

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 22, 2011, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Fund was excused on verified illness.

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

Present later: Rep. Kiegerl.

Prayer by Chaplain Brubaker:

Dear Lord,
The days are getting longer—
the workload is getting heavier—
the discussions and debates more intense.
Pressure is mounting—
the dollars we are counting—
and attitudes are getting on the defense.
The time is getting short—
Still so much more to sort—
some may think it all nonsense.
The people they represent—
give them much argument—
please don't let them take offense.
At the end of this day—
when each goes his or her own way—
may all their frustration be dispensed.
Right now, Lord, please be with
our Doorman, Jim Weaver,
who is in the hospital. Touch his body
and encourage his heart and mind.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

Kansas Trivia Question – Wichita State University's basketball team reached the Final Four in the NCAA Tournament in what year?

Answer: 1965

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2396, AN ACT abolishing the commission on judicial performance; amending K.S.A. 2010 Supp. 20-367, 25-4169a, 38-2211, 38-2309, 59-2122, 59-2979, 60-3104 and 60-31a04 and repealing the existing sections; also repealing K.S.A. 20-3203, 20-3208 and 20-3208 and K.S.A. 2010 Supp. 20-3201, 20-3202, 20-3204, 20-3205 and 20-3206, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Appropriations: **HB 2395**.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2020** and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2044** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2076** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2172** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2192** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2282** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5022, A CONCURRENT RESOLUTION urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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, Mesa, Montgomery, Mosier, Moxley, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl, O'Brien, Schwab.

The resolution was adopted.

SB 14, AN ACT concerning the Kansas uninsurable health insurance plan act; pertaining to lifetime limits; pertaining to participation in plan by certain children; amending K.S.A. 2010 Supp. 40-2122 and 40-2124 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Bethell, Bollier, Dillmore, S. Gatewood, Henderson, Hill, Hineman, Kuether, Lane, Loganbill, Roth, Ruiz, Slattery, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The bill passed, as amended.

H. Sub. for SB 37, 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 and 22-4913, 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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, 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, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Hineman, Schwartz.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The substitute bill passed, as amended.

H. Sub for SB 63, AN ACT concerning crimes and punishment; relating to sexual exploitation of a child; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section; also repealing K.S.A. 2010 Supp. 21-3516, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, 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, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The substitute bill passed.

SB 76, AN ACT concerning the state board of healing arts; relating to doctors of physical therapy and physical therapist assistants; representation of licensure, certification and credentials; amending K.S.A. 2010 Supp. 65-2901 and 65-2913 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, 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, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Brookens, Carlson, Colloton, Denning, Fawcett, Finney, Hedke, Mosier, Moxley, O'Neal, Rhoades, Rubin, Scapa.

Present but not voting: None.

Absent or not voting: Fund, Kiegerl.

The bill passed, as amended.

H. Sub. for SB 101, AN ACT concerning homeowners associations; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section, was considered on final action.

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

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

Nays: Carlin, Davis, D. Gatewood, S. Gatewood, Kuether, Loganbill, Mah, McCray-Miller, Moxley, Trimmer, Wetta, Worley.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

SB 122, AN ACT concerning the Kansas water office; relating to easements on state property for conservation projects, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl,

Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Smith.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 123, AN ACT concerning the department of wildlife and parks; relating to public use of cabins on state land, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 22; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Brown, Feuerborn, Flaharty, Gordon, Grosserode, Henderson, Hildabrand, Huebert, Kelley, Kinzer, Landwehr, Lane, McLeland, Meier, Peterson, Phelps, Ruiz, Slattery, Smith, Tyson, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 124, AN ACT concerning water; relating to water supply storage access and creating the lower smoky hill water supply access program, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs,

Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Grosserode, Landwehr.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 136, AN ACT concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle, was considered on final action.

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

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

Nays: Brown, Bruchman, Burgess, DeGraaf, Gordon, Huebert, Patton, Pauls, Peterson, Ruiz, Scapa, Suellentrop, Winn.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 152, AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2010 Supp. 32-1002 and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara,

O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 170, AN ACT enacting the portable electronics insurance act, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 36; Present but not voting: 1; Absent or not voting: 1.

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

Nays: Arpke, Boman, Brookens, Brown, Brunk, Burgess, Calloway, Collins, DeGraaf, Donohoe, Garber, Gordon, Gregory, Grosserode, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kelly, Kiegerl, Kinzer, Kuether, Mast, McLeland, Meigs, O'Hara, Osterman, Patton, Peck, Rubin, Scapa, Schwab, Smith, Swanson, Tyson.

Present but not voting: Landwehr.

Absent or not voting: Fund.

The bill passed, as amended.

SB 179, AN ACT concerning the Kansas life and health insurance guaranty association act; amending K.S.A. 40-3009 and K.S.A. 2010 Supp. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 1; Absent or not voting: 1.

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

Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Collins, Garber, Goodman, Grosserode, Hildabrand, Kelley, Kinzer, O'Brien, Osterman, Peck, Tyson.

Present but not voting: Landwehr.

Absent or not voting: Fund.

The bill passed.

SB 186, AN ACT concerning agriculture; relating to the pest control act; amending K.S.A. 2010 Supp. 2-2450 and repealing the existing section; also repealing K.S.A. 2-2451, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 8; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Burroughs, S. Gatewood, Grosserode, Kelley, Kinzer, Landwehr, McCray-Miller, Ward.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

SB 188, AN ACT concerning solid waste; relating to exemptions from permits; amending K.S.A. 65-3407c and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 4; Present but not voting: 0; Absent or not voting: 1.

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

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

Nays: Dillmore, Kuether, Lane, Ward.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed.

H. Sub. for SB 213, 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, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 9; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Brown, Colloton, Davis, Dillmore, Flaharty, S. Gatewood, Grosserode, Smith, Victors.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

H. Sub. for SB 214, AN ACT concerning water; related to water obstructions; related to groundwater management districts; amending K.S.A. 2010 Supp. 82a-301, 82a-301a and 82a-1021 and repealing the existing sections, was considered on final action.

