount in line 1 accordingly; in line 12, by adding \$315,166 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 16, by adding \$5,930 to the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 20, by adding \$9,936 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 31, by adding \$3,506 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 35, by adding \$9,406 to the dollar amount and by adjusting the dollar amount in line 35 accordingly; in line 43, by adding \$36,926 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On page 304, in line 4, by adding \$17,418 to the dollar amount and by adjusting the dollar amount in line 4 accordingly; in line 8, by adding \$2,282 to the dollar amount and by adjusting the dollar amount in line 8 accordingly; in line 12, by adding \$8,346 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 16, by adding \$2,142 to the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 20, by adding \$226,264 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 21, by adding \$10,154 to the dollar amount and by adjusting the dollar amount in line 21 accordingly; in line 22, by adding

\$1,179,093 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 305, in line 5, by adding \$1,562,983 to the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 16, by adding \$1,694 to the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 17, by adding \$3,762 to the dollar amount and by adjusting the dollar amount in line 17 accordingly; in line 24, by adding \$1,522 to the dollar amount and by adjusting the dollar amount in line 24 accordingly;

On page 309, in line 40, by adding \$50,954 to the dollar amount and by adjusting the dollar amount in line 40 accordingly;

On page 310, in line 5, by adding \$3,586 to the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 9, by adding \$19,866 to the dollar amount and by adjusting the dollar amount in line 9 accordingly; in line 10, by adding \$10,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 318, in line 28, by adding \$500,000 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 319, in line 20, by adding \$2,199,800 to the dollar amount and by adjusting the dollar amount in line 20 accordingly;

On page 326, in line 7, by adding \$500,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 40, by adding \$2,199,800 to the dollar amount and by adjusting the dollar amount in line 40 accordingly

Upon the showing of five hands a roll call vote was requested:

On roll call, the vote was: Yeas 8; Nays 32; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The amendment failed.

Senator LaTurner offered an amendment on **S Sub for HB 2143** on page 238, in line 33, by subtracting \$17,040,336 from the dollar amount and by adjusting the dollar amount in line 33 accordingly; in line 37, by adding \$17,040,336 to the dollar amount and by adjusting the dollar amount in line 37 accordingly;

On page 482, after line 14, by inserting the following:

"Sec. 250. On July 1, 2013, K.S.A. 2012 Supp. 72-6415b is hereby amended to read as follows: 72-6415b. (a) School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget in an amount equal to at least 25% of the amount of the state financial aid determined for the district in the current school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(b) The provisions of this section shall not apply to any school district for school years 2013-2014 and 2014-2015.

Sec. 251. On July 1, 2013, K.S.A. 2012 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the

district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that: (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2012 Supp. 72-6415b, and amendments thereto, if any; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall: (1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year; (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in

the first year of the three-year period for which the district may levy a tax under authority of this subsection; (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection; and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.";

And by renumbering remaining sections accordingly;

On page 502, in line 29, following "55-193," by inserting "72-6415b, 72-6441,";

On page 1, in the title, in line 8, following "2010," by inserting "72-6415b, 72-6441,"

A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment was germane to the bill.

The motion by Senator LaTurner to amend **S Sub for HB 2143** failed.

Two motions offered by Senator McGinn were ruled not-in-order according to Joint Rule 6.

The following amendment by Senator McGinn on **S Sub for HB 2143** failed and the following amendment was rejected: on page 36, in line 10, by subtracting \$3,773,280 from the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 37, in line 19, before the period, by inserting "*And provided further*: That notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from this account for the purposes of paying the members of the legislature compensation for more than 30 days in the 2014 regular session";

On page 38, in line 25, after the colon by inserting "*Provided, however*, that such interim committee days shall not exceed 60 days in the aggregate:";

On page 207, in line 22, by adding \$3,773,280 to the dollar amount and by adjusting the dollar amount in line 22 accordingly

A motion by Senator LaTurner to amend **Senate Substitute for HB 2143** failed and the following amendment was rejected: on page 238, in line 33, by subtracting \$22,568,591 from the dollar amount and by adjusting the dollar amount in line 33 accordingly; in line 37, by adding \$22,568,591 to the dollar amount and by adjusting the dollar amount in line 37 accordingly;

On page 482, after line 14, by inserting the following:

"Sec. 250. On July 1, 2013, K.S.A. 2012 Supp. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a pupil shall be in attendance at the virtual school on: (1) A single school day on or before September 19 of each school year; and (2) on a single school day on or after September 20, but before October 4 of each school year.

(b) A school district which offers a virtual school shall determine the full-time equivalent enrollment of each pupil enrolled in the virtual school on September 20 of each school year as follows:

(1) Determine the number of hours the pupil was in attendance on a single school day on or before September 19 of each school year;

(2) determine the number of hours the pupil was in attendance on a single school day on or after September 20, but before October 4 of each school year;

(3) add the numbers obtained under paragraphs (1) and (2);

(4) divide the sum obtained under paragraph (3) by 12. The quotient is the full-time equivalent enrollment of the pupil.

(c) The school days on which a district determines the full-time equivalent enrollment of a pupil under paragraphs (1) and (2) of subsection (b) shall be the school days on which the pupil has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a pupil's on-line activity or entries in the pupil's virtual school journal or log of activities.

(d) (1) Subject to the availability of appropriations for virtual school state aid and within the limits of any such appropriations, each school year a school district which offers a virtual school shall be entitled to virtual school state aid.

