

Journal of the Senate

FORTY-SIXTH DAY

Senate Chamber, Topeka, Kansas
Monday, March 21, 2011, 10:00 a.m.

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

Heavenly Father,

All of us would like to see
That quality of life
Where healthy children laugh and play
In streets devoid of strife.

Where people have enough to eat
And a roof above their head,
And able bodied people work
To earn their bed and bread.

Where those with disabilities
Receive the care they need,
And no one is prohibited
From trying to succeed.

But we should know by now, O God,
If all of this came true,
It would not assure the happiness
That all of us pursue.

Wealthy people take their lives
And healthy people find
A healthy body does not assure
Joy and peace of mind.

Educated people find
The going can be tough,
And even the unprejudiced
Find it's not enough.

Those of us who've lived a while
Should not find it odd
That fulfillment only comes to those
Who find their peace with God.

In the Name of Christ, AMEN

The pledge of allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Federal and State Affairs: **SB 241**.

CHANGE OF REFERENCE

The President withdrew **HB 2017** from the Committee on Education, and referred the bill to the Committee on Ways and Means.

The President withdrew **Sub HB 2135** from the Committee on Commerce, and referred the bill to the Committee on Ways and Means.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2182** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2056**; **HB 2124**, as amended by House Committee, be passed.

On motion of Senator Emler, the Senate recessed until 11:00 a.m.

The Senate met pursuant to recess with President Morris in the chair.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator King in the chair.

The morning session recommended:

SB 210, SB 223, SB 225; HB 2240 be passed.

SB 227, SB 229 be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report of **HB 2132** recommending a **S Sub for HB 2132** be adopted, and the substitute bill be passed.

SCR 1606 be adopted.

HB 2122 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken, on page 2, in line 31, after the comma where it appears for the first time, by inserting "but" and **HB 2122** be passed as further amended.

HB 2075 be amended by adoption of the committee amendments, be further amended by motion of Senator Teichman, on page 28, in line 3, before "Upon" by inserting "(a)" and **HB 2075** passed as further amended.

HB 2119 be amended by adoption of the committee amendments, be further amended be motion of Senator Teichman on page 2, in line 40, after "of" by inserting "providing such emergency service in response to"; and **HB 2119** be passed over and retain a place on the calendar.

HB 2060, S Sub HB 2134 be passed over and retain a place on the calendar.

The Committee rose and reported progress (see Committee of the Whole, afternoon session.)

REPORTS OF STANDING COMMITTEES

Committee on **Ethics and Elections** recommends **HB 2080** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2080," as follows:

"SENATE Substitute for HOUSE BILL NO. 2080

By Committee on Ethics and Elections

"AN ACT concerning elections; amending K.S.A. 25-321, 25-1215, 25-1218, 25-4004, 25-4153, 25-4502 and 25-4503 and K.S.A. 2010 Supp. 25-205, 25-1216, 25-4156 and 25-4501 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2067**, as amended by House Committee of the Whole, be amended on page 2, in line 37, following "require" by inserting "or accept"; in line 39, by striking "registration" and inserting "identification"; also in line 39, by striking "25-2309" and inserting "25-2908"; in line 40, by striking all following "shall"; by striking all in lines 41 through 44;

On page 3, by striking all in lines 1 through 9 and inserting ": (A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto.

(B) Such person shall also produce evidence that such person is registered to vote in Kansas.";

On page 13, in line 33, by striking all before the period and inserting "class C misdemeanor";

On page 19, and following line 39, by inserting: "(q) If evidence of citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as

evidence and the name or sex provided on the application for registration, such applicant may sign an affidavit:

(1) Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor; and

(2) swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. However, there shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election officer or secretary of state shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.";

And by redesignating subsections accordingly;

On page 20, following line 10, by inserting: "(u) The proof of citizenship requirements of this section shall not become effective until January 1, 2013.";

On page 22, by striking all in lines 3 through 44;

On page 23, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

On page 28, in line 3, following "charge" by inserting "or accept"; in line 7, by striking all following "shall" ; by striking all in lines 8 through 19 and inserting: "swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto.";

On page 29, by striking all in lines 12 through 30 and inserting:

"New Sec. 14. 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 requirements 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.

New Sec. 15. The boards of county commissioners shall designate a county office or department to provide assistance at no charge to any person applying for a birth certificate from the state registrar of vital statistics for the purpose of registering to vote. Such county departments shall transmit the necessary forms to the state registrar's office at no cost to the person applying for the birth certificate.

Sec. 16. K.S.A. 25-208a is hereby amended to read as follows: 25-208a. (a) Within 10 days, Saturdays, Sundays and holidays not included, from the date of the filing of nomination petitions or a declaration of intention to become a candidate for United States senator or representative or for state office, the secretary of state shall determine the validity of such petitions or declaration.

The secretary of state shall send a copy of all petitions to the county election officer of the county of the district in which the nomination petition was passed. The county election officer shall check the petitions only for valid signatures and certify the results of such check to the secretary of state within 10 days; ~~Saturdays, Sundays and holidays not included~~, of the date the petitions were filed with the secretary. The secretary of

state upon receipt of the validated petition from the county election officer shall notify the candidate of the validity of the petition.

(b) Within three days from the date of the filing of nomination petitions or a declaration of intention to become a candidate for county or township office or for precinct committeeman or committeewoman, the county election officer shall determine the validity of such petitions or declaration.

(c) If any nomination petitions or declarations are found to be invalid, the secretary of state or the county election officer, as the case may be, shall notify the candidate on whose behalf the petitions or declaration was filed that such nomination petitions or declaration have been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the secretary of state or the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

Sec. 17. K.S.A. 25-3203 is hereby amended to read as follows: 25-3203. If the secretary of state fails to receive the final abstract of the intermediate canvass of any national or state election from any county by the second Tuesday next after any election, the secretary shall dispatch a special messenger to obtain a copy of the same, and the county election officer shall immediately, on demand of such messenger, make out and deliver to such messenger the copy required. Thereupon, the messenger shall deliver such copy to the secretary of state without delay. The expenses of such messenger shall be paid by the secretary of state, and the secretary of state shall be reimbursed therefor by such county.

Any county conducting a recount pursuant to K.S.A. 25-3107, and amendments thereto, shall notify the secretary of state of the recount and shall set a date, subject to approval by the secretary of state, when the county election officer shall submit the intermediate abstract of the county to the secretary of state.

Sec. 18. 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~~ 8 a.m. and ~~10:00~~ 10 a.m. on the ~~Friday~~ Monday 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.

Sec. 19. K.S.A. 2010 Supp. 25-3107 is hereby amended to read as follows: 25-3107. (a) At the time of commencement of any canvass by the county board of canvassers the county election officer shall present to the county board of canvassers the preliminary abstracts of election returns, together with the ballots and records returned by the election boards. The county board of canvassers shall inspect and check the records presented by the county election officer and shall hear any questions which the county election officer believes appropriate for determination of the board. The county board of canvassers shall do what is necessary to obtain an accurate and just canvass of the election and shall finalize the preliminary abstract of election returns by making any needed changes, and certifying its authenticity and accuracy. The certification of the county board of canvassers shall be attested by the county election officer. Neither the

county board of canvassers nor the county election officer shall open or unseal sacks or envelopes of ballots, except as is required by K.S.A. 25-409, 25-1136 and 25-1337, and amendments thereto, or other specific provision of law or as is authorized to carry out a recount under subsection (b).

