

# Journal of the House

SIXTY-THIRD DAY

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

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

The roll was called with 122 members present.

Rep. Schwartz was excused on legislative business.

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

Prayer by Chaplain Brubaker:

Our Heavenly Father,  
As we come into this chamber day after day  
we are reminded of all the wonderful people  
who are so committed and work so hard for all our leaders –  
the clerks – doormen – aides and other office personnel.  
They are the ones who work tirelessly behind the scenes  
to enable our leaders to accomplish their tasks –  
and look good in doing so.  
Thank you for their diligent efforts,  
their smiles, and their willingness to do  
whatever it takes to make things happen.  
Help us all to take a moment today  
to personally thank them.  
And for our honored guests today –  
Thank you for their success due to their  
hard work and the gifts and skills  
you have graced them with in  
winning the NIT.  
In Your Son's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Gonzalez.

Kansas Trivia Question – The flag pole at Topeka High School was made of metal from what ship? Its given name and its nickname.

Answer: The USS Constitution, "Old Ironsides."

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Ward, **HR 6031**, A RESOLUTION congratulating and commending the Wichita State University Shocker men's basketball team for winning

the 2011 National Invitation Tournament, was adopted.

Rep. Brunk introduced the members of the team and expressed congratulations on behalf of the Wichita area delegation and all the members of the House. Rep. Ward introduced the head coach and the athletic director of Wichita State University.

### **PERSONAL PRIVILEGE**

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

I feel so blessed and happy today because our family has been blessed once again with a beautiful baby. Hugh James Carlin was born yesterday, May 9, at 3:37p.m. to Ryan and Molly Carlin in Atlanta. He weighed 7 lbs. 14oz. and is 20½ inches long. He is our 12<sup>th</sup> grandchild.

### **INTRODUCTION OF GUESTS**

Rep. M. Holmes introduced his 20 year-old daughter, Camille, who has just published her first novel, "Royalty in Disguise." She was accompanied by her sister, Noelle.

### **MESSAGE FROM THE SENATE**

The Senate concurs in House amendments to **SB 77**, and requests return of the bill.

The Senate adopts conference committee report on **SB 193**.

The Senate adopts conference committee report on **S. Sub. for HB 2071**.

The Senate adopts conference committee report on **Sub. HB 2191**.

The Senate adopts conference committee report on **S. Sub. for HB 2194**.

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

On motion of Rep. Mesa, **HR 6032**, by Reps. Mesa, 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, 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, K. Wolf, B. Wolf, Wolfe Moore and Worley, as follows, was introduced and adopted.

HOUSE RESOLUTION No. **HR 6032**—

A RESOLUTION congratulating and commending Victor Ortiz for becoming the World Boxing Council (WBC) welterweight champion of the world.

WHEREAS, On April 16th, 2011 Victor "Vicious" Ortiz defeated Andre Berto by unanimous decision to become the WBC welterweight champion of the world at Foxwoods, Connecticut; and

WHEREAS, Shortly after his birth in Liberal, Kansas, Victor Ortiz moved to and grew up in Garden City, Kansas where he attended the Garden City Unified School District No. 457, from kindergarten through the ninth grade; and

WHEREAS, Victor Ortiz has developed his "Vicious" nickname and fighting style by attacking challenges head-on. He has overcome trying circumstances and difficult obstacles to achieve his goal of becoming a world champion. He was forced to grow up without his mother from age 7 and without his father from age 12. He would later become the guardian for his younger brother, Temo, juggling a demanding training schedule with his newly assumed responsibilities as a father figure; and

WHEREAS, Victor Ortiz started his boxing training and career in Garden City, Kansas under the tutelage of Ignacio "Bucky" Avila at the Garden City Boxing Club, who not only trained Victor how to box, but also how to be a man; and

WHEREAS, Victor Ortiz found a support system inside the Garden City Boxing Club and also with tutor and mentor Sharon Ford, who took Victor into her home when his family life disintegrated; and

WHEREAS, Victor Ortiz won a Silver Glove Championship and was a two-time Golden Glove Champion; and

WHEREAS, Victor Ortiz eventually became a seven-time national amateur boxing champion; and

WHEREAS, Regardless of Victor's travels, his heart has remained in Kansas. A KU Jayhawk fan since the age 5, he enjoys frequent trips to Lawrence to visit friends on the KU campus. During his title fight against Berto, Victor sported a pair of boxing trunks with the official Jayhawk logo on the back; and

WHEREAS, Victor Ortiz has always called Garden City, Kansas "home"; and

WHEREAS, Victor Ortiz is proud to serve as a role model exemplifying hard work and commitment, especially for the Hispanic and Latino communities: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Victor Ortiz for becoming the WBC welterweight boxing champion of the world. His determination and perseverance in the face of numerous hardships and challenges serve as inspiration to all Kansans. We wish him continued success in and out of the ring and all happiness in the future; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send two enrolled copies of this resolution to Representative Mesa.