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

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

Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Powell, Committee of the Whole report, as follows, was adopted: Recommended that **SB 185, SB 103** be passed.

SB 125 be passed over and retain a place on the calendar.

Committee report to **HB 2336** be adopted; also, on motion of Rep. Brown be amended on page 1, in the title, in line 1, by striking "and creating"; in line 2, by striking all before the period;

Also, on motion of Rep. Finney to amend **HB 2336**, Rep. Mesa requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Finney to amend. On motion of Rep. Kleep to rerefer the bill to Committee on Commerce and Economic Development, the motion did not prevail. The question then reverted back to the motion of Rep. Finney to amend, which did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 127** be adopted; also, on motion of Rep. Schwab be amended on page 5, in line 28, by striking "electronically";

Also, roll call was demanded on motion of Rep. Rubin to amend **H. Sub. for Sub. SB 127** on page 3, in line 2, by striking "\$500" and inserting "\$750"; in line 6, by striking "\$1,000" and inserting "\$1,500";

On page 4, in line 6, by striking "\$500" and inserting "\$750"; in line 9, by striking "\$1,000" and inserting "\$1,500";

On page 5, following line 19, by inserting the following:

"Sec. 5. K.S.A. 2010 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;
 (2) use of a photograph or drawing of the candidate; or
 (3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) "Commission" means the governmental ethics commission.

(e) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office;_

(B) any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events; and

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event;_ or

(E) the transfer of campaign funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto.

(f) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office;_

(B) any purchase, payment, distribution, loan, advance, deposit or gift of money or

any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional

district party committee.

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a party committee.

(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(m) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.

(n) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(o) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

(p) "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 6. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. ~~Before~~ Except as provided in subsection (b), before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a ~~termination or inactive status~~ report which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

(b) Any candidate committee which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, may file an inactive status report in lieu of a termination report. The inactive status report shall contain full information as to the disposal of residual funds. The inactive status report shall be filed in the same manner as a termination report. Any candidate committee which makes a transfer of residual funds to a bona fide

successor committee or candidacy in accordance with K.S.A. 25- 4157a, and amendments thereto, and which files an inactive status report shall be placed on inactive status pursuant to this subsection and shall file all other reports required by this act. No candidate committee, which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, and which has been placed on inactive status, shall accept any funds or other contributions while on inactive status. No candidate committee, which makes a transfer of residual funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto, and which has been placed on inactive status, shall be returned to active status until the bona fide successor committee or candidacy has been terminated as required by this act.

Sec. 7. K.S.A. 2010 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;
- (2) expenses of holding political office;
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues related to the candidate's campaign paid to a community service or civic organization in the name of the candidate;
- (5) any donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate but only if the candidate receives no goods or services unrelated to the candidate's campaign as a result of the payment of such donations;
- (6) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or
- (7) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit:

(1) A candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the

proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement; or

(2) a candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.

(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state. At the time of the termination or placement on inactive status of any campaign and prior to the filing of a termination or inactive status report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds shall be used first to retire any debt in such account. Any residual funds remaining after the retirement of all debt in such account not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office, or any portion of such funds, shall be:

(1) Contributed to a charitable organization, as defined by the laws of the state;

(2) contributed to a party committee;

(3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received;

(4) paid into the general fund of the state; or

(5) transferred to a bona fide successor committee or candidacy established by the candidate.

Whenever a transfer to a bona fide successor committee or candidacy is made pursuant to paragraph (5), all moneys shall be transferred to the bona fide successor committee or candidacy. Once a transfer has been made to a bona fide successor committee or candidacy, the candidate shall be prohibited from making any further transfer back to any campaign committee or candidacy for the office from which the original transfer was made.

(e) For the purposes of this section, "bona fide successor committee or candidacy" means the candidate's campaign committee or candidacy for a public office initiated at the termination or placement on inactive status of the original candidacy.

New Sec. 8. (a) Upon transferring money to a bona fide successor committee or candidacy as defined by subsection (e) of K.S.A. 25-4157a, and amendments thereto, the candidate may not accept any contributions to the original candidacy. Contributions to the bona fide successor committee or candidacy shall be subject to the contribution limits set forth in K.S.A. 25-4153, and amendments thereto, for the successor public office sought. If any contribution to the bona fide successor committee or candidacy is received from a person who made a contribution to the original candidacy, the amount of such contribution to the bona fide successor committee or candidacy shall not exceed the difference between the contribution limit imposed by K.S.A. 25-4153, and amendments thereto, for the public office sought by the bona fide successor committee or candidacy and the aggregate amount of all contributions made by such person to the original candidacy.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 9. (a) For the period commencing on January 1, 1976, and ending

December 12, 2003, any candidate who transferred campaign funds to a bona fide successor candidacy, as such term is defined in K.S.A. 25-4157a, and amendments thereto, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer, regardless of when the original campaign fund is closed after the date such transfer was made, and such transfer is hereby validated.

(b) This section shall be part of and supplemental to the campaign finance act."; And by renumbering the remaining sections accordingly;

On page 9, in line 13, by striking "and 25-4153" and inserting ", 25-4153 and 25-4157"; in line 14, by striking "25-4148" and inserting "25-4143, 25-4148, 25-4157a";

On page 1, in the title, in line 1, by striking "and 25-4153" and inserting ", 25-4153 and 25-4157"; in line 2, by striking "25-4148" and inserting "25-4143, 25-4148, 25-4157a";

On roll call, the vote was: Yeas 77; Nays 45; Present but not voting: 0; Absent or not voting: 3.

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

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

Present but not voting: None.

Absent or not voting: Fund, Landwehr, Peterson.

The motion of Rep. Rubin prevailed.

Also, on motion of Rep. Hoffman, H. Sub. for Sub. SB 127 be amended on page 9, following line 12, by inserting:

"Sec. 7. K.S.A. 2010 Supp. 24-139a is hereby amended to read as follows: 24-139a. ~~The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms. 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.~~

Sec. 8. K.S.A. 2010 Supp. 24-409 is hereby amended to read as follows: 24-409.

