

# Journal of the House

FORTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 17, 2011, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Fund, Kiegerl and Schwab were excused on verified illness.

Reps. Mesa and Peterson were excused on excused absence by the Speaker.

Present later: Rep. Mesa.

Prayer by guest chaplain, Dr. Dave Depue, State Director, Capitol Commission, Topeka, guest of Rep. Calloway:

Father God, Your delegates initiated the practice of opening Congressional sessions with prayer in 1787. You have blessed this nation, this experiment in democracy, far beyond any other. Your leaders in this new State, called Kansas, born in adversity, have continued opening our Legislative sessions with prayer over these 150 years.

We pause from our busy agenda today to seek your inspiration and guidance in this most important work before us. We have House bills, Senate bills, Resolutions, Committee reports, and messages from the Governor, the Senate and communications from State officers. Now we must act and we need your grace.

Your Son, Jesus, taught that we could ask in his name and you would grant our request. We have done this in asking for wisdom, discernment and courage. It is evident that you have blessed those in this assembly with these attributes.

We have made many tough decisions. We have begun to exercise hard but necessary fiscal responsibility. We have remembered your commandments and have begun setting things right in social issues as well.

Now Lord, many in business and industry throughout the nation have noticed that Kansas has begun to put things in order!

Leaders and media in other states have taken notice that Kansas is on track to recovery! We are developing a model for other states to follow.

We strive to see the day when our barns will be filled with plenty and our vats overflow with new wine and we are thankful that you

have heard our prayer. Amen!

The Pledge of Allegiance was led by Rep. Meigs.

Kansas Trivia Question – The Picher Field which includes southeastern Kansas, was the world’s leading producer of what mineral before World War II?

Answer: Zinc

In celebration of St. Patrick's Day, former Senator Richard Gannon played “Dawning of the Day” on the bagpipes.

### **MESSAGES FROM THE SENATE**

The Senate nonconcur in House amendments to **SB 67**, requests a conference and has appointed Senators Huntington, V. Schmidt and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 77**, requests a conference and has appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

Also, announcing passage of **SB 51; Sub. SB 81; Sub. SB 92; SB 118; Sub. SB 138; SB 154, SB 201.**

Announcing passage of **HB 2001, HB 2023, HB 2029, HB 2030, HB 2038.**

Announcing passage of **HB 2027**, as amended; **HB 2028**, as amended; **HB 2105**, as amended; **HB 2151**, as amended.

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

The following Senate bills were thereupon introduced and read by title:

**SB 51; Sub. SB 81; Sub. SB 92; SB 118; Sub. SB 138; SB 154, SB 201.**

### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **SB 67**.

Speaker pro tem Vickrey thereupon appointed Reps. Schwab, Goico and Mah as conferees on the part of the House.

### **MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Billinger, **HR 6013**, A resolution in memory of Dr. Jim Morrison, was adopted.

Rep. Billinger introduced Dr. Morrison's wife, Karen; son Jeff and Rachelle Morrison, and their children, Jaden, Carter, Darias, Kennedy and Campbell; son Scott and Michelle Morrison and their children Jarrett, Jace and Jacob; and sister-in-law Laura Carr.

Speaker O'Neal presented Mrs. Morrison with a framed House certificate and thanked the family for sharing Dr. Morrison with the members of the House for 18 years.

**CONSENT CALENDAR**

No objection was made to **SB 15** appearing on the Consent Calendar for the second day.

No objection was made to **HCR 5020** appearing on the Consent Calendar for the third day. The resolution was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HCR 5020**, A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC), was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Mesa, Peterson, Schwab.

The resolution was adopted.

**HB 2357**, AN ACT creating the Arkansas river gaging fund, was considered on final action.

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

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

Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bethell, Landwehr.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, Mesa, Peterson, Schwab.

The bill passed, as amended.

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB 2175** and asked for a conference.

Speaker pro tem Vickrey thereupon appointed Reps. Burgess, Hayzlett and Trimmer as conferees on the part of the House.

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

### COMMITTEE OF THE WHOLE

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

Recommended that roll call was demanded on motion to recommend **HB 2091** favorably for passage.

On roll call, the vote was: Yeas 39; Nays 80; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Billinger, Boman, Brown, Brunk, Collins, DeGraaf, Donohoe, Fawcett, Garber, S. Gatewood, Gonzalez, Goodman, Gregory, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Knox, Landwehr, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Rhoades, Rubin, Scapa, Siegfried, Smith, Tyson, Weber.

Nays: Alford, Aurand, Ballard, Bethell, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Goico, Gordon, Grange, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Mosier, Moxley, O'Neal, Otto, Pauls, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Grant, Kiegerl, Mesa, Peterson, Schwab.

The motion to recommend **HB 2091** favorably for passage did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 1** be adopted; also, on motion of Rep. O'Hara to amend, Rep. Phelps requested the question be divided. Rep. O'Hara subsequently withdrew her amendment.