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

I want to take this chance to honor a Kansas champion today. Victor Ortiz won the World Boxing Council's Welterweight Championship Title on April 16, after a grueling fight against Andre Berto, in which both boxers were knocked out twice.

Despite his boxing nickname being "Vicious," everyone that knows Victor says that he is always smiling, always upbeat, and always positive. Victor's story is not only a lesson in the value of positivity – it's also a lesson in determination, patience and hard

work.

Victor was born and raised in Garden City, but had to learn to care for himself and his siblings from a young age after both parents abandoned the family early in his life. Victor and his siblings spent their pre-teen years without any adult guardian. Without anyone to look after them, Victor was forced to resort to selling drugs just to be able to feed himself and his siblings. Victor and his brother also spent some time in foster care, until his older sister took over legal guardianship over the two boys when she turned 18.

By then, Victor had already begun spending hours in the gym, training for a boxing career that would eventually give him a chance to shine. He found mentors to help him on his journey, never let up on the effort that he put forth, and above all, despite his experiences as a child, he kept a positive attitude and a smile on his face.

Victor exemplifies the spirit of not getting bitter over the circumstances of your life, but rather to channel your energy into making yourself better. And make himself better he did. By the age of 16, he had made the Junior Olympics Tournament, finishing first in his weight class. He trained hard in his teenage years, and turned pro at the age of 17.

Victor suffered an enormously scary and insecure childhood. It is my hope that no child in Kansas ever has to face the circumstances that Victor had to. But now, everyone that knows Victor says that he can't keep a smile off of his face. That positivity has served him well in his boxing career, and it's that positivity that I would like to celebrate and honor today.

Victor didn't get bitter – he got better.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfroid, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 61; H. Sub. for SB 196; SB 150; S. Sub. for HB 2194; HB 2191; S. Sub. for HB 2071.**

## CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 196** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, printed as House Substitute for SB 196, as amended by House Committee of the Whole (Corrected), as follows:

On page 1, after line 31, by inserting the following:

"(c) The secretary shall annually make a report on activities of the department related to administration of the job creation program fund and the funding of projects therefor. Such report shall contain specific and aggregate information regarding all expenditures from the fund, projects receiving funds, the amount of funds expended for each project, the reason and purpose described in subsections (a)(1) through (a)(8) for which funding was approved for each project, the number and characteristics of jobs created or retained in Kansas, the number of such jobs created or retained which do not continue to exist and the circumstances and effect of such discontinuance, and any other accomplishments related thereto. The secretary shall present such report to the president of the senate, the speaker of the house, the senate minority leader, the house minority leader, the house committee on taxation, the senate committee on assessment and

taxation, the senate committee on commerce and the house committee on commerce and economic development during January of each year.";

On page 7, by striking all in line 20, and inserting the following:

"(a) (1) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.

(2) Upon receipt of the rates determined and certified under subsection (a)(1), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (A) The portion attributable to the debt service rate shall be credited to the IMPACT program repayment fund; and (B) the remaining portion shall be credited to the IMPACT program services fund.

(3) The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all moneys withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.

(4) The provisions of this subsection shall remain in effect prior to July 1, 2012.

(b) Commencing July 1, 2012, the secretary of";

Also on page 7, in line 29, by striking "(b)" and inserting "(c)";

On page 8, by striking all in lines 40 through 43;

By striking all on pages 9 through 14;

On page 15, by striking all in lines 1 through 34;

And by renumbering sections accordingly;

On page 27, in line 41, by striking "74-50,115(c)" and inserting "74-50,115(e)";

On page 51, in line 23, by striking all after "74-50,110,";

One page 1, in the title, in line 2, by striking all after the semicolon; in line 3, by striking all before "income"; in line 6, by striking all after "74-50,110,"; in line 7, by striking "74-50,213,";

And your committee on conference recommends the adoption of this report.