(a) All powers granted to drainage districts incorporated under the provisions of this act shall be exercised by a board of directors consisting of three persons. Except as provided in K.S.A. 24-412 and K.S.A. 2010 Supp. 24-139a, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.

(b) Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:

(1) If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and

(2) a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.

Sec. 9. K.S.A. 24-412 is hereby amended to read as follows: 24-412. (a) Subject to the provisions of subsection (b), except as otherwise provided in this section, an election to choose three directors in each district as their successors, shall be held on the first Tuesday in April, 1983, and an election shall be held each four years thereafter, on the first Tuesday in April, to choose directors. ~~Directors elected in any district in 1980 or 1981 shall hold their office until successors are elected and qualified at the election in April, 1983.~~

(b) On and after January 1, 2012, the board of directors of drainage district No. 2 of Finney county, Kansas, shall be elected as provided in K.S.A. 24-139a, and amendments thereto.

And by renumbering the remaining sections accordingly;

Also on page 9, in line 13, before "25-2102", by inserting "24-412,"; also in line 13, after "Supp.", by inserting "24-139a, 24-409,";

On page 1, in the title, in line 1, after "K.S.A.", by inserting "24-412,"; in line 2, after "Supp.", by inserting "24-139a, 24-409,"; and **H. Sub. for Sub. SB 127** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HCR 5010**, be amended by adoption of the amendments recommended by House Committee on Education, as reported in the Journal of the House, on March 10, 2011, and the resolution, as printed with amendments by House Committee, be further amended on page 1, in line 23, by striking "equitable"; in line 24, by striking all before "be" and inserting "amount to";

On page 2, in line 3, by striking all following "finance"; in line 4, by striking all before "to" and inserting "to be in an amount"; in line 6, by striking "equitable"; in line 7, by striking ", with the manner and" and inserting "to be in an"; in line 14, by striking "determined" and inserting "directed"; and the resolution be adopted as amended.

Committee on **Transportation** recommends **HR 6017** be adopted.

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 2397, AN ACT concerning school districts; relating to the adequacy of the state's provision for finance of the educational interests of the state, by Committee on Appropriations.

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

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Patton, Committee of the Whole report, as follows, was adopted: Recommended that **SB 119** be passed.

HB 2314, SB 112; H. Sub. for SB 176; H. Sub. for SB 60 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 129** be adopted; also, on motion of Rep. Carlin to amend, Rep. Burroughs requested a ruling on the amendment being germane to the bill. The Rules chair ruled the amendment germane. The question reverted back to the motion of Rep. Carlin to amend and the bill be amended on page 10, in line 39, by striking "20th" and inserting "15th";

On page 11, in line 11, by striking "20" and inserting "15"; in line 13, by striking "20-day" and inserting "15-day"

On page 20, following line 11, by inserting:

"Sec. 10. K.S.A. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the ~~14~~ 19 days preceding the day of primary and general state elections;

(4) the ~~14~~ 19 days preceding the day of primary city and school elections, if either has a primary;

(5) the ~~14~~ 19 days preceding each first Tuesday in April of odd-numbered years,

being the day of city and school general elections;

(6) the ~~14~~ 19 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and

(7) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers may provide for registration of voters until ~~9:00~~ 9 p.m. in cities of the first and second class.

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the ~~15th~~ 20th day preceding the date of any election; mailed voter registration applications that are postmarked not later than the ~~15th~~ 20th day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.";

And by renumbering sections accordingly;

On page 29, in line 27, following "25-2203," by inserting "25-2311,";

On page 1, in the title, in line 1, following "25-2203," by inserting "25-2311,";

Also, roll call was demanded on motion of Rep. Mah to amend **H. Sub. for SB 129** on page 1, by striking all in lines 8 through 26;

By striking all on pages 2 through 28;

On page 29, by striking all in lines 1 through 30 and inserting:

"Section 1. K.S.A. 2010 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be

transmitted in person, and such voter is a first-time voter, such voter shall provide a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered. If such voter is not a first-time voter, then a form of valid identification shall be provided pursuant to the requirements of K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, ~~and such voter is a first-time voter,~~ such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document containing the voter's current name and address as indicated on the registration book. ~~Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.~~

(d) If a first-time voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. ~~The~~Such voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless the county election official verifies that the signature of the person matches that on file in the county voter registration records. Signature verification may occur by electronic device or by human inspection.

(1) In the event that the signature of the person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide such person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified.

(2) If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this section, or the identification of such person cannot be verified by the county election officer, the county election officer shall provide information to such person regarding the voter rights provisions of subsection (d) and shall provide such person an opportunity to provide identification pursuant to

this subsection.

~~(f)(e)~~ Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection ~~(f)(e)~~ and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

~~(f)(g)~~ Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than ~~12:00~~ noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

The county election officer may designate places other than the central county

election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots. Such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

~~(h)(g)~~ Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

~~(i)(h)~~ On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

~~(j)(i)~~ If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

~~(k)(j)~~ For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.

~~(l)(k)~~ The secretary of state may adopt rules and regulations defining valid

forms of identification.

Sec. 2. K.S.A. 2010 Supp. 25-1122d is hereby amended to read as follows: 25-1122d. (a) The application for an advance voting ballot to be transmitted by mail shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of _____ and State of Kansas Desiring to Vote an Advance Voting Ballot

State of _____, County of _____, ss:

I, _____

(Please print name)

do solemnly affirm under penalty of perjury that I am a qualified elector of the ____ __ precinct of the _____ ward, residing at number _____ on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas. My date of birth is _____ (month/day/year).

I understand that if I have not previously voted in any election in this county and I have not previously submitted valid identification, I must provide one of the following forms of identification with this application in order to receive a ballot:

(1) A current and valid Kansas driver's license number or nondriver's identification card number; or

(2) the last four digits of my social security number; or

(3) a copy of a current and valid Kansas driver's license or nondriver's identification card, ~~utility bill, bank statement, paycheck, government check, or other government document that shows my name and address.~~

I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on _____ (date). My political party is _____ (to be filled in only when requesting primary election ballots). I desire my ballots to be sent to the following address:

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(b) The application for an advance voting ballot to be transmitted in person shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of _____ and State of Kansas Desiring to Vote an Advance Voting Ballot

State of _____, County of _____, ss:

I, _____

(Please print name)

do solemnly affirm under penalty of perjury that I am a qualified elector of the _____ precinct of the _____ ward, residing at number _____ on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas. My date of birth is _____ (month/day/year).