Also, roll call was demanded on motion of Rep. Burroughs to amend **H. Sub. for SB 1** on page 1, in line 36, by striking "and corporation";

On page 2, in line 5, after "each" by inserting "individual"; in line 8, by striking "or corporation"; also in line 8, after "any" by inserting "individual"; in line 16, by striking "and corporation"; in line 29, by striking "and corporation"; in line 31, by striking "and

corporation";

On page 3, in line 40, after "(e)" by inserting "Individual";

On roll call, the vote was: Yeas 41; Nays 73; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Brookens, Brown, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hildabrand, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Peck, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

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

Present but not voting: None.

Absent or not voting: Bethell, Fund, Goico, Huebert, Kelley, Kiegerl, Mesa, Peterson, Rhoades, Schwab, Sloan.

The motion of Rep. Burroughs did not prevail.

Also, roll call was demanded on motion of Rep. D. Gatewood to amend **H. Sub. for SB 1** on page 1, in line 35, by striking the period and inserting "and how much money in actual dollars, that increase represents. The first \$200,000,000 in increase under this section shall be used to pay state bonded indebtedness with the remainder to be used by the secretary to reduce individual and corporation income tax rates prescribed by K.S.A. 79-32,110, and amendments thereto. In any year where no increase is required to be used to pay state bonded indebtedness, the secretary shall,"; in line 36, by striking "the secretary shall";

On roll call, the vote was: Yeas 46; Nays 72; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bethell, Brookens, Burroughs, Carlin, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grange, Grant, Grosserode, Henderson, Henry, Hill, Hineman, Hoffman, Kerschen, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Phelps, Roth, Ruiz, Ryckman, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kinzer, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Scapa, Schroeder, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Huebert, Kiegerl, Peterson, Schwab, Shultz, Sloan.

The motion of Rep. D. Gatewood did not prevail.

Also, roll call was demanded on motion to recommend **H. Sub. for SB 1** favorably for passage.

On roll call, the vote was: Yeas 56; Nays 61; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Fawcett, Goico, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, Mosier, O'Neal, Osterman, Otto, Powell, Prescott, Rubin, Ryckman, Scapa, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Bowers, Brookens, Brown, Burroughs, Calloway, Carlin, Colloton, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Moxley, O'Brien, O'Hara, Patton, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, Huebert, Kiegerl, Peck, Peterson, Rhoades, Schwab, Shultz.

The motion to recommend **H. Sub. for SB 1** favorably for passage did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 196** be adopted; also, on motion of Rep. Mah to amend, Rep. Kleeb requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane. The question reverted back to the motion of Rep. Mah to amend on page 1, following line 11, by inserting:

"New Section. 1. (a) On and after January 1, 2012, all state agencies, departments, boards and commissions, counties or any municipality who is an employer shall enroll and actively participate in e-verify for verification of employment status of all employees whose employment commences after January 1, 2012.

(b) On and after January 1, 2012, no state agency, department, board, commission, county or municipality shall award a public works or purchase contract to a bidder, contractor or employer, nor shall a bidder, contractor or employer be eligible to bid for or receive a public works contract if such bidder, contractor or employer does not verify the employment eligibility of the employees of such bidder, contractor or employer through e-verify. A bidder, contractor or employer shall be responsible for ensuring that any subcontractor, which such bidder, contractor or employer contracts with for a public works or purchase contract, certifies the employment eligibility of the employees of such subcontractor through e-verify.

(c) Any bidder, contractor or employer who is found by the secretary to have violated this section shall be prohibited from being awarded, bidding on or otherwise attempting to obtain a public works or purchase contract for a period of two years commencing on the date of the secretary's final determination that such bidder, contractor or employer violated this section.

(d) Any person who believes a bidder, contractor or employer has violated any

provision of this section, may file a complaint with the secretary. Such complaint shall be in writing and signed by the individual filing the complaint. The secretary shall review and may investigate any such complaints. If, after an investigation, the secretary determines that a violation of this section has occurred, the secretary shall notify the bidder, contractor or employer who has been found to be in violation of this section that such bidder, contractor or employer has been found to be in violation of this section and shall be placed on the list of bidders, contractors and employers prohibited from being awarded public works or purchase contracts. Such bidder, contractor or employer shall be given an opportunity for a hearing in accordance with the Kansas administrative procedures act.

(e) The secretary shall create and maintain a list of all bidders, contractors and employers found by the secretary to be in violation of this section. Such bidders, contractors and employers shall remain on such list for the duration of the two-year period set forth in subsection (c). At the expiration of such two-year period, the bidder, contractor or employer shall be removed from the list. The secretary shall make the list readily available to municipalities in this state in such form and manner as prescribed by the secretary.