(b) If a majority of the members of the county board of canvassers shall determine that there are manifest errors appearing on the face of the poll books of any election board, which might make a difference in the result of any election, or if any candidate shall request the recount of the ballots cast in all or in only specified voting areas for the office for which such person is a candidate, or if any registered elector who cast a ballot in a question submitted election requests a recount in all or only specified voting areas to determine the result of the election, the county board of canvassers shall cause a special election board appointed by the county election officer to meet under the supervision of the county election officer and recount the ballots with respect to any office or question submitted specified by the county board of canvassers or requested by such candidate or elector. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601 et seq., and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. The county election officer shall not be a member of such special election board. Before the special election board meets to recount the ballots upon a properly filed request, the party who makes the request shall file with the county election officer a bond, with security to be approved by the county or district attorney, conditioned to pay all costs incurred by the county in making such recount. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, or if as a result of the recount a question submitted is overturned, no action shall be taken on the person's bond and the county shall bear the costs incurred for the recount. Any recount must be requested in writing and filed with the county election officer not later than ~~12:00 noon on the Monday following the election~~ or, if the canvass is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election ~~5 p.m. on the day following the meeting of the county board of canvassers~~. The request shall specify which voting areas are to be recounted. The county election officer shall immediately notify any candidate involved in the election for which such recount is requested, or shall notify the county chairperson of each candidate's party. Any such recount shall be initiated not later than the following day and shall be completed not later than ~~5:00 p.m. on Friday of such week~~ or, if the recount request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. the next following Monday ~~the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays~~. Upon completion of any recount under this subsection, the election board shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount.

(c) (1) The provisions of this subsection shall apply to candidates at any election for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of United States house of representatives;

(D) office of members of state senate or house of representative whose district is located in two or more counties; and

(E) office of members of state board of education.

(2) Any candidate may request a recount in one or more counties. Any such recount must be requested in writing and filed with the secretary of state not later than ~~12:00 noon on the Monday following the election or, if the canvass in one or more counties in the district is held on Monday, not later than 5:00 p.m. on the Tuesday next following the election~~ 5 p.m. on the second Friday following the election. The request shall specify which counties are to be recounted. If a recount is required in a county that uses optical scanning systems as defined in K.S.A. 25-4601, and amendments thereto, or electronic or electromechanical voting systems, as defined in K.S.A. 25-4401, and amendments thereto, the method of conducting the recount shall be at the discretion of the person requesting such recount. Except as provided by this subsection and subsection (d), the person requesting the recount shall file with the secretary of state a bond, with security to be approved by the secretary of state, conditioned to pay all costs incurred by the counties and the secretary of state in making such recount. The amount of the bond shall be determined by the secretary of state. A candidate described in paragraphs (D) and (E) of subsection (c)(1) may post a bond as provided by subsection (b) in lieu of the bond required by this subsection. In the event that the candidate requesting the recount is declared the winner of the election as a result of the recount, no action shall be taken on the candidate's bond and the counties shall bear the costs incurred for the recount.

(3) The secretary of state immediately shall notify each county election officer affected by the recount and any candidate involved in the election for which such recount is requested. If the candidate cannot be reached, then the secretary of state shall notify the state chairperson of such candidate's party. Any such recount shall be conducted under the supervision of the county election officers at the direction of the secretary of state, and shall be initiated not later than the following day and shall be completed not later than ~~5:00 p.m. on Friday of such week or, if the request is made on the Tuesday after the election because of a Monday canvass, not later than 5:00 p.m. on the next following Monday~~ the fifth day following the filing of the request for a recount, including Saturdays, Sundays and holidays. Each county election officer involved in the recount shall appoint a special election board to recount the ballots. The members of the special election board shall be paid as prescribed in K.S.A. 25-2811, and amendments thereto, for time actually spent making the recount. Upon completion of any recount under this subsection, the special election board in each county shall package and reseal the ballots as provided by law and the county board of canvassers shall complete its canvass. The county election officer in each county immediately shall certify the results of the recount to the secretary of state.

(d) (1) The provisions of this subsection shall apply to candidates at general elections for:

- (A) Any state or national office elected on a statewide basis;
- (B) the office of president or vice president of the United States;
- (C) the office of members of United States house of representatives;
- (D) office of members of state senate or house of representative; and
- (E) office of members of state board of education.

(2) Whenever the election returns reflect that a candidate for office was defeated by

~~one-half~~ $\frac{1}{2}$ of ~~one percent~~ 1% or less of the total number of votes cast and if such candidate requests a recount in one or more counties of the ballots, the state shall bear the cost of any recount performed using the method by which such ballots were counted originally.

(3) Not later than 60 days following a recount conducted pursuant to this subsection, the board of county commissioners of each county in which the recount occurred shall certify to the secretary of state the amount of all necessary direct expenses incurred by the county. Payment for such expenses shall be made to the county treasurer of the county upon warrants of the director of accounts and reports pursuant to vouchers approved by the secretary of state. Upon receipt of such payment and reimbursements, the county treasurer shall deposit the entire amount thereof in the county election fund, if there is one and if there is not then to the county general fund.

(4) The secretary of state, with the advice of the director of accounts and reports, shall determine the correctness of each amount certified under this section and adjust any discrepancies discovered before approving vouchers for payment to any county.":

And renumbering sections accordingly;

Also on page 29, in line 35, following "K.S.A." by inserting "25-208a,"; also in line 35, by striking ", 25-2411, 25-2416, 25-"; in line 36, by striking all before the second "and" and inserting "and 25-3203"; in line 37, following "25-3002" by inserting ", 25-3104, 25-3107";

On page 1, in the title, in line 1, by striking "relating to voter identification,"; in line 2, by striking all following "K.S.A." and inserting "25-208a, 25-2203, 25-2352 and 25-3203 and"; in line 4, following "25-3002" by inserting ", 25-3104, 25-3107";

and the bill be passed as amended.

Committee on **Judiciary** recommend **HB 2010, HB 2227** be passed.

Also, **SB 159** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 159," as follows:

"Substitute for SENATE BILL NO. 159

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of release; searches of parolees and persons on postrelease supervision; conditions for sex offenders; conditions for persons on probation; amending K.S.A. 2010 Supp. 22-3717 and section 247 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 21-4610a and 22-3717c.";

And the substitute bill be passed.

HB 2008, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2008," as follows:

"SENATE Substitute for HOUSE BILL NO. 2008

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft and identity fraud; amending section 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 21-4704.";

And the substitute bill be passed.

Committee on **Judiciary** recommends **SB 142** be amended on page 1, in line 8, after

"condolence" by inserting ", or waivers of charges for medical care provided,"; in line 12, by striking "acknowledges or implies" and inserting "admits"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2104**, as amended by House Committee, be amended on page 3, in line 18, by striking "detained" and inserting "arrested"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2118**, as amended by House Committee, be amended on page 11, in line 3, after "magistrate." by inserting: "The magistrate may order the person to pay for any costs associated with the supervision provided by the court services department in an amount not to exceed \$15 per week of such supervision. The magistrate may also order the person to pay for all other costs associated with the supervision and conditions for compliance in addition to the \$15 per week."; and the bill be passed as amended.

On motion of Senator Emler, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Morris in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 242, AN ACT concerning certain elections, enacting the interstate compact on the agreement among the states to elect the president by national popular vote act, by Committee on Federal and State Affairs.

SB 243, AN ACT concerning state authorities; creating the joint committee on state authorities oversight, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5017**.

The House concurs in Senate amendments to **HB 2027**.