I understand that if I have not previously voted in any election in this county and I have not previously submitted valid identification, I must provide one of the following forms of identification with this application in order to receive a ballot: a

current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document that shows my name and address.

I understand that if I am not a first-time voter in this county, I must provide one of the following forms of identification with this application in order to receive a ballot: a current and valid Kansas driver's license or nondriver's identification card, utility bill, bank statement paycheck, government check or other government document that shows my name and address. I understand that if I am unable or refuse to provide valid identification, I may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto.

I am entitled to vote an advance voting ballot and I have not voted and will not otherwise vote at the election to be held on _____ (date). My political party is _____ (to be filled in only when requesting primary election ballots).

Signature of voter.

Note: False statement on this affirmation is a severity level 9, nonperson felony.

(c) An application for permanent advance voting status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) and in addition thereto a statement regarding the permanent character of such illness or disability.

(d) Any application by a former precinct resident shall state both the former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.

(e) The secretary of state may adopt rules and regulations in order to implement the provisions of this section.

(f) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and has re-registered.

Sec. 3. K.S.A. 25-2411 is hereby amended to read as follows: 25-2411. Election perjury is intentionally and knowingly falsely swearing, affirming, declaring or subscribing to any of the following: (a) Statements in answer to questions put to a person who has been challenged as unqualified to vote.

(b) Statements in answer to questions put to a witness concerning the qualifications of any person to vote.

(c) Statements contained in any affidavit or declaration which is prescribed by chapter 25 of the Kansas Statutes Annotated, and amendments thereto, or any other election law of the state, or which is prescribed in any manner by the secretary of state or any county election officer under the election laws of this state.

(d) Statements in answer to questions put by a county election officer or deputy county election officer relating to application for voter registration of any person.

(e) Statements in answer to questions put by an election board member to a person asking for voter assistance because of age, visual handicap, lack of proficiency in reading the English language or physical disability.

(f) Statements of any witness at an election contest.

Election perjury is a severity level 89, nonperson felony.

Sec. 4. K.S.A. 2010 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the national mail voter registration form issued pursuant to application prescribed by the federal law election commission. Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(b) Applications made under this section shall give voter eligibility requirements and such information as is necessary to prevent duplicative voter registrations and enable the relevant election officer to assess the eligibility of the applicant and to administer voter registration, identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered, including, but not limited to, the following data to be kept by the relevant election officer as provided by law:

- (1) Name;
- (2) place of residence, including specific address or location, and mailing address if the residence address is not a permissible postal address;
- (3) date of birth;
- (4) sex;
- (5) the last four digits of the person's social security number or the person's full driver's license or nondriver's identification card number;
- (6) telephone number, if available;
- (7) naturalization data (if applicable);
- (8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
- (9) when present residence established;
- (10) name under which applicant last registered or voted, if different from present name;
- (11) an attestation that the applicant meets each eligibility requirement;
- (12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- (13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (14) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used

only for voter registration purposes;

(15) boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States, together with the question "Are you a citizen of the United States of America?";

(16) boxes for the county election officer or chief state election official to check to indicate whether the applicant has provided with the application the information necessary to assess the eligibility of the applicant;

(17)(+6) boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day, together with the question "Will you be 18 years of age on or before election day?";

(18)(+7) in reference to paragraphs (15) and (17)(+6) the statement "If you checked 'no' in response to either of these questions, do not complete this form.";

(19)(+8) a statement that the applicant may be required to provide identification when voting; and

(20)(+9) political party affiliation declaration, if any. An applicant's failure to make a declaration will result in the applicant being registered as an unaffiliated voter.

If the application discloses any previous registration in any other county or state, as indicated by paragraph (8) or (10), or otherwise, the county election officer shall upon the registration of the applicant, give notice to the election official of the place of former registration, notifying such official of applicant's present residence and registration, and authorizing cancellation of such former registration. This section shall be interpreted and applied in accordance with federal law. No eligible applicant whose qualifications have been assessed shall be denied registration.

(c) Any person who applies for registration through a voter registration agency shall be provided with, in addition to the application under subsection (b), a form which includes:

(1) The question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(2) a statement that if the applicant declines to register to vote, this decision will remain confidential and be used only for voter registration purposes;

(3) a statement that if the applicant does register to vote, information regarding the office to which the application was submitted will remain confidential and be used only for voter registration purposes; and

(4) if the agency provides public assistance; (i) The statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(ii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote, together with the statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iii) the statement "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(iv) the statement "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own

political party or other political preference, you may file a complaint with the Kansas Secretary of State."

(d) If any person, in writing, declines to register to vote, the voter registration agency shall maintain the form prescribed by subsection (c).

(e) A voter registration agency shall transmit the completed registration application to the county election officer not later than five days after the date of acceptance. Upon receipt of an application for registration, the county election officer shall send, by nonforwardable mail, a notice of disposition of the application to the applicant at the postal delivery address shown on the application. If a notice of disposition is returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.

(f) If an application is received while registration is closed, such application shall be considered to have been received on the next following day during which registration is open.

(g) A person who completes an application for voter registration shall be considered a registered voter when the county election officer adds the applicant's name to the county voter registration list.

(h) Any registered voter whose residence address is not a permissible postal delivery address shall designate a postal address for registration records. When a county election officer has reason to believe that a voter's registration residence is not a permissible postal delivery address, the county election officer shall attempt to determine a proper mailing address for the voter.