(f) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this section. Such rules and regulations shall be adopted on or before January 1, 2012.

(g) Nothing in this section shall be construed to require a bidder, contractor or employer to take any action that the bidder, contractor or employer believes in good faith would violate federal or state law.

(h) As used in this section, unless the context otherwise requires:

(1) "E-verify" means an electronic system as jointly administered by the United States department of homeland security and the social security administration or its successor program, pursuant to 8 U.S.C. § 1324a, which is used to verify the employment authorization of employees.

(2) "Employee" means any person who performs employment services for an employer pursuant to an employment relationship between the employee and the employer.

(3) "Employer" means any individual or type of organization that transacts business in this state and that employs one or more individuals who perform employment services in this state.

(4) "Municipality" shall have the same meaning ascribed thereto in K.S.A. 75-1117, and amendments thereto.

(5) "Secretary" means the secretary of the department of labor.";

And by renumbering the remaining sections accordingly;

On page 19, following line 38, by inserting:

"Sec. 17. K.S.A. 2010 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision

thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2010 Supp. 79-32,204 and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.



(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2010 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2010 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2010 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2010 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2010 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2010 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2010 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2010 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years commencing after December 31, 2010, the amount of any wages paid to the extent such amount is allowed as a deduction under the internal revenue code of 1986, as amended, by an employer who does not participate in e-verify, as defined in section 1, and amendments thereto, for verification of employment status.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 §§ U.S.C. 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual

development account under K.S.A. 2010 Supp. 74-50,201; et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2010 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xix) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted

gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xx) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

On page 53, in line 36, before "79-32,160a" by inserting "79-32,117,";  
On page 1, in the title, in line 5, before "amending" by inserting "e-verify, requirements, deductions,"; in line 7, after "74-50,213," by inserting "79-32,117,";

Roll call was demanded.

On roll call, the vote was: Yeas 39; Nays 76; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Brown, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Gregory, Henderson, Henry, Kelley, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Patton, Pauls, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Huebert, Kiegerl, Landwehr, Osterman, Peterson, Rhoades, Schwab, Sloan.

The motion of Rep. Mah did not prevail.

Also, on motion of Rep. Bethell to amend **H. Sub. for SB 196**, the motion did not prevail.

Also, on motion of Rep. Meier to amend **H. Sub. for SB 196**, Rep. Kleeb requested a ruling on the amendment being germane to the bill. Rep. Kleeb subsequently withdrew his request. The question reverted back to the motion of Rep. Meier and the bill be amended on page 5, following line 1, by inserting the following:

"New Sec. 4. (a) For all tax years commencing after December 31, 2011, each

Kansas state individual income tax return form shall contain a designation as follows:

Kansas Hometown Heroes Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, \_\_\_\_\_\$1, \_\_\_\_\_\$5, \_\_\_\_\_\$10 or \$\_\_\_\_\_.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas hometown heroes fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas hometown heroes fund which fund is hereby established in the state treasury. All moneys deposited in such fund shall be used solely for the purpose of funding the continued operations of the veteran services program of the Kansas commission on veterans affairs. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the Kansas commission on veterans affairs.";

And renumbering sections accordingly;

On page 1, in the title, in line 5, before "amending" by inserting "providing a checkoff for the Kansas hometown heroes fund;" ;

Also, on motion of Rep. S. Gatewood to amend **H. Sub. for SB 196**, the motion did not prevail. Also, on motion of Rep. Colloton to amend, the motion did not prevail.

Also, on motion of Rep. Meier, **H. Sub. for SB 196** be amended on page 18, in line 43, by striking "Leavenworth," and on page 19, in line 5, by striking "Leavenworth,"; and the substitute bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 152, SB 186, SB 188** be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 122** be amended on page 1, in line 9, by striking "or bed"; in line 10, by striking "Such projects include, but are not"; by striking all in lines 11 through 13; in line 29, after "projects" by inserting "for the expected life of the project and"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 214** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 214," as follows:

"HOUSE Substitute for SENATE BILL NO. 214

By Committee on Agriculture and Natural Resources

"AN ACT concerning water; related to water obstructions; related to groundwater management districts; amending K.S.A. 2010 Supp. 82a-301 and 82a-1021 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 214** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 63** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 63," as follows:

"HOUSE Substitute for SENATE BILL NO. SB 63  
By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, criminal procedure and punishment; relating to sexual exploitation of a child; relating to search incident to arrest; amending K.S.A. 22-2501 and section 74 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-3516."; and the substitute bill be passed.

**(H. Sub. for SB 63** was thereupon introduced and read by title.)

Committee on **Elections** recommends **SB 125** be amended on page 4, following line 12, by inserting:

"Sec. 2. K.S.A. 2-624 is hereby amended to read as follows: 2-624. (a) The governing body of each extension district shall be composed of four representatives from each county included in the extension district. At the conclusion of the terms of the members first appointed to membership on the governing body of the district, the four members representing each county in an extension district shall be elected in a county-wide election by the qualified electors of the county.