RICHARD CARLSON

MARVIN KLEEB

NILE DILLMORE

*Conferees on part of House*

PAT APPLE

JEFF KING

G. THOMAS HOLLAND II

*Conferees on part of Senate*

On motion of Rep. Carlson, the conference committee report on **H. Sub. for SB 196**

was adopted.

On roll call, the vote was: Yeas 122; 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, 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, Seiwert, Shultz, Siegfried, Slatery, 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: Grange, Schwartz.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 61** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 28 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 10, and inserting the following:

"Sec. 2. K.S.A. 2010 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to

accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 2010 Supp. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 2010 Supp. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 2010 Supp. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either,

to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; ~~and~~

(13) provide taxpayer information of persons suspected of violating K.S.A. 2010 Supp. 44-766, and amendments thereto, to the staff attorneys of the department of labor for the purpose of determining compliance by any person with the provisions of K.S.A. 2010 Supp. 44-766, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., ~~as amended and amendments thereto~~, and the results or status of such audit or investigation; ~~and~~

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related



federal internal revenue rules or regulations, or other federal law.

Sec. 3. K.S.A. 2010 Supp. 74-50,208 and 79-3234 are hereby repealed.";

And by renumbering section 5 as section 4;

Also on page 6, in line 12, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "income"; also in line 1, by striking "credits; "and inserting "income tax credits,"; in line 2, by striking all after the semicolon; in line 3, by striking all before "amending" and inserting "tax information, disclosure to state treasurer in certain circumstances, unclaimed property;"; by striking all in line 4, and inserting "K.S.A. 2010 Supp. 74-50,208 and 79-3234";

And your committee on conference recommends the adoption of this report.

RICHARD CARLSON

MARVIN KLEEB

NILE DILLMORE

*Conferees on part of House*

PAT APPLE

JEFF KING

G. THOMAS HOLLAND II

*Conferees on part of Senate*

On motion of Rep. Carlson, the conference committee report on **SB 61** was adopted.

On roll call, the vote was: Yeas 122; 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, 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, 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: Grange, Schwartz.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2194** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2194, as follows:

On page 1, in line 29, by striking "and"; in line 30, after the first comma, by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (c) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (d) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (e) for the fiscal year commencing in calendar year 2016,"; in line 31, by striking "1.1%" and inserting "1.2%";

On page 2, in line 25, after "and" by inserting ", subject to any election made pursuant to the provisions of section 8, and amendments thereto, 1.4% or"; by inserting in line 27, after the period, "If the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.85% of the members final average salary multiplied by the number of years of participating service earned on and after January 1, 2014.";

On page 4, in line 25, before "Each" by inserting "Subject to any election made pursuant to the provisions of section 8, and amendments thereto,"; in line 28, after "(a)" by inserting "Commencing January 1, 2014, for members who elected to receive an amount for participating service equal to the total of 1.4% of such member's final average salary, 4% of such member's compensation as employee contributions, and (b)"; in line 29, after "2014," by inserting "for members who elected to receive an amount for participating service equal to the total of 1.85% of such member's final average salary, who did not make an election pursuant to section 8, and amendments thereto, or if the federal internal revenue service refuses to grant an approval or issues an adverse decision as described in section 8, and amendments thereto,"; also in line 29, by striking "; and"; in line 30, by striking "(b)" and inserting ", and ";

On page 7 in line 29, by striking "and" the first time it appears; also in line 29, after "2013," by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2014, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2016,"; in line 31, by striking "1.1%" and inserting "1.2%";

On page 8, in line 9, by striking "and"; in line 10, after "2014," by inserting "an amount not to exceed more than 0.9% of the amount of the immediately preceding fiscal year; (C) for the fiscal year commencing in calendar year 2015, an amount not to exceed more than 1% of the amount of the immediately preceding fiscal year; (D) for the fiscal year commencing in calendar year 2016, an amount not to exceed more than 1.1% of the amount of the immediately preceding fiscal year; and (E) for the fiscal year commencing in calendar year 2017,"; in line 11, by striking "1.1%" and inserting "1.2%";

On page 10, in line 20, after the comma by inserting "subject to any election made pursuant to the provisions of section 8, and amendments thereto,"; in line 24, after "to" by inserting "any election made pursuant to "; in line 25, by striking "1.85%" and inserting "1.4%"; in line 28, after "benefit" by inserting ", except that if the federal internal revenue services refuses to grant an approval or issues an adverse decision as

described in section 8, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.75% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014" also in line 28, by striking "Notwithstanding"; by striking all in lines 29 through 43;

On page 11, by striking all in lines 1 through 13;

And renumbering section 7 as section 6;

Also on page 11, after line 36, by inserting the following:

"Sec. 7 K.S.A. 2010 Supp. 75-6609 is hereby amended to read as follows: 75-6609.