The House concurs in Senate amendments to **HB 2028**.

The House nonconcur in Senate amendments to **HB 2020**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2044**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute HB 2049**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2076**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2172**, requests a conference and has appointed Representatives Hayzlett, Prescott and Wetta as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2192**, requests a conference and has appointed Representatives Hayzlett, Prescott and Wetta as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2282**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5017 was thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Committees:

By the Governor:

On the appointment to the:

Central Interstate Low-Level Radioactive Waste Commission:

Shari Feist Albrecht, Member, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Kurt Knutson, Member, to serve a three year term expiring March 15, 2013.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

State Banking Board:

Larry Williams, Member, to serve a three year term, expiring March 15, 2013.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2074 and **HB 2082** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2074, AN ACT concerning insurance rate filings; pertaining to the disclosure of certain information; amending K.S.A. 2010 Supp. 40-955 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2082, AN ACT concerning the maintenance of previously installed medical gas piping systems in hospitals; amending K.S.A. 2010 Supp. 12-1509 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators King and Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1831—

A RESOLUTION in memory of Robert V. Talkington.

WHEREAS, Robert V. Talkington, 81, of Iola, passed away December 26, 2010. A former Kansas legislator, he served in the Senate from 1973 to 1988 and the House of Representatives from 1969 to 1972; and

WHEREAS, Mr. Talkington was born August 23, 1929, near Patrick, Texas, to William H. and Nannie Patrick Talkington. Mr. Talkington graduated from Wilmer-Hutchens High School, near Dallas, Texas. He attended Tyler Junior College, Tyler, Texas, on a football scholarship, and received an associates degree in 1949. He transferred to the University of Kansas, on football and baseball scholarships, where he lettered in both sports and received a bachelor's degree in education in 1951. He earned his juris doctor from the University of Kansas in 1954; and

WHEREAS, In his 15 years in the Kansas Senate, this big man with a big heart was well known as an effective lawmaker and leader, but was equally renowned for his raucous sense of humor and love for practical jokes. Virtually everyone knew him as "Talk," and he fostered warm, personal relationships with legislators, staff and lobbyists alike. He was generous and thoughtful to those with whom he served. "Talk" served as vice-president of the Senate from 1977 to 1981, majority leader from 1981 to 1985, and Senate president from 1985 to 1989. He was a member of the Senate Judiciary Committee and the Senate Ways and Means Committee. While in the House of Representatives, Mr. Talkington was vice-chairman of the Legislative Services and Facilities Committee, and a member of the House Judiciary Committee, the House Ways and Means Committee, the House Roads and Highways Committee and the House State Parks and Memorials Committee. He was a member of the Capitol Dome Commission which issued a request for submission of sculpture designs to be considered for the top of the dome. The committee members reviewed the submissions and ultimately selected the regal and elegant design of the Kansas Indian statue, Ad Astra, that graces the dome today. "Talk" also left his mark through his dedicated efforts in defining the budgets for the Kansas Regents Universities, the state's transportation network and the state's judicial system; and

WHEREAS, In his private life, Mr. Talkington was an accomplished lawyer, serving as a private attorney in Iola, the county attorney for Allen County, the city attorney for Moran, the city attorney for Gas, and an attorney for Allen County Hospital and Allen County Community College; held numerous leadership posts, serving as a member of the Kansas Board of Regents from 1996 to 1999, including as its chairman from 1997 to 1998, and two terms on the Kansas Turnpike Authority, 1977 to 1985 and 1989 to 1993; and contributed to the University of Kansas, serving on its Greater University Fund, on its board of governors for the School of Law, and as a member of the Williams Educational Fund and Jayhawks for Higher Education; and

WHEREAS, Mr. Talkington has been further recognized for his commitment to public service. In 2002, the U.S. Highway 169 in Allen County was designated the "Senator Robert V. Talkington Highway" in recognition of his years of service to Kansas. In 2005, the Kansas Bar Association honored him with the Distinguished Government Service Award. In 1998, Tyler Junior College honored him with the Outstanding Public Service Award. In 2009, he was inducted into the Tyler Junior College Sports Circle of Honor for his outstanding achievements in athletics,

professional activities and community service; and

WHEREAS, Mr. Talkington's marriage to Donna Schmaus spanned 58 years; she died in 2009. They were blessed with five children, Jill, Jacki, Lisa, Jim, and Tom, two children who died in infancy, Jeanne and Donald, and 11 grandchildren; and

WHEREAS, Mr. Talkington was a great man and a great Jayhawk. He will be remembered for his many significant contributions to the legal profession and his dedicated service to the communities of Iola, Allen county and the state of Kansas, his love of his family; these are truly his legacy: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we extend our deepest sympathy to the family and friends of Robert V. Talkington for the loss of their father and grandfather and gratefully acknowledge the years of public service "Talk" gave to his state and community; and

Be it further resolved: That the Secretary of the Senate provide 20 enrolled copies of this resolution to Senator Morris to provide to "Talk's" extended family.

On emergency motion of Senator King **SR 1831** was adopted unanimously.

Senator King recognized a former Senate President, Robert V. Talkington, who passed away December 26, 2010. Senator Talkington served the Senate from 1973 to 1988 and House of Representatives from 1969 to 1972. The following family members were introduced: Jill McCaskill, Jacki Chase, Bob Chase, Jim Talkington, Staci Talkington, Will Talkington, Tom Talkington, Sherlyn Talkington, Jack Talkington, Camille Talkington, Lisa Dreasher, John Dreasher, Robbie Dreasher, Camden Dreasher, Fred Shaw, Kay Shaw and Bill Maness who were all acknowledged with a standing ovation.

Senators Taddiken, Abrams, Apple, Bruce, Brungardt, Emler, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, A. Schmidt, V. Schmidt, Schodorf, Steineger, Teichman and Umbarger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas.

WHEREAS, Residents of this state living in rural areas deserve and expect the same high-quality, affordable communications services that are available to their urban neighbors; and

WHEREAS, Similar to businesses in urban areas, rural businesses, farmers and ranchers compete in the global marketplace and depend on affordable access to robust broadband services to market and sell their products around the world; and

WHEREAS, Children living in rural areas should have the same educational opportunities as their urban counterparts, and high-speed internet access is absolutely necessary to allow these students opportunities for advanced learning through distance education; and

WHEREAS, Residents living in rural areas face unique health care challenges because of the distances that must be traveled to seek basic and advanced medical care, and telemedicine delivered via broadband networks can improve the health of rural

residents by reducing the time and travel needed for high-quality health care; and

WHEREAS, Many rural areas encounter significant challenges in pursuing and sustaining economic development plans that bring quality, higher-paying jobs to their communities, and insufficiently robust broadband speeds will further hamper the economic development needs of many rural communities; and

WHEREAS, The United States Department of Agriculture has rightfully placed significant importance on the need for broadband access in rural America to improve quality-of-life and economic development; and

WHEREAS, Communications providers that serve this state's rural areas have worked diligently to ensure that their consumers have access to affordable and reliable broadband services and have utilized the United States Department of Agriculture's Rural Utilities Service loan and grant programs for economic development; and

WHEREAS, Contrary to the progress rural communications providers have had in deploying broadband, the Federal Communications Commission is embarking on a National Broadband Plan that will negatively impact the ability of residents living in rural areas of this state to realize the true benefits of access to robust broadband speeds by limiting support to four megabits per second in rural, high-cost areas of the country, while calling for one hundred million urban homes to have access to broadband speeds at 100 megabits per second by 2020; and