(b) At the conclusion of the terms of the members first appointed to membership on the governing body of the district, each member of the governing body shall hold office for a term of four years and until such member's successor is elected and qualified. Each such term of office shall commence on the date of receipt of certification of election by the member elected and shall continue until the member's successor is elected and qualified.

(c) (1) Except as otherwise provided in this act, an election to elect successors to members of the governing body whose terms are expiring shall be held on the first Tuesday in April in each odd-numbered year.

(2) Elections to choose members of the governing body of an extension district shall be conducted, the returns made and the results ascertained in the manner provided by law for general county elections except as otherwise provided by this act. Not later than ~~12:00~~ 12 noon of the Wednesday next following the Tuesday, ~~five~~ 10 weeks preceding the first Tuesday in April in odd-numbered years, each person desiring to be a candidate for membership on the governing body, in any election, shall file a declaration of candidacy with the county election officer of the county represented by the member of the governing body whose successor is to be elected, as a candidate in such election. The county election officer in making up the ballots and in placing the names thereon shall place the names on the ballots in alphabetical order.

(3) The county election officer of each county within the extension district shall appoint election boards as provided by law for other elections and shall designate places for holding the election. The county election officer shall cause to be ascertained the names of all persons within the district who are qualified electors, and shall furnish lists thereof to the judges of the election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper published in the county and posted in a conspicuous place in the office of the governing body at least five days before the holding thereof.

(4) All election expenses shall be paid by the extension district. Election officials shall receive the same compensation as provided under the general election laws.

~~(e)~~(d) Any vacancy in the membership of the governing body of an extension district shall be filled by appointment by the governing body for the unexpired term of

office. Each member so appointed shall be a resident of the county which was represented by the member creating the vacancy.

—~~(f)~~(e) The governing body of each extension district shall organize annually in July by electing from among its members a chairperson, vice-chairperson, secretary and treasurer.";

And by renumbering sections accordingly;

Also on page 4, in line 29, after "K.S.A." where it appears for the first time by inserting "2-624 and";

On page 1, in the title, in line 2, after "K.S.A." where it appears for the first time by inserting by inserting "2-624 and"; and the bill be passed as amended.

Committee on **Elections** recommends **SB127** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL NO. 127," as follows:

"HOUSE Substitute for Substitute for SENATE BILL NO. 127  
By Committee on Elections

AN ACT concerning elections; amending K.S.A. 25-2102 and 25-4153 and K.S.A. 2010 Supp. 25-2021, 25-2108a, 25-4148 and 71-1415 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for Sub. **SB 127** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2242** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2242," as follows:

"Substitute for HOUSE BILL NO. 2242  
By Committee on Federal and State Affairs

AN ACT concerning use of vital statistics; relating to death and unborn child death certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections."; and the substitute bill be passed.

(Sub. **HB 2242** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2337** be amended on page 3, in line 16, after "act." by inserting the following:

"(b) Either before or after formal charges have been filed, the secretary and the facility may enter into a stipulation which shall be binding upon the secretary and the facility entering into such stipulation and the secretary may enter its findings of fact and enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action authorized by this section, against the facility entering into such stipulation.

(c) The secretary may temporarily suspend or temporarily limit the license of any facility in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the secretary determines that there is cause to believe that grounds exist under this section for immediate action authorized by this section against the facility and that the facility's continuation in operation would constitute an imminent danger to the public health and safety.

(d) ";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 80** be amended on page 5, following line 30, by inserting:

"Sec. 3. K.S.A. 2010 Supp. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.

(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.

(3) A person who is not of good character and reputation in the community in which the person resides.

(4) A person who is not a citizen of the United States.

(5) A person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

(6) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(9) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b)(9) shall not apply in determining eligibility for a renewal license.

(10) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.



(e) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit which shall allow the permit holder to offer for sale, sell and serve cereal malt beverage for consumption on unpermitted premises, which may be open to the public, subject to the following:

(1) A special event retailers' permit shall specify the premises for which the permit is issued;

(2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;

(3) no more than four special event retailers' permits may be issued to any one applicant in a calendar year; and

(4) a special event retailers' permit shall not be transferable or assignable.

(f) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.;

And by renumbering the remaining sections accordingly;

Also, on page 5, in line 31, by striking "and" and inserting a comma; also in line 31, following "41-308b" by inserting "and 41-2703"; in line 33, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "relating to microbreweries;"; in line 2, by striking "and" where it appears for the first time and inserting a comma; also in line 2, following "41-308b" by inserting "and 41-2703"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 14** be amended on page 2, in line 43, by striking "In succeeding";

On page 3, by striking all in lines 1 through 6; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 76** be amended on page 3, following line 5, by inserting "(g) "Recognized by the board" means an action taken by the board at an open meeting to recognize letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials, consistent with the provisions of this act, which a physical therapist may appropriately use to designate or describe oneself and which shall be published in the official minutes of the board.;" and the bill be passed as amended.