(i) Any registered voter may request that such person's residence address be concealed from public inspection on the voter registration list and on the original voter registration application form. Such request shall be made in writing to the county election officer, and shall specify a clearly unwarranted invasion of personal privacy or a threat to the voter's safety. Upon receipt of such a request, the county election officer shall take appropriate steps to ensure that such person's residence address is not publicly disclosed. Nothing in this subsection shall be construed as requiring or authorizing the secretary of state to include on the voter registration application form a space or other provision on the form that would allow the applicant to request that such applicant's residence address be concealed from public inspection.

(j) No application for voter registration shall be made available for public inspection or copying unless the information required by paragraph (5) of subsection (b) has been removed or otherwise rendered unreadable.

(k) If an applicant fails to answer the question prescribed in paragraph (15) of subsection (b), the county election officer shall send the application to the applicant at the postal delivery address given on the application, by nonforwardable mail, with a notice of incompleteness. The notice shall specify a period of time during which the applicant may complete the application in accordance with K.S.A. 25-2311, and amendments thereto, and be eligible to vote in the next election.

(l) The county election officer or the secretary of state's office shall accept any completed application for registration, but an applicant shall not be registered until the voter's application is accompanied by satisfactory evidence of a person's eligibility to vote. Upon the ability of the county officer or secretary of state's office to verify United States citizenship by obtaining Kansas driver's license numbers, Kansas nondriver's identification card numbers or social security numbers electronically, the

county election officer or secretary of state shall reject any application for voter registration where satisfactory evidence of United States citizenship cannot be verified.

Sec. 5. K.S.A. 25-2352 is hereby amended to read as follows: 25-2352. (a)

(1) Each Kansas division of motor vehicles driver's license application and nondriver identification card application (including any renewal application) submitted to a division of motor vehicles office in Kansas shall serve as an application for voter registration unless the applicant fails to sign the voter registration application. An individual who completes the application for voter registration and is otherwise eligible shall be registered to vote in accordance with the information supplied by the individual.

(2) An application for voter registration submitted under subsection (a)(1) shall be considered as updating any previous voter registration by the applicant.

(b) The voter registration section of the application:

(1) May require a second signature or other information that duplicates, or is in addition to, information in the driver's license or nondriver's identification card section of the application to prevent duplicate voter registrations, and to enable Kansas election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that specifies each eligibility requirement for voting, contains an attestation that the applicant meets each such requirement, including citizenship, and requires the signature of the applicant, under penalty of perjury;

(3) shall include a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;

(4) shall include a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;

(5) shall be made available by the division of vehicles (as submitted by the applicant, or in machine-readable or other format) to the secretary of state and county election officers, as provided by rules and regulations adopted by the secretary of state; and

(6) shall be transmitted to the county election officer not later than five days after the date of acceptance.

(c) The motor vehicle driver's license and nondriver identification card form used for change of residence address shall also serve as a notification of change of residence address for voter registration for elections, unless the registrant states on the form that the change is not for voter registration purposes.

(d) The voter registration portion of the motor vehicle driver's license and nondriver identification card applications and change of address forms used shall be subject to approval by the secretary of state for purposes of voter registration under this section.

(e) Following the line fixed for the signature of the applicant on the application for voter registration, a statement shall be printed stating that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison.

(f) The department of revenue or an employee of the department of revenue acting within the scope of the employee's employment shall not be liable for any

damages resulting from any claim based on the department of revenue's transfer of any motor vehicle record information to the secretary of state that is required or permitted by law.

~~(f)~~(g) The secretary of state is hereby authorized to adopt such rules and regulations in the manner prescribed by law as may be necessary for the administration of the provisions of this section.

Sec. 6. K.S.A. 25-2416 is hereby amended to read as follows: 25-2416.

(a) Voting without being qualified is knowingly ~~and willfully~~: ~~(a)~~

(1) Voting or attempting to vote ~~at~~in any election district when not a lawfully registered voter in such election district; or-

(2) voting or attempting to vote in any election by a person who is not a citizen of the United States or who does not otherwise meet the qualifications of an elector.

~~(b) Voting or offering to vote more than once at the same election.~~

~~(e) Inducing or aiding any person to vote more than once at the same election.~~

(b) Voting without being qualified is a severity level 8, nonperson felony class A misdemeanor.

Sec. 7. K.S.A. 25-2423 is hereby amended to read as follows: 25-2423.

(a) Election tampering is, while being charged with no election duty, making or changing any election record.

(b) Election tampering is a severity level ~~7~~8, nonperson felony.

Sec. 8. K.S.A. 25-2431 is hereby amended to read as follows: 25-2431.

(a) False impersonation of a voter is representing oneself as another person whether real or fictitious and thereby ~~thereas~~ voting or attempting to vote.

(b) False impersonation of a voter is a severity level ~~8~~9, nonperson felony.

Sec. 9. K.S.A. 2010 Supp. 25-2908 is hereby amended to read as follows:

25-2908. (a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.

(b) A person desiring to vote shall provide to the election board: (1) The voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's signature on the registration or poll book; ~~and~~ (4) a valid form of identification listed in subsection (d). A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(c) A member of the election board shall:

(1) Announce the voter's name in a loud and distinct tone of voice, and, if the name is in the registration books, the member of the election board having the registration record shall repeat the name;

(2) request the voter's signature on the registration or poll book;

(3) provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of temporary illness or disability, or lack of proficiency in reading the English language;

(4) ~~if the voter is a first-time voter as described in subsection (h) of this section, request valid identification from the voter unless such voter has previously submitted current and valid identification in the county where registered; request a valid form of identification from the voter. If the member of the election board is satisfied that the voter is the person depicted in the identification and that the identification provided is one of the valid forms of identification listed in subsection (d), the member of the election board shall place such member's initials in the space provided and allow the voter to vote;~~

(5) give the voter one ballot, on the upper right-hand corner of which shall be written the number corresponding to the voter's number in the registration book or poll book; and

(6) mark the voter's name in the registration book and party affiliation list.

(d) A ~~first-time~~ voter shall provide to the election board a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document ~~unless such voter has previously submitted current and valid identification in the county where registered.~~ The document provided in accordance with this section shall contain the voter's current name and address as indicated on the registration book or poll book.