WHEREAS, The National Broadband Plan runs counter to the federal universal service policy which ensures access to communications services at comparable rates regardless of the consumer's location: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we challenge the Federal Communications Commission to make substantive change to the National Broadband Plan so that the plan develops a universal service support mechanism that ensures accountability, promotes stability, provides efficient and effective incentives for broadband network deployment and operation and encourages broadband adoption by keeping broadband service affordable. The plan should also ensure high-quality service by linking funding to satisfying reasonable, but meaningful, carrier of last resort obligations. Consistent with the universal service principles in federal law, the plan should ensure that rural and urban consumers pay reasonably comparable rates for reasonably comparable services by providing adequate support in high-cost areas; and

Be it further resolved: That we urge the members of the Kansas Congressional Delegation to work with the Federal Communications Commission to ensure that commissioners understand the importance of robust broadband deployment to rural Kansas and how the current draft of the National Broadband Plan needs to be dramatically altered to ensure quality broadband service availability throughout this state; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the commissioners of the Federal Communications Commission, the members of the Kansas Congressional Delegation and the Governor.

On emergency motion of Senator Taddiken **SR 1832** was adopted unanimously.

ORIGINAL MOTIONS

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2044**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2172**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2020**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2076**.

The President appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2192**.

The President appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **HB 2282**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 198**.

Announcing passage of **SB 61**, as amended; **SB 193**, as amended.

Also, passage of **SB 1**, as amended by **House Substitute for SB 1**.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **H Sub for SB 1**, as amended by the House to be materially changed.

President Morris referred the bill to the Committee on **Assessment and Taxation**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report: The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Racing and Gaming Commission, Member: K.S.A. 74-8803

Dennis McKinney, term expires January 15, 2015

Racing and Gaming Commission, Member: K.S.A. 74-8803

Timothy A. Shultz, term expires January 15, 2013

Racing and Gaming Commission, Member: K.S.A. 74-8803

Jay T. Shadwick, term expires January 15, 2015

State Historical Society, Executive Director: K.S.A. 75-2701

Jennie A. Chinn, serves at the pleasure of the Governor

Department of Corrections, Secretary: K.S.A. 75-5201

Raymond Roberts, serves at the pleasure of the Governor

Committee on **KPERS Select** recommends **HB 2194** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2194," as follows:

"SENATE Substitute for HOUSE BILL NO. 2194

By KPERS Select Committee

"AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; employer and employee contributions; benefits; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2010 Supp. 74-4914d, 74-4920, 74-49,205 and 74-49,210 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **HB 2249** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2249," as follows:

"SENATE Substitute for HOUSE BILL NO. 2249

By Committee on Public Health and Welfare

"AN ACT concerning health information; enacting the Kansas health information technology and exchange act; amending K.S.A. 16-1602 and repealing the existing section; also repealing K.S.A. 65-1734, 65-4970, 65-4972 and 65-4973 and K.S.A. 2010 Supp. 65-3228, 65-4971 and 65-4974.";

And the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2149** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2149," as follows:

"SENATE Substitute for HOUSE BILL NO. 2149

By Committee on Ways and Means

"AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section.";

And the substitute bill be passed.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator King in the chair.

On motion of Senator King the morning report and the following afternoon report were adopted.

Recommended: **HB 2060** be passed.

Senator Pilcher-Cook moved to amend **HB 2060**, on page 2, following line 19 by inserting "Sec. 2. K.S.A. 65-2401 is hereby amended to read as follows: 65-2401. As used in this act:

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, ~~stillbirth~~ *unborn child death*, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(2) *"Unborn child" means a living individual organism of the species homo sapiens, in utero, irrespective of the duration of pregnancy.*

(3) *"Live birth" means ~~the complete expulsion or extraction from its mother of a product of human conception~~ irrespective of the duration of pregnancy, ~~an unborn child~~ which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.*

(4) ~~(5)~~ *"Stillbirth" means ~~any complete expulsion or extraction from its mother of a product of human conception the weight of which is in excess of 350 grams,~~ irrespective of the duration of pregnancy, ~~resulting in other than a live birth, as defined in this act,~~ *an unborn child, in excess of 350 grams, who dies in utero, and which is not an induced termination of pregnancy.**

(4) ~~(5)~~ *"Induced termination of pregnancy" means the purposeful interruption of pregnancy with the intention other than to produce a ~~live-born infant or to remove a dead fetus and which does not result in a live birth.~~*

(5) ~~(6)~~ *"Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.*

(6) ~~(7)~~ *"Person in charge of interment" means any person who places or causes to be placed a ~~stillborn~~ *dead unborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.**

(7) ~~(8)~~ *"Secretary" means the secretary of health and environment.*

Sec. 3. K.S.A. 65-2412 is hereby amended to read as follows: 65-2412. (a) A death certificate or ~~stillbirth unborn child death~~ certificate for each death or ~~stillbirth unborn child death~~ which occurs in this state shall be filed with the state registrar within three days after such death and prior to removal of the body from the state and shall be registered by the state registrar if such death certificate or ~~stillbirth unborn child death~~ certificate has been completed and filed in accordance with this section. If the place of death is unknown, a death certificate shall be filed indicating the location where the body was found as the place of death. A certificate shall be filed within three days after such occurrence; if death occurs in a moving conveyance, the death certificate shall record the location where the dead body was first removed from such conveyance as the place of death.

(b) *An unborn child death certificate shall not be filed for induced terminations of pregnancy required to be reported by K.S.A. 65-445, and amendments thereto.*

(c) *When an unborn child death occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file such certificate with the state registrar. The physician in attendance or, in the absence of the physician, the person in charge of the institution or that person's designated representative shall certify to the facts of the unborn child death and provide the medical information required by the certificate within three days after the unborn child death and prior to removal of such unborn child from the state.*

(d) *When an unborn child death occurs outside an institution, the certificate shall be prepared by the physician in attendance at or immediately after the unborn child death.*

(b) (e) The funeral director or person acting as such who first assumes custody of a dead body ~~or fetus~~ shall file the death certificate. Such person shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the physician last in attendance prior to burial. The death certificate filed with the state registrar shall be the official death record, except that a funeral director licensed pursuant to K.S.A. 65-1714, and amendments thereto, may verify as true and accurate information pertaining to a death on a form provided by the state registrar, and any such form, verified within 21 days of date of death, shall be prima facie evidence of the facts therein stated for purposes of establishing death. The secretary of health and environment shall fix and collect a fee for each form provided a funeral director pursuant to this subsection. The fee shall be collected at the time the form is provided the funeral director and shall be in the same amount as the fee for a certified copy of a death certificate.

(e) (f) When death occurred without medical attendance or when inquiry is required by the laws relating to postmortem examinations, the coroner shall investigate the cause of death and shall complete and sign the medical certification within 24 hours after receipt of the death certificate or as provided in K.S.A. 65-2414, and amendments thereto.

(d) (g) In every instance a certificate shall be filed prior to interment or disposal of the body.";

And by renumbering sections accordingly;

Also on page 2, in line 20, by striking "is" and inserting ", 65-2401 and 65-2412 are";

On page 1, in the title, in line 1, following "concerning" by inserting "deceased persons; relating to"; also in line 1, following "remains" by inserting "and death and unborn child death certificates"; in line 2, following "65-1734", by inserting ", 65-2401 and 65-2412,"; also in line 2, by striking "section" and inserting "sections"

A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair ruled the amendment not germane, the chair was challenged.