Committee on **Insurance** recommends **SB 179** be passed

Committee on **Insurance** recommends **SB 85** be amended on page 4, by striking all in lines 34 through 36;

On page 5, by striking all in lines 25 through 32; in line 33, by striking "(c)" and inserting "(b)"; in line 38, by striking "(d)" and inserting "(c)"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 136** be amended on page 1, in line 12, after "automobile." by inserting "The provisions of this subsection shall not apply and a cause of action for noneconomic loss may be maintained if the court finds by clear and convincing evidence that the person bringing the cause of action did not knowingly at the time of the accident drive a motor vehicle that was without personal injury protection benefits coverage mandated by the Kansas automobile injury reparations act.;" in line 14, by striking "30" and inserting "45"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2314** be amended on page 1, in

line 13, by striking "Notwithstanding the provisions of K.S.A. 24-409 and 24-"; by striking all in lines 14 through 22 and inserting "Notwithstanding the provisions of K.S.A. 24-409 and 24-412, and amendments thereto, at the election of the board of directors of drainage district No. 2 of Finney county, Kansas, in 2013, one director shall be elected for a two-year term and two directors shall be elected for four-year terms. Prior to such election, the board of directors shall determine which board position shall have a term of two years and notify the county election officer. Election of directors thereafter shall be for four-year terms as provided in K.S.A. 24-409 and 24-412, and amendments thereto.";

On page 2, in line 13, by striking "Directors elected in any district in"; by striking all in lines 14 and 15; in line 17, by striking all after "elected"; in line 18, by striking "years" and inserting "as provided in K.S.A. 24-139a, and amendments thereto"; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 150** be amended on page 3, following line 35, by inserting:

"New Sec. 4. When land located outside a city is annexed by such city under K.S.A. 12-521 and 12-521a, and amendments thereto, any homestead rights attributable to such land prior to such annexation shall continue after annexation until such land is sold after annexation.

New Sec. 5. Except as provided in this section, no land shall be annexed pursuant to paragraphs (1), (4), (5) and (6) of subsection (a) of K.S.A. 12-520, and amendments thereto, if the board of county commissioners determines by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation that the proposed annexation will have an adverse effect on such county. The board of county commissioners shall deliver a copy of such resolution to the city. If the board of county commissioners fails to adopt such a resolution within the 30-day period, the annexation shall be deemed to have been approved by the board of county commissioners.

Sec. 6. K.S.A. 12-519 is hereby amended to read as follows: 12-519. As used in this act: (a) "Tract" means a single unit of real property under one ownership, outside the corporate limits of a city, which may be platted or unplatted, title to which is publicly or privately held by an owner as defined by subsection (c).

(b) "Land" means a part of a tract or one or more tracts.

(c) "Owner" means the one who has record title to a tract. In the event two or more persons have record title to a tract, "owner" shall be defined as follows:

(1) If joint tenants, "owner" means a majority of the number of joint tenants; (2) if tenants in common, "owner" means both a majority of the number of tenants in common and the holders of a majority of the undivided interests in the tract; (3) if the tract is held by a life tenant and a remainderman, "owner" means the life tenant; (4) if the tract is held by a tenant under a recorded lease providing for a lease term of 10 years or longer and a remainderman, "owner" means both such tenant and remainderman; (5) if one holds title to the surface and another holds title to the minerals, "owner" means the surface title holder.

(d) "Adjoins" means to lie upon or touch (1) the city boundary line; or (2) a highway, railway or watercourse which lies upon the city boundary line and separates such city and the land sought to be annexed by only the width of such highway, railway or watercourse.

(e) "Platted" means a tract or tracts mapped or drawn to scale, showing a division

or divisions thereof, which map or drawing is filed in the office of the register of deeds by the owner of such tract.

(f) "Land devoted to agricultural use" means land which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

(g) "*Qualified elector*" means any person registered to vote who resides within the area proposed to be annexed under the provisions of K.S.A. 12-521, and amendments thereto.

(h) "*Area proposed to be annexed*" means the area approved for annexation by the board of county commissioners under the provisions of K.S.A. 12-521, and amendments thereto.

~~(g)~~ (i) "Watercourse" means a natural or manmade course where water may flow on a regular or intermittent basis; a watercourse shall not include a natural or manmade lake, pond or other impoundment of five or more acres of surface area.