(2) The state board of education shall determine the amount of virtual school state aid a school district is entitled to receive as follows:

(A) Multiply the full-time equivalent enrollment of the virtual school by an amount equal to 105% of the amount of base state aid per pupil;

(B) multiply the full-time equivalent enrollment of nonproficient at-risk pupils enrolled in an approved at-risk program offered by the virtual school, if any, by an amount equal to 25% of the amount of base state aid per pupil;

(C) add any amount determined under K.S.A. 2012 Supp. 72-3716, and amendments thereto; and

(D) add the amounts obtained under subparagraphs (A) through (C). The sum is the amount of the virtual school state aid to which the school district is entitled.

(3) There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. Moneys received as virtual school state aid shall be deposited in the general fund of the school district and transferred to the virtual school fund of the district. The expenses of a district directly attributable to virtual schools offered by a school district shall be paid from the virtual school fund. The cost of an advance placement course provided to a pupil described in subsection (d)(2)(D) shall be paid by the virtual school.

Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

Any unencumbered balance of moneys remaining in the virtual school fund of a school district on June 30, 2012, may be expended in the school year that immediately succeeds such date by the school district for general operating expenses of the school district as approved by the board of education.

In preparing the budget of such school district, the amounts credited to and the amount

on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(e) For the purposes of this section, a pupil enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school.

(f) The provisions of this section shall not apply to any school district for school years 2013-2014 and 2014-2015.

Sec. 251. On July 1, 2013, K.S.A. 2012 Supp. 72-3716 is hereby amended to read as follows: 72-3716. (a) As used in this section:

(1) "Pupil" means a pupil who is a resident of and enrolled, on a full-time basis, in a school district.

(2) "School district" means a school district which does not offer advanced placement courses and which is either more than 200 square miles in area or has an enrollment of at least 260 pupils and does not offer advance placement courses.

(b) If a pupil is enrolled in at least one advanced placement course provided by a virtual school, the school district offering the virtual school shall be paid an amount equal to 8% of the amount of base state aid per pupil for such pupil as additional virtual school state aid. Such state aid shall be paid in each semester in which a pupil is enrolled in at least one advanced placement course provided by a virtual school.

(c) The provisions of this section shall not apply to any school district for school years 2013-2014 and 2014-2015.":

And by renumbering the remaining sections accordingly;

On page 502, in line 29, following "55-193," by inserting "72-3715, 72-3716,";

On page 1, in the title, in line 8, following "2010," by inserting "72-3715, 72-3716,"

A motion by Senator Emler to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 451, by striking all in lines 13 through 40;

On page 452, by striking all in lines 7 through 22;

On page 454, following line 24, by inserting the following:

"(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State of Kansas lab fund	No limit
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Provided, Except as provided further, that all expenditures from the state of Kansas lab fund shall only be used for the purposes of paying expenses of the adjutant general incurred in preparation and execution of the agreement authorized by this proviso:

Provided further, That the adjutant general shall meet with the secretary of agriculture, the director of the Kansas bureau of investigation and the secretary of health and environment to establish and implement a design and locate a site for a laboratory in a secure location that can be used by the Kansas department of agriculture, the Kansas bureau of investigation and the department of health and environment for such agencies' laboratory purposes: *And provided further*, That the adjutant general is authorized to enter into an agreement for the design, construction, and equipment for such laboratory and parking and other related premises.

(c) On July 1, 2013, or as soon thereafter as moneys are available, notwithstanding the

provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,500,000 from the state highway fund of the department of transportation to the state of Kansas lab fund of the adjutant general."

Also on page 454, following line 37, by inserting the following:

"(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State of Kansas lab fund No limit

Provided, Except as provided further, that all expenditures from the state of Kansas lab fund shall only be used for the purposes of paying expenses of the adjutant general incurred in preparation and execution of the agreement authorized by this proviso:

Provided further, That the adjutant general shall meet with the secretary of agriculture, the director of the Kansas bureau of investigation and the secretary of health and environment to establish and implement a design and locate a site for a laboratory in a secure location that can be used by the Kansas department of agriculture, the Kansas bureau of investigation and the department of health and environment for such agencies' laboratory purposes: *And provided further*, That the adjutant general is authorized to enter into an agreement for the design, construction, and equipment for such laboratory and parking and other related premises."

A motion by Senator McGinn to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 233, following line 12, by inserting the following:

"(k) On July 1, 2013, the director of accounts and reports shall transfer \$4,629,484 from the Kansas reads to succeed account of the children's initiative fund of the Kansas department for children and families to the mental health and retardation services aid and assistance account of the state general fund of the Kansas department for aging and disability services, if 2013 Senate Bill No. 169, or any other legislation which creates the Kansas reads to succeed act is not passed by the legislature during the 2013 regular session and enacted into law.";

On page 237, following line 35, by inserting the following:

"(k) On July 1, 2014, the director of accounts and reports shall transfer \$4,629,484 from the Kansas reads to succeed account of the children's initiative fund of the Kansas department for children and families to the mental health and retardation services aid and assistance account of the state general fund of the Kansas department for aging and disability services, if 2013 Senate Bill No. 169, or any other legislation which creates the Kansas reads to succeed act is not passed by the legislature during the 2013 regular session and enacted into law."

Two motions by Senator McGinn to amend **S Sub for HB 2143** were withdrawn.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 21, 2013.

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*