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

On roll call, the vote was: Yeas 22, Nays 16, Present and Passing 0, Absent or Not Voting 2.

Yeas: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Vratil.

Nays: Abrams, Apple, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeier, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Wagle.

Absent or Not Voting: Donovan, Umbarger.

The ruling of the Chair was sustained and **HB 2060** be passed.

The Committee returned to **HB 2119**. The adoption of committee amendments and an amendment by Senator Teichman were adopted in the morning session.

HB 2119 be amended by motion of Senator V. Schmidt, on page 3, following line 9 by inserting the following:

"Sec. 3. K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of ~~13~~ 15 members to be appointed as follows:

- (1) ~~Nine~~ *Eleven* members shall be appointed by the governor. Of such members:
- (A) ~~One~~ *Three* shall be ~~a member of the Kansas medical society~~ *physicians* who ~~is~~ *are* actively involved in emergency medical services;
- (B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;
- (C) one shall be an instructor-coordinator;
- (D) one shall be a hospital administrator actively involved in emergency medical services;
- (E) one shall be a member of a firefighting unit which provides emergency medical service; and
- (F) three shall be attendants who are actively involved in emergency medical service. At least two classifications of attendants shall be represented. At least one of such members shall be from a volunteer emergency medical service; and
- (2) four members shall be appointed as follows:
- (A) One shall be a member of the Kansas senate to be appointed by the president of the senate;
- (B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;
- (C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and
- (D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.
- All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position which qualified such person to be appointed as a member of the board.
- (c) ~~Of the members first appointed to the board, four shall be appointed for terms of one year, three for terms of two years, three for terms of three years and three for terms of four years. Of the two additional physician members appointed by the governor after July 1, 2011, one shall be appointed for a term of three years and one shall be appointed for a term of four years.~~ Thereafter, members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.
- (d) The board shall meet at least six times annually and at least once each quarter and at the call of the chairperson or at the request of the administrator of the emergency medical services board or of any six members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence

allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.

Sec. 4. K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances and rescue vehicles; (3) qualifications and training of attendants, instructor-coordinators and training officers; (4) requirements *and fees* for the licensure, *temporary licensure*, and renewal of licensure for ambulances and rescue vehicles; (5) records and equipment to be maintained by operators, instructor-coordinators, training officers, providers of training and attendants; ~~and~~ (6) *requirements for a quality assurance and improvement program for ambulance services*; (7) *staffing requirements for attendant or medical personnel for ambulance services and vehicles*; and (8) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) The provisions of this act shall not apply to rescue vehicles operated by a fire department.

Sec. 5. K.S.A. 2010 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced registered nurse practitioner" means an advanced registered nurse practitioner as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Attendant" means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to this act.

(g) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced registered nurse practitioner, professional nurse, a licensed physician assistant or attendant.

(i) "Emergency medical technician" means a person who holds an emergency

medical technician certificate issued pursuant to this act.

(j) "Emergency medical technician-defibrillator" means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

(k) "Emergency medical technician-intermediate" means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

(l) "Emergency medical technician-intermediate/defibrillator" means a person who holds both an emergency medical technician-intermediate and emergency medical technician defibrillator certificate issued pursuant to this act.

(m) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(n) "First responder" means a person who holds a first responder certificate issued pursuant to this act.

(o) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(p) "Instructor-coordinator" means a person who is certified under this act to teach initial courses of certification of instruction and continuing education classes.

(q) "Medical adviser/director" means a physician.

(r) "Medical protocols" mean written guidelines which authorize attendants to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced registered nurse practitioner authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

(s) "Mobile intensive care technician" means a person who holds a mobile intensive care technician certificate issued pursuant to this act.

(t) "Municipality" means any city, county, township, fire district or ambulance service district.

(u) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the attendant whether within or outside the vehicle as part of such transportation services.

(v) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

(w) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(x) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(y) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(z) "Physician assistant" means a person who is licensed under the physician assistant licensure act and who is acting under the direction of a responsible physician.

(aa) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(bb) "Provider of training" means a corporation, partnership, accredited

postsecondary education institution, ambulance service, fire department, hospital or municipality that conducts training programs that include, but are not limited to, initial courses of instruction and continuing education for attendants, instructor-coordinators or training officers.

(cc) "Responsible physician" means responsible physician as such term is defined under K.S.A. 65-28a02, and amendments thereto.

(dd) "Training officer" means a person who is certified pursuant to this act to teach, *coordinate or both*, initial courses of instruction for first responders or emergency medical responders and continuing education as prescribed by the board.

Sec. 6. K.S.A. 2010 Supp. 65-6120 is hereby amended to read as follows: 65-6120.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto;

(2) when approved by medical protocols ~~and~~ *or* where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;

(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or

(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an advanced emergency medical technician. Alternatively*, upon application for renewal, *such individual* shall be deemed to hold a certificate as an advanced emergency medical technician under this act, *provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course* and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(c) "Renewal" as used in subsection (b), refers to the *first or second opportunity after December 31, 2011*, that an emergency medical technician-intermediate has to apply for renewal of a certificate following the effective date of this act.

(d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of~~

the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(e) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

(1) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and

(2) any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician upon order of such a person: (A) Continuous positive airway pressure devices; (B) advanced airway management; (C) referral of patient of alternate medical care site based on assessment; (D) transportation of a patient with a capped arterial line; (E) venipuncture for obtaining blood sample; (F) initiation and maintenance of intravenous infusion or saline lock; (G) initiation of intraosseous infusion; (H) nebulized therapy; (I) manual defibrillation and cardioversion; (J) cardiac monitoring; (K) ~~medication administration via ECG interpretation~~; (L) administration of generic or trade name medications by one or more of the following methods: (i) Aerosolization; (ii) nebulization; (iii) intravenous; (iv) intranasal; (v) rectal; (vi) subcutaneous; (vii) intraosseous; (viii) intramuscular; or (ix) sublingual.

(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(h) "Renewal" as used in subsection (f), refers to the first or second opportunity

after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate following the effective date of this act.

~~(h) (i) Emergency medical technician-intermediate and emergency medical technician-defibrillator who fail to meet the transition requirements as specified will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification. An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

(j) Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.

Sec. 7. K.S.A. 2010 Supp. 65-6121 is hereby amended to read as follows: 65-6121.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any of the following activities:

- (1) Patient assessment and vital signs;
- (2) airway maintenance including the use of:
 - (A) Oropharyngeal and nasopharyngeal airways;
 - (B) esophageal obturator airways with or without gastric suction device;
 - (C) multi-lumen airway; and
 - (D) oxygen demand valves.
- (3) Oxygen therapy;
- (4) oropharyngeal suctioning;
- (5) cardiopulmonary resuscitation procedures;
- (6) control accessible bleeding;
- (7) apply pneumatic anti-shock garment;
- (8) manage outpatient medical emergencies;
- (9) extricate patients and utilize lifting and moving techniques;
- (10) manage musculoskeletal and soft tissue injuries including dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains;
- (11) use of backboards to immobilize the spine;
- (12) administer activated charcoal and glucose;
- (13) monitor ~~peripheral~~ intravenous line delivering intravenous fluids during

interfacility transport with the following restrictions:

- (A) The physician approves the transfer by an emergency medical technician;
- (B) no medications or nutrients have been added to the intravenous fluids; and
- (C) the emergency medical technician may monitor, maintain and shut off the flow of intravenous fluid;
- (14) use automated external defibrillators;
- (15) administer epinephrine auto-injectors provided that:
 - (A) The emergency medical technician successfully completes a course of instruction approved by the board in the administration of epinephrine; ~~and~~
 - (B) the emergency medical technician serves with an ambulance service or a first response organization that provides emergency medical services; and
 - (C) the emergency medical technician is acting pursuant to medical protocols;
- (16) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols; or
- (17) when authorized by medical protocol, assist the patient in the administration of the following medications which have been prescribed for that patient: Auto-injection epinephrine, sublingual nitroglycerin and inhalers for asthma and emphysema.
 - (b) An individual who holds a valid certificate as an emergency medical technician at the current basic level once *successfully* completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an emergency medical technician under this act.*
 - (c) "Renewal" as used in subsection (b); refers to the first opportunity *after December 31, 2011*, that an emergency medical technician has to apply for renewal of a certificate following the effective date of this act.
 - (d) Emergency medical technicians who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical responder as defined by rules and regulations of the board. Failure to do so will result in loss of certification.~~ *may successfully complete the board prescribed emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Alternatively, upon application for renewal of an emergency medical technician certificate, the applicant shall be deemed to hold a certificate as an emergency medical responder under this act, and such individual shall not be required to file an original application for certification as an emergency medical responder.*
 - (e) *Failure to successfully complete either an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.*
 - (~~e~~) (f) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the

devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or* upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person:

- (1) Airway maintenance including use of:
 - (A) Single lumen airways as approved by the board;
 - (B) multilumen airways;
 - (C) ventilator devices;
 - (D) forceps removal of airway obstruction;
 - (E) CO2 monitoring;
 - (F) airway suctioning;
 - (2) apply pneumatic anti-shock garment;
 - (3) assist with childbirth;
 - (4) monitoring urinary catheter;
 - (5) capillary blood sampling;
 - (6) cardiac monitoring;
 - (7) administration of patient assisted medications as approved by the board;
 - (8) administration of medications as approved by the board by appropriate routes;
- and
- (9) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician.

Sec. 8. K.S.A. 2010 Supp. 65-6123 is hereby amended to read as follows: 65-6123.

(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-defibrillator may:

- (1) Perform any of the activities identified in K.S.A. 65-6121, and amendments thereto;
- (2) when approved by medical protocols ~~and~~ where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced registered nurse practitioner where authorized by a physician, or licensed professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform electrocardiographic monitoring and defibrillation;
- (3) perform, during an emergency, those activities specified in subsection (b) before contacting the persons identified in subsection (b) when specifically authorized to perform such activities by medical protocols; or
- (4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-defibrillator once *successfully* completing *an emergency medical technician-intermediate, initial course of instruction and* the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an advanced emergency medical technician. Alternatively,* upon application for renewal, *such individual* shall be deemed to hold a certificate as an advanced emergency medical technician under this

act, *provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course*, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician ~~under this act~~.

(c) "Renewal" as used in subsection (b), refers to the second opportunity *after December 31, 2011*, that an attendant has to apply for renewal of a certificate following the effective date of this act.

(d) EMT-D attendants who fail to meet the transition requirements as specified ~~will be required, at a minimum, to gain the continuing education applicable to emergency medical technician as defined by rules and regulations of the board. Failure to do so will result in loss of certification.~~ *may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician-defibrillator may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.*

(e) *Failure to complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or an emergency medical responder transition course will result in loss of certification.*

Sec. 9. K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical ~~adviser~~director appointed by the operator of the service to review, *and implement medical protocols*, approve and monitor the activities *and education* of the attendants. The board may approve an alternative procedure for medical oversight if no medical ~~adviser~~director is available.

Sec. 10. K.S.A. 2010 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) Application for an attendant's certificate shall be made to the board. The board shall not grant an attendant's certificate unless the applicant meets the following requirements:

(1) (A) Has successfully completed coursework required by the rules and regulations adopted by the board; or

(B) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; ~~and~~

(2) (A) has passed the examination required by the rules and regulations adopted by the board; or

(B) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; *and*

(3) *has paid a fee required by the rules and regulations adopted by the board.*

(b) (1) The board shall not grant a temporary attendant's certificate unless the

applicant meets the following requirements:

(A) If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant's coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework, whichever occurs first; or

(B) if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.

(2) An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician's assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant.

(c) The board shall not grant an initial emergency medical technician-intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An attendant's certificate shall expire on the date prescribed by the board. An attendant's certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the attendant has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an attendant applies for an attendant's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 11. K.S.A. 65-6132 is hereby amended to read as follows: 65-6132. (a) An operator's permit may be denied, revoked, limited, modified or suspended by the board upon proof that such operator or any agent or employee thereof:

(1) Has been guilty of misrepresentation in obtaining the permit or in the operation of the ambulance service;

(2) has engaged or attempted to engage in, or represented themselves as entitled to perform, any ambulance service not authorized in the permit;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has shown themselves otherwise unable to provide adequate ambulance service;

(4) has failed to keep and maintain the records required by the provisions of this

act, or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*, or has failed to make reports when and as required;

(5) has knowingly operated faulty or unsafe equipment; ~~or~~

(6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations ~~promulgated thereunder~~ *adopted by the board*; or

(7) *has engaged in unprofessional conduct as defined by rules and regulations adopted by the board.*

(b) The board shall not limit, modify, revoke or suspend any operator's permit pursuant to this section without first conducting a hearing in accordance with the provisions of the administrative procedure act.

Sec. 12. K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An attendant's, ~~or~~ instructor-coordinator's *or training officer's* certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:

(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;

(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder;

(5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;

(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition; ~~or~~

(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board; *or*

(8) *has had a certificate, license or permit to practice emergency medical services as an attendant denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.*

(b) The board may limit, modify, revoke or suspend an attendant's or instructor-coordinator's certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 13. K.S.A. 2010 Supp. 65-6144 is hereby amended to read as follows: 65-6144. (a) A first responder may perform any of the following activities:

(1) Initial scene management including, but not limited to, gaining access to the individual in need of emergency care, extricating, lifting and moving the individual;

(2) cardiopulmonary resuscitation and airway management;

(3) control of bleeding;

(4) extremity splinting excluding traction splinting;

(5) stabilization of the condition of the individual in need of emergency care;

(6) oxygen therapy;

(7) use of oropharyngeal airways;

(8) use of bag valve masks;

(9) use automated external defibrillators; and

(10) other techniques of preliminary care a first responder is trained to provide as approved by the board.

(b) An individual who holds a valid certificate as a first responder, once completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, *may apply to transition to become an emergency medical responder. Alternatively,* upon application for renewal of such certificate, such individual shall be deemed to hold a certificate as an emergency medical responder under this act, *provided such individual has completed all continuing education hour requirements inclusive of a transition course* and such individual shall not be required to file an original application for certification as an emergency medical responder ~~under this act~~.

(c) "Renewal" as used in subsection (b), refers to the first opportunity *after December 31, 2011*, that an attendant has to apply for renewal of a certificate following the effective date of this act.

(d) First responder attendants who fail to meet the transition requirements as specified will forfeit their certification.