Sec. 7. K.S.A. 12-520b is hereby amended to read as follows: 12-520b. (a) The governing body of any city proposing to annex land under the provisions of K.S.A. 12-520, and amendments thereto, shall make plans for the extension of services to the area proposed to be annexed and shall, prior to the adoption of the resolution provided for in K.S.A. 12-520a, and amendments thereto, prepare a report setting forth such plans. The report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereof; and

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and the area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. Such plan shall include a timetable of the plans for extending each major municipal service to the area annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon

annexation and those services which may be provided upon petition of the landowners to create a benefit district.

*(b) A copy of the plan for extension of services shall be sent by certified mail not less than 10 days prior to the public hearing as provided in K.S.A. 12-520a, and amendments thereto, to the board of county commissioners.*

~~—(b)~~ (c) The preparation of a plan for the extension of services required by subsection (a) shall not be required for or as a prerequisite to the annexation of land of which all of the owners petition for or consent to such annexation in writing.

Sec. 8. K.S.A. 12-521 is hereby amended to read as follows: 12-521. (a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation. The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto; and

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. The plan shall include a timetable for the extension of major municipal services to the area proposed to be annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

*(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.*

~~—(b)~~ (c) The date fixed for the public hearing shall be not less than 60 nor more than

70 days following the date of the presentation of the petition requesting such hearing. Notice of the time and place of the hearing, together with a legal description of the land sought to be annexed and the names of the owners thereof, shall be published in a newspaper of general circulation in the city not less than one week and not more than two weeks preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by certified mail to each owner of the land proposed to be annexed not more than 10 days following the date of the presentation of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with such notice and a copy thereof mailed to the owner of the property with such notice.

The board for good cause shown may continue the hearing beyond the time specified in the notice without further publication.

—(e) (d) On the day set for hearing, the board of county commissioners shall hear testimony as to the advisability of such annexation, and a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed.

The action of the board of county commissioners shall be quasi-judicial in nature. The board of county commissioners shall consider the impact of approving or disapproving the annexation on the entire community involved, including the city and the land proposed to be annexed, in order to insure the orderly growth and development of the community. The board shall make specific written findings of fact and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed to be annexed, or to the owners of land in areas near or adjacent to the land proposed to be annexed or to the city if the annexation is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the annexation, the board's considerations shall include, but not be limited to, the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other public or private person, firm or corporation which may be affected thereby:

- (1) Extent to which any of the area is land devoted to agricultural use;
- (2) area of platted land relative to unplatted land;
- (3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
- (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;
- (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
- (6) the extent of business, commercial and industrial development in the area;
- (7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;
- (8) the proposed cost, extent and the necessity of governmental services to be

provided by the city proposing annexation and the plan and schedule to extend such services;

(9) tax impact upon property in the city and the area;

(10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;

(11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts;

(12) existing petitions for incorporation of the area as a new city or for the creation of a special district;

(13) likelihood of significant growth in the area and in adjacent areas during the next five years; and

(14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.

—~~(d)~~ (e) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board. When an order denying a petition or part thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.

(f) *Within 10 days following the rendering of the judgment of the board of county commissioners granting all or a part thereof of any annexation as provided in subsection (e), the city clerk shall certify to the county election officer a legal description and a map of the area outside the corporate limits of the city proposed to be annexed and the street addresses of all real estate located therein. If there are qualified voters residing in the area proposed to be annexed, then the county election officer shall conduct a mail ballot election under the provisions of K.S.A. 25-431 et seq., and amendments thereto, in the area proposed to be annexed within 60 days of such certification. If a majority of the qualified electors residing in the area proposed to be annexed and voting thereon approve the annexation, the city may annex the land by passage of an ordinance. If a majority of the qualified electors residing in the area proposed to be annexed and voting thereon reject the annexation, the lands shall not be annexed and the city may not propose the annexation of any such lands in the proposed area for at least four years from the date of the election, unless the proposed annexation is authorized by paragraphs (2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto.*

—~~(e)~~ (g) Any owner of land annexed pursuant to this section or the city aggrieved by the decision of the board of county commissioners may appeal the decision of the board to the district court of the same county in the manner and method set forth in K.S.A. 19-

223, and amendments thereto. Nothing in this subsection shall be construed as granting the owner of land in areas near or adjacent to land annexed pursuant to this section the right to appeal the decision of the board of county commissioners. Any city so appealing shall not be required to execute the bond prescribed therein.

Sec. 9. K.S.A. 12-531 is hereby amended to read as follows: 12-531. (a) ~~Five Three~~ years following the annexation of any land pursuant to K.S.A. 12-520 or 12-521, and amendments thereto, or, where there has been litigation relating to the annexation, ~~five~~ three years following the conclusion of such litigation, the board of county commissioners shall call a hearing to consider whether the city has provided the municipal services as provided in the timetable set forth in the plan in accordance with K.S.A. 12-520b or 12-521, and amendments thereto. The board of county commissioners shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The city; and (2) any landowner in the area subject to the service extension plan.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from the city and the landowner. After the hearing, the board shall make a finding as to whether or not the city has provided services in accordance with its service extension plan. If the board finds that the city has not provided services as provided in its service extension plan, the board shall notify the city and the landowner that such property may be deannexed, as provided in K.S.A. 12-532, and amendments thereto, if the services are not provided within  $\geq 1\frac{1}{2}$  years of the date of the board's findings.