(a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the approval of the governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: (A) Public auction; (B) by listing the surplus property with a licensed real estate broker or salesperson; or (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and any cost of appraisal of the surplus real estate, shall be deposited in the state treasury as prescribed by this subsection, unless otherwise authorized by law. On and after ~~the effective date of this act~~ July 1, 2012, 20% of the proceeds from each such sale deposited in the state treasury shall be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for: (A) Rehabilitation and repair or other capital improvements for such institution; or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. The remaining 80% of the proceeds from each such sale deposited in the state treasury shall be credited to ~~the state general fund~~ Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system. As used in this section, "unfunded actuarial pension liability" means the unfunded actuarially accrued liability of the state for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, portion of such liability of the Kansas public employees retirement system, determined as of the later of December 31, 2011, or the end of the most recent calendar year for which an actuarial valuation report is available.

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section. The provisions of this section shall not be applicable to real estate given as an endowment, bequest, or gift to a state educational institution as defined in subsection (g) of K.S.A. 72-4412, and amendments thereto, or to the university of Kansas medical center.

(h) Sale of the Olathe travel information center shall not be subject to the

provisions of this section.";

On page 12, by striking all in lines 3 through 34, and by inserting the following:

"(b) Except as otherwise provided in this act, a member of the system under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, on July 1, 2013, may elect to: (1) Contribute, commencing January 1, 2014, 5% of such member's compensation as employee contributions, and commencing January 1, 2015, and in each subsequent calendar year, 6% of such member's compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.85% of such member's final average salary; or (2) continue to contribute 4% of such member's compensation as employee contributions, and to receive an amount for participating service equal to the total of 1.4% of such member's final average salary. Members shall make such election within a 90-day period established by the board.

(c) Except as otherwise provided in this act, a member of the system under the provisions of the Kansas public employees retirement act of 2009, on July 1, 2013, may elect to: (1) Continue to contribute, commencing January 1, 2014, 6% of such member's compensation as employee contributions pursuant to K.S.A. 74-49,210, and amendments thereto, receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and receive an amount for participating service equal to the total of 1.4% of the member's final average salary; or (2) continue to contribute 6% of such member's compensation as employee contributions and not be eligible to receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto. Members who make this election to contribute at the 6% amount pursuant to this subsection and not be eligible to receive an annual cost-of-living adjustment shall receive an amount for participating service equal to the total of 1.75% of the member's final average salary. Members shall make such election within a 90-day period established by the board.

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

(2) A member failing to make an election pursuant to subsection (b) shall contribute 6% of such member's compensation as employee contributions, and shall receive an amount for participating service equal to the total of 1.85% of the member's final average salary.

(3) A member failing to make an election pursuant to subsection (c) shall contribute 6% of such member's compensation as employee contribution, shall not receive an annual cost-of-living adjustment pursuant to K.S.A. 2010 Supp. 74-49,213, and amendments thereto, and shall receive an amount for participating service equal to the total of 1.75% of the member's final average salary.

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

(e) The provisions of this section shall take effect July 1, 2012, and upon the date of publication in the Kansas register of the notice prescribed in section 10.";

Also on page 12, in line 42, by striking "11" and inserting "13"; in line 43, by striking "11" and inserting "13";

On page 13, in line 11, by striking "three" and inserting "five"; in line 32, by striking "December 15,"; in line 33, by striking "2011" and inserting "January 6, 2012"; in line 35, by striking "necessary" and inserting a period; also in line 35, after "commission" by inserting ", one bill shall be introduced in the senate and one bill shall be introduced in

the house of representatives, which such bills shall contain the exact same provisions, during the 2012 legislative session"; in line 43, by striking all after "shall";

On page 14, by striking all in lines 1 and 2; in line 3, by striking "commission" and inserting "mean at least one house of the legislature holding one or more public hearings in one or more committees and voting on final action by any such committee on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto, and the other house of the legislature voting on final action in committee of the whole on a bill prescribed by subsection (g) of section 9, and amendments thereto, or a bill containing the exact same provisions of any such bill prescribed by subsection (g) of section 9, and amendments thereto"; after line 4, by inserting the following:

"New Sec. 11.

#### KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On and after July 1, 2011, during the fiscal year ending June 30, 2012, in addition to other purposes for which expenditures may be made by the above agency from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012 as authorized by any appropriation act of the 2011 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the above agency to provide actuarial services for the KPERS study commission. All such expenditures shall be in addition to any other expenditure limitation imposed on expenditures from the agency operations account of the Kansas public employees retirement fund for fiscal year 2012, except that such expenditures shall not exceed \$60,000.";

And by renumbering sections accordingly;

Also on page 14, in line 7, by striking "74-49,210"; in line 8, by striking "and"; also in line 8, after "74-49,213" by inserting "and 75-6609";

On page 1, in the title, in line 3, before "KPERS" by inserting "sale of real estate of state agencies, disposition of certain proceeds to Kansas public employees retirement fund."; in line 4, before "amending" by inserting "making certain appropriations for fiscal year 2012."; in line 5, by striking "74-49,210 and"; also in line 5, after "74-49,213" by inserting "and 75-6609";

And your committee on conference recommends the adoption of this report.

JEFF KING

JEFF LONGBINE

ANTHONY HENSLEY

*Conferees on part of Senate*

MITCH HOLMES

STEVEN C. JOHNSON

LOUIS E. RUIZ

*Conferees on part of House*

On motion of Rep. M. Holmes, the conference committee report on **S. Sub. for HB 2194** was adopted.

On roll call, the vote was: Yeas 89; Nays 30; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Donohoe, Fawcett, Finney, Flaharty, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grant, Gregory, Grosserode, Hayzlett, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, KleeB, Knox, Landwehr, Lane, Loganbill, Mast, McLeland, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Patton, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Schroeder, Seiwert, Siegfried, Slattery, Sloan, Spalding, Swanson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Carlin, Denning, Dillmore, Feuerborn, Frownfelter, S. Gatewood, Gordon, Hedke, Henderson, Henry, Kelley, Kinzer, Kuether, Mah, McCray-Miller, Meier, Meigs, O'Hara, Otto, Pauls, Phelps, Scapa, Schwab, Shultz, Smith, Tietze, Trimmer, Tyson, Winn.

Present but not voting: None.

Absent or not voting: Brown, Grange, Rhoades, Schwartz, Suellentrop.

On motion of Rep. Siegfried, the House recessed until 12:00 p.m.

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#### AFTERNOON SESSION

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

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2191** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, by striking all in lines 34 through 43;

On page 3, by striking all in line 1 and inserting the following:

"(2) A school district offering a contract pursuant to this subsection shall prepare a written plan of assistance for the teacher being offered such contract and shall submit such plan of assistance to the teacher at the time such contract is offered. Prior to signing or rejecting a contract, the teacher shall have not less than 48 hours from the time the contract is offered to review and consider the contract and the plan of assistance. The plan of assistance shall be written to address those areas of teacher performance where the school district believes the teacher's performance is less than satisfactory.";

And your committee on conference recommends the adoption of this report.

JEAN KURTIS SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

*Conferees on part of Senate*

CLAY AURAND  
 STEVE HUEBERT  
 JIM WARD

*Conferees on part of House*

On motion of Rep. Aurand, the conference committee report on **Sub. HB 2191** was adopted.

On roll call, the vote was: Yeas 106; Nays 16; 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, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Carlin, Flaharty, Frownfelter, Henderson, Kuether, Loganbill, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Tietze, Trimmer, Victors, Winn.

Present but not voting: None.

Absent or not voting: Grange, Schwartz.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2071** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2071, as follows:

On page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 29 and inserting "New Section 1. (a) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, files a petition pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to such commitment, the costs incurred, including, but not limited to, costs of appointed counsel fees and expenses, witness fees and expenses, expert fees and expenses, and other expenses related to the prosecution and defense of such petition shall be taxed to the county responsible for the costs. Any district court receiving a statement of costs from another district court shall forthwith approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the ground that it is not the county responsible for the costs. If the claim for costs is not paid within 120 days, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county.



(b) The county responsible for the costs incurred pursuant to subsection (a) shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(c) As used in this section, "county responsible for the costs" means the county where the person was determined to be a sexually violent predator pursuant to K.S.A. 59-29a01 *et seq.*, and amendments thereto.

Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as follows: 59-29a04a. (a) There is hereby created in the state treasury the sexually violent predator expense fund which shall be administered by the attorney general. All moneys credited to such fund shall be used to reimburse counties under:

(1) K.S.A. 59-29a04, and amendments thereto, responsible for the costs related to determining whether a person may be a sexually violent predator; and

(2) section 1, and amendments thereto, for the costs related to a person filing a petition pursuant to K.S.A. 60-1501 *et seq.*, and amendments thereto, relating to the civil commitment pursuant to K.S.A. 59-29a01 *et seq.*, and amendments thereto.

(b) All expenditures from the sexually violent predator expense fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee.

Sec. 3. K.S.A. 59-29a06 is hereby amended to read as follows: 59-29a06. (a) Within 60 days after the completion of any hearing held pursuant to K.S.A. 59-29a05, and amendments thereto, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced.

(b) At all stages of the proceedings under K.S.A. 59-29a01 *et seq.*, and amendments thereto, any person subject to K.S.A. 59-29a01 *et seq.*, and amendments thereto, shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. Whenever any person is subjected to an examination under K.S.A. 59-29a01 *et seq.*, and amendments thereto, such person may retain experts or professional persons to perform an examination of such person's behalf. When the person wishes to be examined by a qualified expert or professional person of such person's own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court, upon the person's request, shall determine whether the services are necessary and reasonable compensation for such services. If the court determines that the services are necessary and the expert or professional person's requested compensation for such services is reasonable, the court shall assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. The court shall approve payment for such services upon the filing of a certified claim for compensation supported by a written statement specifying the time expended, services rendered, expenses incurred on behalf of the

person and compensation received in the same case or for the same services from any other source.

(c) Notwithstanding K.S.A. 60-456, and amendments thereto, at any trial conducted under K.S.A. 59-29a01 et seq., and amendments thereto, the parties shall be permitted to call expert witnesses. The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If the facts or data are of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, such facts and data need not be admissible in evidence in order for the opinion or inference to be admitted.

~~(e)~~(d) The person, the attorney general, or the judge shall have the right to demand that the trial be before a jury. Such demand for the trial to be before a jury shall be filed, in writing, at least four days prior to trial. Number and selection of jurors shall be determined as provided in K.S.A. 22-3403, and amendments thereto. If no demand is made, the trial shall be before the court.

~~(d)~~(e) A jury shall consist of 12 jurors unless the parties agree in writing with the approval of the court that the jury shall consist of any number of jurors less than 12 jurors. The person and the attorney general shall each have eight peremptory challenges, or in the case of a jury of less than 12 jurors, a proportionally equal number of peremptory challenges.

~~(e)~~(f) The provisions of this section are not jurisdictional, and failure to comply with such provisions in no way prevents the attorney general from proceeding against a person otherwise subject to the provision of K.S.A. 59-29a01 et seq., and amendments thereto.

Sec. 4 K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a are hereby repealed.";

On page 1, in the title, by striking lines 1 through 3 and inserting: "AN ACT concerning sexually violent predators; relating to habeas corpus; relating to expert testimony; amending K.S.A. 59-29a06 and K.S.A. 2010 Supp. 59-29a04a and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JEFF KING

DAVID HALEY

*Conferees on part of Senate*

LANCE KINZER

JOE PATTON

JANICE L. PAULS

*Conferees on part of House*

On motion of Rep. Kinzer, the conference committee report on **S. Sub. for HB 2071** was adopted.

On roll call, the vote was: Yeas 122; 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, 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, 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: Grange, Schwartz.

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

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#### LATE AFTERNOON SESSION

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

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 154** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 154," as follows:

"HOUSE Substitute for SENATE BILL NO. 154

By Committee on Appropriations

"AN ACT concerning the issuance of bonds; relating to the national bio and agro defense facility; providing certain powers, duties and functions for the Kansas development finance authority; state finance council and department of administration; amending K.S.A. 2010 Supp. 74-8963 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 154** was thereupon introduced and read by title.)

#### REPORT ON ENROLLED BILLS

**HB 2044; Sub. HB 2135** reported correctly enrolled, properly signed and presented to the Governor on May 10, 2011.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6024, HR 6025, HR 6027, HR 6028, HR 6029, HR 6030** reported correctly enrolled and properly signed on May 10, 2011.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Wednesday, May 11, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk*

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