(e) Upon transition, notwithstanding any other provision of law to the contrary, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, *or* upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced registered nurse practitioner when authorized by a physician or a licensed professional nurse when authorized by a physician, upon order of such person: (1) Emergency vehicle operations; (2) initial scene management; (3) patient assessment and stabilization; (4) cardiopulmonary resuscitation and airway management; (5) control of bleeding; (6) extremity splinting; (7) spinal immobilization; (8) oxygen therapy; (9) use of bag-valve-mask; (10) use of automated external defibrillator; (11) nebulizer therapy; (12) intramuscular injections with auto-injector; (13) administration of oral glucose; (14) administration of aspirin; (15) recognize and comply with advanced directives; (16) insertion and maintenance of oral and nasal pharyngeal airways; (17) use of blood glucose monitoring; and (18) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.";

And renumbering the remaining sections accordingly.;

On page 3, in line 10, by striking "is" and inserting ", 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-

6129 and 65-6144 are";

On page 1, in the title, in line 1, by striking "political"; by striking all in lines 2 and 3; in line 4, by striking all before the semicolon and inserting "emergency; relating to medical and other services"; also in line 4, after "8-305" by inserting ", 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-6129 and 65-6144"; in line 5, by striking "section" and inserting "sections"

HB 2119 be further amended by motion of Senator V. Schmidt, on page 3, following line 9, by inserting the following:

"Sec. 3. K.S.A. 2010 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of health of the department of health and environment as a part thereof.

(b) ~~On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001,~~ The advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making appointments to the board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making appointments to the board under this paragraph.

(4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making appointments to the board under this paragraph.

(5) Two members shall be attendants as defined in K.S.A. 65-6112, and amendments thereto, who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of

these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such ~~lists~~list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the board of emergency medical services or the chairperson's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under paragraphs (1) through (7) of subsection (b), six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. ~~The chairperson and vice-chairperson serving on the effective date of this act shall be among the members appointed to the advisory committee under subsection (b) and shall continue~~

~~to serve as chairperson and vice chairperson of the advisory committee until the first meeting of the advisory committee after July 1, 2002.~~

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) All members of the advisory committee, when acting in their official capacity under this act, shall be considered peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

~~(g)~~(g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto.

Sec. 4. K.S.A. 2010 Supp. 75-5665 is hereby amended to read as follows: 75-5665. The secretary of health and environment, after consultation with and consideration of recommendations from the advisory committee, shall:

(a) Develop rules and regulations necessary to carry out the provisions of this act, including fixing, charging and collecting fees from trauma facilities to recover all or part of the expenses incurred in the designation of trauma facilities pursuant to subsection (f) of this section;

(b) develop a statewide trauma system plan including the establishment of regional trauma councils, using the ~~1998~~2001 Kansas EMS-trauma systems plan study as a guide and not more restrictive than state law. The secretary shall ensure that each council consist of at least six members. Members of the councils shall consist of persons chosen for their expertise in and commitment to emergency medical and trauma services. *All members of regional trauma councils, when acting in their official capacity under this act, shall be considered peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.* Such members shall be chosen from the region and include prehospital personnel, physicians, nurses and hospital personnel involved with the emergency medical and trauma services and a representative of a county health department. The plan should:

(1) Maximize local and regional control over decisions relating to trauma care;
 (2) minimize bureaucracy;
 (3) adequately protect the confidentiality of proprietary and personal health information;

(4) promote cost effectiveness;
 (5) encourage participation by groups affected by the system;
 (6) emphasize medical direction and involvement at all levels of the system;
 (7) rely on accurate data as the basis for system planning and development; and
 (8) facilitate education of health care providers in trauma care;

(c) plan, develop and administer a trauma registry to collect and analyze data on incidence, severity and causes of trauma and other pertinent information which may be used to support the secretary's decision-making and identify needs for improved trauma care;

(d) provide all technical assistance to the regional councils as necessary to implement the provisions of this act;

(e) collect data elements for the trauma registry that are consistent with the recommendations of the American college of surgeons committee on trauma and centers for disease control;

(f) designate trauma facilities by level of trauma care capabilities after considering the American college of surgeons committee on trauma standards and other states' standards except that trauma level designations shall not be based on criteria that place practice limitations on registered nurse anesthetists which are not required by state law;

(g) develop a phased-in implementation schedule for each component of the trauma system, including the trauma registry, which considers the additional burden placed on the emergency medical and trauma providers;

(h) develop standard reports to be utilized by the regional trauma councils and those who report data to the registry in performing their functions;

(i) assess the fiscal impact on all components of the trauma system, and thereafter recommend other funding sources for the trauma system and trauma registry;

(j) prepare and submit an annual budget in accordance with the provisions of this act. Such budget shall include costs for the provision of technical assistance to the regional trauma councils and the cost of developing and maintaining the trauma registry and analyzing and reporting on the data collected; and

(k) enter into contracts as deemed necessary to carry out the duties and functions of the secretary under this act.";

And renumbering remaining sections accordingly;

Also on page 3, in line 10, by striking "is" and inserting "and K.S.A. 2010 Supp. 75-5664 and 75-5665 are";

On page 1, in the title, in line 1, by striking "political"; by striking all in lines 2 and 3; in line 4, by striking all before the semicolon and inserting "emergency and trauma"; also in line 4, after "8-305" by inserting "and K.S.A. 2010 Supp. 75-5664 and 75-5665"; in line 5, by striking "section" and inserting "sections" and **HB 2119** be passed as further amended.

Sub HB 2134 be amended by the adoption of the committee amendments, and further amended by motion of Senator Wagle, on page 2 in line 2, by striking "a" and inserting "the first";

On page 5, in line 1, by striking "100" and inserting "200";

On page 12, in line 40, before "and" by inserting:

"(ii) the increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma;"; in line 41 by striking "(ii)" and inserting "(iii)";

On page 13, by striking all in line 4; in line 5, by striking all before "and"; in line 6, by striking "(iii)" and inserting "(ii)";

HB 2134 be further amended by motion of Senator Wagle, on page 58, after line 20, by inserting:

"New Sec. 28. (a) Any person who is not required to be covered under a workers compensation insurance policy or other plan for the payment of workers compensation may execute an affidavit of exempt status under the workers compensation act. The affidavit shall be a form prescribed by the commissioner of insurance. The affidavit shall be available on the web site of the department of insurance.

(b) Execution of the affidavit shall establish a rebuttable presumption that the executor is not an employee for purposes of the workers compensation act and that an individual or company possessing the affidavit is in compliance and therefore shall not be responsible for workers compensation claims made by the executor.

(c) The execution of an affidavit shall not affect the rights or coverage of any

employee of the individual executing the affidavit.

(d) (1) Knowingly providing false information on a notarized affidavit of exempt status under the workers compensation act shall constitute a misdemeanor punishable by a fine not to exceed \$1,000.

(2) Affidavits shall conspicuously state on the front thereof in at least 10 point, boldfaced print that it is a crime to falsify information on the form.

(3) The commissioner of insurance shall immediately notify the fraud unit in the department of insurance of any violations or suspected violations of this section. The commissioner of insurance shall cooperate with the fraud unit.

(e) The commissioner of insurance shall have the power to adopt all reasonable rules and regulations necessary to implement this section.";

And by renumbering the remaining sections accordingly

A motion by Senator Wagle to amend **HB 2134** was withdrawn.

Senator Wagle moved to further amend **Sub HB 2134**, on page 55, in line 33, by striking "and shall"; by striking all in lines 34 through 37; and inserting ", a minimum five years of which shall have been in the active practice of workers compensation law. Qualified individuals shall also include a judge of a court of record in Kansas, any Kansas administrative law judge possessing five years of workers compensation practice experience, or a professor of law in an accredited Kansas law school who possesses at least five years of workers compensation practice experience within the 10 years immediately preceding the date of appointment, or any combination thereof. Each board member shall have a demonstrated knowledge of workers compensation law as it affects both employers and employees.