(e) If a ~~first-time~~ voter is unable or refuses to provide current and valid identification at the polling place, or if the name and address do not match the voter's name and address on the registration book or poll book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. ~~The~~

(1) A first-time voter shall provide a valid form of identification as defined in subsection (d) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from such provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(2) If a voter is not a first-time voter, the county election officer shall validate the voter's eligibility by comparing the information provided on the provisional ballot application with the voter's county voter registration record.

(f) If the name of any person desiring to vote at an election is not in the registration books, an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.

(g) A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the

provisional ballot was properly cast and the voter has not otherwise voted at such election.

(h) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and has re-registered.

(i) The secretary of state may adopt rules and regulations defining valid forms of identification.

Sec. 10. K.S.A. 2010 Supp. 25-3002 is hereby amended to read as follows:

25-3002. (a) The rules prescribed in this section shall apply to:

- (1) The original canvass by election boards.
- (2) Intermediate and final canvasses by county boards of canvassers.
- (3) Final canvass by the state board of canvassers.
- (4) All election contests.
- (5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) The occurrences listed in this ~~paragraph~~^{subpart (2)} shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this ~~paragraph~~^{subpart (2)} shall apply are:

(A) Whenever a voting mark shall be made in the square at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

(B) Whenever a voting mark is placed in the square at the left of a space where no candidate is listed.

(3) When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues which are identical in both precincts. The canvassers shall not count the votes for those offices or issues which differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.

(4) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:

- (A) Both candidates' names are written on the ballot; or
- (B) only the name of the candidate for governor is written on the ballot.

(5) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto, and:

- (A) Both candidates' names are written on the ballot; or
- (B) only the name of the candidate for president is written on the ballot.
- (6) A write-in vote for candidates for state offices elected on a statewide basis other than offices subject to paragraph (4) shall not be counted unless the candidate has filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto.

(7) Any advance voting or mail ballot whose envelope containing the voter's written declaration is unsigned, shall be wholly void and no vote thereon shall be counted.

(8) No ballot cast by a first-time voter as defined by K.S.A. 25-1122, and amendments thereto, or K.S.A. 25-2908, and amendments thereto, shall be counted if the voter fails to provide valid identification.

Sec. 11. K.S.A. 2010 Supp. 25-3104 is hereby amended to read as follows: 25-3104. The original canvass of every election shall be performed by the election boards at the voting places. The county election officer shall present the original returns, together with the ballots, books and any other records of the election, for the purpose of canvass, to the county board of canvassers at any time between ~~8-00~~ a.m. and ~~10-00~~ a.m. on the Monday ~~Friday~~ next following any election held on a Tuesday, except that the county election officer may move the canvass to the Monday ~~next~~ second Thursday following the election if notice is published prior to the canvass in a newspaper with general circulation in the county. For elections not held on a Tuesday, the canvass by the county board of canvassers shall be held on a day and hour designated by it, and not later than the fifth day following the day of such election.

New Sec. 12. (a) Voting more than once is knowingly:

- (1) Voting or offering to vote more than once at the same election; or
- (2) inducing or aiding any person to vote more than once at the same election.
- (b) Voting more than once is a:
 - (1) Class A nonperson misdemeanor, except as provided in subsection (b) (2); and
 - (2) severity level 9, nonperson felony, upon a second or subsequent conviction.

New Sec. 13. (a) The secretary of state shall provide advance notice of the personal identification requirements of this act in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the secretary of state and governor.

(b) The secretary of state shall investigate past occurrences and current opportunities for voter fraud in the use of direct recording electronic voting systems. The secretary of state shall compile a report of such findings as well as devise a plan to prevent instances of voter fraud. The secretary shall report to the legislature on or before the 15th day of the 2012 legislative session.

New Sec. 14. (a) If no moneys are appropriated for the purpose of carrying out the provisions of this act, then this act shall have no force or effect.

(b) If any provision of this act is held to be unconstitutional under the

United States of Kansas constitutions, that provision shall be severed from the act, and the other provisions of this act shall remain valid and in effect pursuant to the requirements of subsection (a).

Sec. 15. K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 are hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 1, by striking all after the semicolon; by striking all in lines 2 and 3; in line 4, by striking all before the second “and” and inserting “relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104”;

On roll call, the vote was: Yeas 31; Nays 89; Present but not voting: 0; Absent or not voting: 5.

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

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

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kelley, Peterson, Sloan.

The motion of Rep. Mah did not prevail, and the substitute bill be passed as amended.

Committee report to **SB 134** be adopted; also, on motion of Rep. O'Neal be amended on page 1, in line 12, before "K.S.A." by inserting "On January 1, 2012,";

On page 2, in line 22, before "K.S.A." by inserting "On January 1, 2012,"; in line 40, before "K.S.A." by inserting "On January 1, 2012,";

On page 4, in line 1, before "K.S.A." by inserting "On January 1, 2012,";

On page 6, in line 20, before "K.S.A." by inserting "On January 1, 2012,";

On page 7, in line 6, before "K.S.A." by inserting "On January 1, 2012,";

On page 9, in line 14, before "K.S.A." by inserting "On January 1, 2012,";

On page 10, in line 23, before "K.S.A." by inserting "On January 1, 2012,";

On page 11, in line 19, before "K.S.A." by inserting "On January 1, 2012,";

On page 13, in line 2, before "K.S.A." by inserting "On January 1, 2012,"; in line 22, before "K.S.A." by inserting "On January 1, 2012,";

On page 14, in line 3, before "K.S.A." by inserting "On January 1, 2012,";

On page 15, in line 31, before "K.S.A." by inserting "On January 1, 2012,";

On page 18, in line 5, before "K.S.A." by inserting "On January 1, 2012,";

On page 19, in line 12, before "K.S.A." by inserting "On January 1, 2012, in line 27,

before "K.S.A." by inserting "On January 1, 2012,";