*(c) If the board of county commissioners refuses to hold the hearing as required, any owner of land living in such area annexed may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.*

Sec. 10. K.S.A. 12-532 is hereby amended to read as follows: 12-532. (a) If, within  $\geq 1\frac{1}{2}$  years following the conclusion of the hearing required by K.S.A. 12-531, and amendments thereto, or, where there has been litigation relating to the hearing,  $\geq 1\frac{1}{2}$  years following the conclusion of such litigation, the city has not provided the municipal services as provided in the timetable set forth in the plan prepared in accordance with K.S.A. 12-520b or 12-521, and amendments thereto, the owner of such land may petition the board of county commissioners to exclude such land from the boundaries of the city. Within 10 days after receipt of the petition, the board shall schedule the matter for public hearing and shall give notice of the date, hour and place of the hearing to: (1) The owner; (2) the city; (3) the township into which the property, if deannexed, would be placed; and (4) the governing body of any fire district, sewer district, water district or other special district governments which have jurisdiction over territory adjacent to the area sought to be deannexed. The notice shall be sent by certified mail no less than 21 days before the date of the hearing.

(b) At the hearing, the board shall hear testimony as to the city's extension of municipal services, or lack thereof, from both the owner and representatives of the city. Except as provided by subsection (e), if the board finds after the hearing that the city has failed to provide the municipal services in accordance with the plan and consistent with the timetable therein, the board may enter an order excluding the land from the boundaries of the city. Any such order shall take effect in the same manner as provided

in K.S.A. 12-523, and amendments thereto, for the effective date of annexation ordinances. Such land shall not be annexed again for ~~one~~ three year years from the effective date of the order without the written consent of the owner of the land.

(c) The county clerk shall certify a copy of the order to the register of deeds of the county. The register of deeds shall record the order in the deed records of the county, and, at the expense of the ~~owner city~~, the register of deeds also shall record the order of exclusion on the margin of the recorded plat of such land, giving reference thereon to the page and book of records where the order is recorded in the register's office.

(d) Except as provided by this subsection, after the effective date of the order to exclude the land from the city, such land shall not be liable for any general taxes imposed by the city. Such land shall remain liable, however, for any taxes or special assessments levied by the city as are necessary to pay its proportionate share of the interest on and principal of such bonds or other indebtedness incurred by the city for improvements to the land which were approved by the city before the date on which the owner or owners filed a petition for the exclusion of the land from the city.

(e) The board shall not order exclusion of any land if:

(1) The service extension plan conditions the extension of certain improvements or services on the filing of a legally sufficient petition by the owners of the land for the creation of an improvement district and to levy special assessments therein to pay a portion of the costs of such improvements, and a sufficient petition has not been filed;

(2) since the annexation, the governing body of the city initiated the creation of an improvement or benefit district affecting such land to levy special assessments thereon to pay a portion of the costs of certain municipal improvements, and the formation of the district was blocked by the filing of a sufficient protest petition by some or all of the owners of any land in the proposed district;

(3) the exclusion would result in the land being completely surrounded by other tracts of land located within the city's boundaries; or

(4) the board finds the exclusion of the land would have an adverse impact on the health, safety and welfare of the residents of the city or such land.

(f) Any owner or the city aggrieved by the decision of the board may appeal the decision to the district court in the manner provided in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

(g) *If the board of county commissioners refuses to hold the hearing as required, any owner of land may bring an action under provisions of K.S.A. 60-1201 et seq., and amendments thereto, to compel the board to hold the hearing. The court, upon finding the hearing is required, shall award reasonable attorney fees and costs to the landowner.*

Sec. 11. K.S.A. 2010 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision; ~~and~~

(b) the secretary of state approves a written plan for conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the county election officer; ~~and~~

(c) the election is nonpartisan; ~~and~~



(d) the election is not one at which any candidate is elected, retained or recalled;  
~~and~~

(e) the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots; and

(f) the election is a question submitted election at which all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

- (1) Counties;
- (2) cities;
- (3) school districts, except in an election held pursuant to K.S.A. 72-7302 et seq., and amendments thereto;
- (4) townships;
- (5) benefit districts organized under K.S.A. 31-301, and amendments thereto;
- (6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;
- (7) combined sewer districts organized under K.S.A. 19-27,169, and amendments thereto;
- (8) community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;
- (9) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;
- (10) hospital districts;
- (11) improvement districts organized under K.S.A. 19-2753, and amendments thereto;
- (12) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;
- (13) sewage disposal districts organized under K.S.A. 19-27,140, and amendments thereto;
- (14) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto; ~~or~~
- (15) transportation development districts created pursuant to K.S.A. 2010 Supp. 12-17,140 et seq., and amendments thereto; ~~or~~
- (16) *any tract of land annexed pursuant to K.S.A. 15-521, and amendments thereto.*