(2) Each board member appointed or reappointed on or after July 1, 2011, shall be subject to senate confirmation as provided in K.S.A. 75- 4315b, and amendments thereto. Any member of the board whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member of the board before such termination.

(3) Each appointment shall be forwarded to the senate for confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 2010 Supp. 46-2601, and amendments thereto, no person appointed to the board shall exercise any power, duty or function as a member of the board until confirmed by the senate. In case of a vacancy when the senate is not in session, the appointing entity may make a temporary appointment to the board until the next meeting of the senate. Any person who is temporarily appointed by the appointing entity to the board shall have all of the powers, duties and functions as a member of the board during such temporary appointment.

On page 57, in line 8, by striking "nominate" and inserting "appoint"; in line 20, by striking all following "for"; in line 21, by striking all before the period and inserting "reappointment by the secretary"; in line 25, by striking ", death and disablement" and inserting "or death"; in line 29, by striking "workers compensation nominating committee" and inserting "secretary"; in line 30, by striking "committee" and inserting "secretary"; in line 31, by striking "nominate" and inserting "appoint"; in line 32, by striking "(f)" and inserting "(e)"

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

On roll call, the vote was: Yeas 20, Nays 19, Present and Passing 0, Absent or Not

Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Nays: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion carried and the amendment was adopted.

HB 2134 be amended by motion of Senator King, on page 58, after line 20, by inserting the following:

"Sec. 28. K.S.A. 44-549 is hereby amended to read as follows: 44-549. (a) All hearings upon all claims for compensation under the workers compensation act shall be held by the administrative law judge *in person* in the county in which the accident occurred, *or by video conferencing or telephone conference* unless otherwise mutually agreed by the employee and employer. The award, finding, decision or order of an administrative law judge when filed in the office of the director shall be deemed to be the final award, finding, decision or order of the administrative law judge.

(b) The director and the board, for the purpose of the workers compensation act, shall have power to administer oaths, certify to official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents, and records to the same extent as is conferred on district courts of this state under the code of civil procedure.";

And by renumbering the remaining sections accordingly;

Also on page 58, in line 23, after "44-536" by inserting ", 44-549";

On page 1, in the title, in line 3, after "44-536" by inserting ", 44-549"

Senator Schodorf moved to further amend **HB 2134**, in section 27 which amends K.S.A. 2010 Supp. 44-555c, on page 55, by striking lines 16 through 43;

By striking all on pages 56 and 57;

On page 58, by striking all in lines 1 through 20;

And by renumbering sections accordingly;

Also on page 58, in line 24, by striking all after "44-523" and inserting "and 44-552";

On page 1, in the title, in line 5, by striking "44-552 and 44-555c" and inserting "and 44-552"

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

On roll call, the vote was: Yeas 22, Nays 17, Present and Passing 0, Absent or Not Voting 1.

Yeas: Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Apple, Bruce, Emler, Kelsey, King, Longbine, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle, Taddiken, Wagle.

Absent or Not Voting: Donovan.

The motion carried and the amendment was adopted and **Sub HB 2134** be passed as further amended.

Having voted on the prevailing side in Committee of the Whole, Senator Reitz moved the Senate reconsider its action on **HB 2240**. The motion carried and the bill was

returned to Committee of the Whole.

A motion by Senator Reitz to amend **HB 2240** on page 4, in line 39, after “price” by inserting “of preneed cemetery merchandise” and **HB 2240** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 210, SB 223, SB 225, SB 227, SB 229; SCR 1606; HB 2060, HB 2075, HB 2119, HB 2122, HB 2240; S Sub for HB 2132, Sub HB 2134** were advanced to Final Action and roll call.

SB 210, AN ACT providing for assessments on providers of home and community-based services developmental disability waiver program; prescribing powers, duties and functions for the Kansas health policy authority; creating the quality based community assessment fund; providing for implementation and administration.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 223, AN ACT concerning accessibility standards for public facilities; amending K.S.A. 58-1301b and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 225, AN ACT designating part of interstate highway 70 as the Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

SB 227, AN ACT concerning anemometer towers; relating to required markings;

penalties.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 229, AN ACT concerning state finance; relating to certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing the existing sections; also repealing K.S.A. 75-3170.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SCR 1606, A CONCURRENT RESOLUTION urging the United States Department of Transportation to adopt regulations addressing the safety of vertical, down-hole operations in gas storage fields, thus creating an opportunity for the State Corporation Commission, operating as a designated agent of the Department, to regulate and ensure the safety of all natural gas storage fields in Kansas.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeier, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The resolution was adopted.

HB 2060, AN ACT concerning disposal of decedents' remains; amending K.S.A. 65-1734 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley,

Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

HB 2075, AN ACT concerning surplus lines insurance; relating to the surplus lines insurance multi-state compliance compact; amending K.S.A. 40-246c and 40-246e and K.S.A. 2010 Supp. 40-246b and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2119, AN ACT concerning emergency; relating to medical and other services emergency and trauma; amending K.S.A. 8-305, 65-6102, 65-6110, 65-6126, 65-6132 and 65-6133 and K.S.,A. 2010 Supp. 65-6112, 65-6120, 65-6121, 65-6123, 65-6129 and 65-6144 and K.S.A. 2010 Supp. 75-5664 and 75-5665 and repealing the existing sections.

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Kelsey, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Steineger, Taddiken.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: Prior to amending **SB 139** into **HB 2119**, **HB 2119** wasn't a bad bill.

However, with the amendment, it does much the same as the original **SB 139**.

In an age of government transparency, for us to enable any part of government, including councils and committees, to not be transparent in their dealings, is the wrong direction for an open transparent government.

This bill, **HB 2119** with the amended **SB 139**, puts the inquiries, reports and every piece of gathered information behind a wall that does not allow it to be revealed even with a court subpoena. That is the wrong direction for open transparent government. – STEVE ABRAMS

Senators Lynn, Masterson and Taddiken request the record to show they concur with

the “Explanation of Vote” offered by Senator Abram on **SB 2119**.

HB 2122, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161, 79-34,163 and 79-34,164 and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Olson, Pilcher-Cook, Steineger.

Absent or Not Voting: Donovan.

The bill passed, as amended.

HB 2240, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

S Sub for HB 2132, AN ACT relating to motor vehicles; providing for the issuance of gold star family license plates; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle.

Nays: Emler, Olson, Pilcher-Cook, Steineger, Vratil.

Absent or Not Voting: Donovan.

The substitute bill passed.

Sub HB 2134, AN ACT concerning workers compensation; amending K.S.A. 44-503a, 44-510c, 44-510d, 44-510e, 44-510f, 44-515, 44-516, 44-520, 44-525, 44-528, 44-531, 44-532a, 44-534a, 44-536, 44-549 and 44-5a01 and K.S.A. 2010 Supp. 44-501, 44-508, 44-510b, 44-510h, 44-510k, 44-511, 44-523 and 44-552 and repealing the existing sections; also repealing K.S.A. 44-510a and 44-520a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley,

Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew **Sub HB 2135** from the Committee on Ways and Means, and rereferred the bill to the Committee on Commerce.

On motion of Senator Emler, the Senate adjourned until 9:00 a.m., Tuesday, March 22, 2011.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*
PAT SAVILLE, *Secretary of the Senate.*

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