- On page 20, in line 40, before "K.S.A." by inserting "On January 1, 2012,";
- On page 29, in line 14, before "K.S.A." by inserting "On January 1, 2012,";
- On page 30, in line 10, before "K.S.A." by inserting "On January 1, 2012,";
- On page 33, in line 40, before "K.S.A." by inserting "On January 1, 2012,";
- On page 35, in line 11, before "K.S.A." by inserting "On January 1, 2012,";
- On page 37, in line 23, before "K.S.A." by inserting "On January 1, 2012,";
- On page 38, in line 26, before "K.S.A." by inserting "On January 1, 2012,";
- On page 40, in line 20, before "K.S.A." by inserting "On January 1, 2012,";
- On page 42, in line 28, before "K.S.A." by inserting "On January 1, 2012,";
- On page 43, in line 19, before "K.S.A." by inserting "On January 1, 2012,";
- On page 44, in line 1, before "K.S.A." by inserting "On January 1, 2012,";
- On page 45, in line 25, before "K.S.A." by inserting "On January 1, 2012,"; in line 38, before "K.S.A." by inserting "On January 1, 2012,";
- On page 47, in line 3, before "K.S.A." by inserting "On January 1, 2012,";
- On page 48, in line 16, before "K.S.A." by inserting "On January 1, 2012,";
- On page 50, in line 12, before "K.S.A." by inserting "On January 1, 2012,";
- On page 53, in line 18, before "K.S.A." by inserting "On January 1, 2012," in line 21, before "K.S.A." by inserting "On January 1, 2012,"; in line 38, before "K.S.A." by inserting "On January 1, 2012,";
- On page 54, in line 28, before "K.S.A." by inserting "On January 1, 2012,";
- On page 55, in line 34, before "K.S.A." by inserting "On January 1, 2012,";
- On page 56, in line 15, before "K.S.A." by inserting "On January 1, 2012,";
- On page 57, in line 25, before "K.S.A." by inserting "On January 1, 2012,";
- On page 58, in line 5, before "K.S.A." by inserting "On January 1, 2012,"; after line 18, by inserting the following:

"Sec. 41. K.S.A. 2010 Supp. 65-1117 is hereby amended to read as follows: 65-1117. (a) All licenses issued under the provisions of this act, whether initial or renewal, shall expire every two years. The expiration date shall be established by the rules and regulations of the board. The board shall send a notice for renewal of license to every registered professional nurse and licensed practical nurse at least 60 days prior to the expiration date of such person's license. Every person so licensed who desires to renew such license shall file with the board, on or before the date of expiration of such license, a renewal application together with the prescribed biennial renewal fee. Every licensee who is no longer engaged in the active practice of nursing may so state by affidavit and submit such affidavit with the renewal application. An inactive license may be requested along with payment of a fee which shall be fixed by rules and regulations of the board. Except for the first renewal for a license that expires within 30 months following licensure examination or for renewal of a license that expires within the first nine months following licensure by reinstatement or endorsement, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of continuing nursing education required by the board. The board by duly adopted rules and regulations shall establish the requirements for such program of continuing nursing education. Continuing nursing education means learning experiences intended to build upon the educational and experiential bases of the registered professional and licensed practical nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the

health of the public. Upon receipt of such application, payment of fee, upon receipt of the evidence of satisfactory completion of the required program of continuing nursing education and upon being satisfied that the applicant meets the requirements set forth in K.S.A. 65-1115 or 65-1116 and amendments thereto in effect at the time of initial licensure of the applicant, the board shall verify the accuracy of the application and grant a renewal license.

(b) Any person who fails to secure a renewal license within the time specified herein may secure a reinstatement of such lapsed license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board. A reinstatement application for licensure will be held awaiting completion of such documentation as may be required, but such application shall not be held for a period of time in excess of that specified in rules and regulations.

(c) Any person whose license as a registered professional nurse has lapsed for a period of more than five years beyond its expiration date and who has been employed for at least four of the last five years in an allied health profession which employment required substantially comparable patient care to that of care provided by a registered professional nurse may apply for reinstatement as a registered professional nurse and shall not be required to complete a refresher course as established by the board, but shall be reinstated as a registered professional nurse by the board upon application to the board for reinstatement of such license on a form provided by the board, upon presentation to the board of an affidavit from such person detailing such person's work history, upon determination by the board that the work history with regard to patient care is substantially comparable to patient care provided by a registered professional nurse, upon determination by the board that such person is otherwise qualified to be licensed as a registered professional nurse and upon paying to the board the reinstatement fee established by the board.

(d) (1) Each licensee shall notify the board in writing of (A) a change in name or address within 30 days of the change or (B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, "conviction" means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. Failure to so notify the board shall not constitute a defense in an action relating to failure to renew a license, nor shall it constitute a defense in any other proceeding.

Sec. 42. K.S.A. 2010 Supp. 65-1117 is hereby repealed.;

And renumbering the remaining sections accordingly;

Also on page 58, in line 19, before "K.S.A." by inserting "On January 1, 2012,"; in line 27, by striking all before "its"; also in line 27, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, following the semicolon where it appears for the second time, by inserting "renewal of licenses; in line 5, following "65-468," by

inserting "65-1117,"; and **SB 134** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2340** be adopted; also, on motion of Rep. Landwehr be amended on page 4, in line 41, by striking "and"; in line 42, by striking the period and inserting "; and

(9) any benefit cigar dinner or other smoking event conducted specifically and exclusively for charitable purposes by an organization which is organized not-for-profit and which qualifies under section 501(c)(3) of the federal internal revenue code of 1986.";

On motion of Rep. Goico to amend **Sub. HB 2340**, the motion did not prevail. Also, on motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Slattery, **Sub. HB 2340** be amended as amended by House Committee of the Whole, in the first line of subsection (9) inserted by amendment fa 2011_hb2310_h 2347, adopted on motion of Representative Landwehr, after "any", by inserting "annual"; also in the first line of subsection (9), after "other", by inserting "annual";

Also, roll call was demanded on motion of Rep. Garber to amend **Sub. HB 2340** on page 2, following line 33, by inserting:

"(j) "Private business" means any business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services, whether for profit or not-for-profit, and which is not owned or controlled by any state or local governmental entity.";

And by relettering the remaining subsections accordingly;

On page 4, following line 16, by inserting:

"(2) any private business, provided, the proprietor or other person in charge of the premises of such private business posts or causes to be posted in a conspicuous place signs stating that such private business permits smoking on the premises;";

And by renumbering the remaining paragraphs accordingly

On roll call, the vote was: Yeas 51; Nays 69; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Boman, Bowers, Brown, Brunk, Carlson, Collins, DeGraaf, Donohoe, Fawcett, Garber, D. Gatewood, Goico, Goodman, Gordon, Grant, Grosserode, Hayzlett, Hildabrand, Hoffman, C. Holmes, Howell, Huebert, Kerschen, Kiegerl, Kinzer, Landwehr, McLeland, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber.