Sec. 12. K.S.A. 60-2301 is hereby amended to read as follows: 60-2301. Except as provided in section 4, and amendments thereto, a homestead to the extent of 160 acres of farming land, or of one acre within the limits of an incorporated town or city, or a manufactured home or mobile home, occupied as a residence by the owner or by the family of the owner, or by both the owner and family thereof, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of ~~said~~ such premises, or for the erection of improvements thereon. The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife, when that relation exists.”;

And by renumbering sections accordingly;

On page 3, in line 36, after “K.S.A.”, by inserting “12-519, 12-520b, 12-521, 12-531,

12-532.”; also in line 36, by striking “and 15-124” and inserting “, 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432”; in line 38, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 1, by striking “incorporation” and inserting “boundaries”; in line 2, before “15-116”, by inserting “12-519, 12-520b, 12-521, 12-531, 12-532.”; also in line 2, by striking “and 15-124” and inserting “, 15-124 and 60-2301 and K.S.A. 2010 Supp. 25-432”; and the bill be passed as amended.

Committee on **Pensions and Benefits** recommends **HB 2333** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2333," as follows:

"Substitute for HOUSE BILL NO. 2333

By Committee on Pensions and Benefits

"AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; benefits; sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund; amending K.S.A. 74-4915 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205 and 75-6609 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2333** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 213** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 213," as follows:

"HOUSE Substitute for SENATE BILL NO. 213

By Committee on Transportation

AN ACT concerning motor vehicles; relating to safety belts; uniform act regulating traffic on highways; amending K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 213** was thereupon introduced and read by title.)

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

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

The following bill was thereupon introduced and read by title:

**HB 2393**, AN ACT concerning state employees; relating to abolishing longevity bonus; amending K.S.A. 2010 Supp. 75-5551 and repealing the existing section; also repealing K.S.A. 2010 Supp. 75-5541, by Committee on Appropriations.

## **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6017**—

By Committee on Transportation

A RESOLUTION urging the United States congress to repeal 23 U.S.C. § 127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic

needs of the state.

WHEREAS, The United States congress approved 23 U.S.C. § 127(d) on June 1, 1991, which froze the truck size and weight limits to those weights and lengths that were being operated at such time; and

WHEREAS, Operation of more productive vehicles has been frozen by federal law for 20 years; and

WHEREAS, The custom harvesting industry requested that the legislature approve additional length for their combination vehicles and were informed of the federal freeze and the potential loss of federal highway funds to Kansas should the freeze be violated; and

WHEREAS, States should have the flexibility to adopt vehicle size and weight laws necessary for the economic growth for the state and region; and

WHEREAS, The Western Governors' Association has approved a policy resolution urging congress to lift the freeze on more productive trucks for the 13 western states: Kansas, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming; and

WHEREAS, Any change in vehicle size and weight laws must be adopted by both the Kansas House of Representatives and Kansas Senate and approved by the Governor: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we urge the United States congress to repeal 23 U.S.C. § 127(d) and eliminate the freeze on more productive trucks, thereby allowing Kansas to respond to new technology and new vehicle size and weight requirements

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the United States secretary of transportation and each member of the Kansas congressional delegation.

On motion of Rep. Siegfried, the House recessed until 4:30 p.m.

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#### AFTERNOON SESSION

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

#### **CHANGE OF REFERENCE**

Speaker pro tem Vickrey announced the withdrawal of **SB 33** from Committee on Education and referral to Committee on Health and Human Services.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **SB 37** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 37," as follows:

"HOUSE Substitute for SENATE BILL NO. 37  
By Committee on Corrections and Juvenile Justice

AN ACT concerning the Kansas offender registration act; amending K.S.A. 22-4901, 22-4903, 22-4908, 22-4909 and 22-4911 and K.S.A. 2010 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907, 22-4913 and 38-2312 and section 254 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 22-4912 and K.S.A. 2010 Supp. 21-4619."; and the substitute bill be passed.

**(H. Sub. for SB 37** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 60** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 60," as follows:

"HOUSE Substitute for SENATE BILL NO. 60

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, criminal punishment and procedure; relating to grand juries, relating to appeals; relating to community corrections; amending K.S.A. 22-3001 and 22-3601 and K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections."; and the substitute bill be passed.

**(H. Sub. for SB 60** was thereupon introduced and read by title.)

#### **REPORT ON ENGROSSED BILLS**

**HB 2357, HB 2374** reported correctly engrossed March 16, 2011.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Friday, March 18, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