Nays: Ballard, Bethell, Billinger, Bollier, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Cassidy, Colloton, Crum, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Gonzalez, Grange, Gregory, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Johnson, Kelley, Kelly, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Mosier, Moxley, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Ryckman, Scapa, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund, M. Holmes, Kleeb, Knox, Peterson.

The motion of Rep. Garber did not prevail.

Also, on motion of Rep. Peck to amend **Sub. HB 2340**, the motion did not prevail.

Also, on motion of Rep. Grant to amend **Sub. HB 2340**, Rep. Meigs requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. D. Gatewood challenged the ruling, the question being "Shall the Rules Chair be sustained?" Roll call was demanded.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Ballard, Burroughs, Calloway, Carlin, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Phelps, Ruiz, Seiwert, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore,

Present but not voting: None.

Absent or not voting: Fund, Goico, Grosserode, Huebert, Kiegerl, Peterson.

The Rules Chair was sustained.

Also, on motion of Rep. Hermanson to amend **Sub. HB 2340**, the motion did not prevail, and the substitute bill be passed as amended.

Committee report to **SB 125** be adopted; also, on motion of Rep. Rubin to amend, the motion did not prevail, and the bill be passed as a amended.

Committee report to **SB 150** be adopted; and the bill be passed as a amended.

Committee report to **SB 115** be adopted; also, on motion of Rep. Burgess be amended on page 1, in line 8, after "(a) " by inserting "For purposes of sections 1 through 4, and amendments thereto,"; in line 15, by striking "3" and inserting "4"; in line 20, by striking "3" and inserting "4";

On page 2, in line 1, by striking "3" and inserting "4";

On page 4, in line 41, following the semicolon, by inserting "and";

On page 5, in line 33, by striking "1 through 4" and inserting "8 through 22";

On page 8, in line 16, after "12." by inserting "(a)";

On page 9, in line 28, after "14." by inserting "(a); and **SB 115** be passed as amended.

Committee report recommending a substitute bill and committee report amending **Sub. HB 2221** be adopted; also, on motion of Rep. Trimmer be amended on page 1, in line 13, after "branch" by inserting "and any appointed state council or state commission";

On page 4, in line 9, by striking "or non-monetary"; and **Sub. HB 2221** be passed as amended.

Committee report to **HB 2392** be adopted; and the bill be passed as a amended.

On motion of Rep. Collins to amend **SB 212**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment not germane, and the bill be passed.

On motion of Rep. Sloan, **SB 10** be amended on page 5, in line 39, by striking

"preservation" and inserting "conservation"; also in line 39, by striking ", and for"; in line 40, by striking all before the period and inserting "; preservation of cultural heritage; and economic development projects and activities";

Also, on motion of Rep. Pauls, **SB 10** be amended on page 6, in line 13, after the period by inserting "The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4%, which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.";

Also, on motion of Rep. Frownfelter to amend **SB 10**, Rep. Carlson requested a ruling on the amendment begin germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Frownfelter to amend, which did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 55** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 23** be adopted; and the substitute bill be passed.

Committee report to **SB 11** be adopted; and the bill be passed as a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2269**, as amended by House Committee of the Whole, be amended on page 2, in line 1, by striking "and" and inserting the following:

"(iv) divide the sum obtained under clause (iii) by .90; and";

Also on page 2, in line 2, by striking "(iv)" and inserting "(v)"; also in line 2, by striking "(iii)" and inserting "(iv)"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **SB 215** be passed.

Committee on **Energy and Utilities** recommends **SB 224** be amended on page 1, following line 6, by inserting "New Section 1. On or before February 1, 2013, and every two years thereafter, the state corporation commission shall compile a report regarding electric supply and demand for all electric utilities in Kansas. The report shall include, but not be limited to, generation capacity needs, system peak capacity needs and renewable generation needs associated with the 2009 Kansas renewable energy standards. The commission shall submit the report to the house energy and utilities committee and the senate utilities committee.";

And renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking all of line 2 and inserting "utilities"; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

The Chief Clerk of the House Representatives is requested to read this motion and cause it to be printed in the calendar of March 23, 2011, under the order of business

Consideration of Motions and House Resolutions Offered on a Previous Day as provided by House Rule 1309 (b).

MESSAGES FROM THE SENATE

Announcing passage of **SB 210, SB 223, SB 225**.

Announcing passage of **HB 2060, HB 2074, HB 2082**.

Announcing passage of **HB 2075**, as amended; **HB 2119**, as amended; **HB 2122**, as amended; **HB 2132**, as amended by **S. Sub. for HB 2132**; **Sub. HB 2134**, as amended; **HB 2240**, as amended.

Announcing adoption of **SCR 1606**.

Also, the Senate nonconcur in House amendments to **SB 61**, requests a conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 193**, requests a conference and has appointed Senators Apple, King and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2049** and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2151** and has appointed Senators Owens, King and Haley as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 210, SB 223, SB 225; SCR 1606.

REPORT ON ENGROSSED BILLS

HB 2023 reported correctly re-engrossed March 21, 2011.

REPORT ON ENROLLED BILLS

HB 2001, HB 2013, HB 2029, HB 2038, HB 2078, HB 2083, HB 2205, HB 2258 reported correctly enrolled, properly signed and presented to the Governor on March 22, 2011.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Wednesday, March 23, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

