

# Journal of the Senate

THIRTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 27, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.  
The roll was called with forty senators present.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 225**, AN ACT concerning telecommunications; relating to KAN-ED; amending K.S.A. 2012 Supp. 75-7224 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 226**, AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 and repealing the existing section, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 224**.

Federal and State Affairs: **SB 223**, **HB 2077**, **HB 2167**.

Judiciary: **HB 2169**.

Natural Resources: **Sub HB2051**, **HB 2138**, **Sub HB2207**.

Public Health and Welfare: **HB 2078**.

Transportation: **HB 2177**.

## CHANGE OF REFERENCE

The President withdrew **SB 223** from the Committee on Federal and State Affairs, and referred the bill to the Committee on Natural Resources.

## INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2049**, **HB 2050**, **HB 2075**, **HB 2118**, **HB 2151**, **HB 2153**, **HB 2176**, **HB 2181**, **HB 2209**, **HB 2259** were thereupon introduced and read by title.

## INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Tom Holland moved SB 48 be withdrawn from @ (committee)  
@ (text)

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2049, HB 2050, HB 2075, HB 2118, HB 2151, HB 2153, HB 2176, HB 2181, HB 2209, HB 2259,**

### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 187** be amended on page 2, in line 26, by striking "which" and inserting ". Whenever the workers compensation administrative law judge nominating and review committee or the workers compensation board nominating committee, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the workers compensation and employment security boards nominating committee. The workers compensation and employment security boards nominating committee";

On page 6, in line 24, after "board." by inserting "Whenever the workers compensation board, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the workers compensation appeals board.";

On page 9, in line 23, by striking "three" and inserting "two"; in line 29, by striking "a majority comprised of not less than three of the members"; in line 30, by striking "hearing the case" and inserting "at least three board members";

On page 12, in line 12, after "for" by inserting "appointment to"; also in line 12, after "review" by inserting ", subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto"; and the bill be passed as amended.

Committee on **Education** recommends **SB 171** be amended on page 2, in line 37, after the semicolon by inserting "and"; in line 38, by striking all after "(B)"; by striking all in lines 39 and 40; in line 41, by striking "(C)"; also in line 41, by striking all after "year"; by striking all in lines 42 and 43;

On page 3, in line 1, by striking all before the period and inserting "and actual expenditures for the immediately preceding two school years showing total dollars net of transfers and dollars per pupil for each of the following:

- (1) Function 1000, instruction;
- (2) function 2100, student support;
- (3) function 2200, instructional staff support;
- (4) functions 2300 through 2500, administration;
- (5) function 2600, operation and maintenance;
- (6) function 2700, transportation;
- (7) function 3100, food service;
- (8) functions 2900, 3200 and 3300, other current spending;
- (9) function 4000, capital outlay;
- (10) function 5100, debt service;
- (11) the total expenditures which is the sum of the amounts in paragraphs (1) through (10);
- (12) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of total expenditures;
- (13) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of current spending, which is the sum of

expenditures for functions 1000 through 3300 less capital outlay and debt service expenditures included in any of those functions; and

(14) the revenue in total dollars net of transfers both in total and disaggregated to show the amount of revenue received from local, state and federal revenue sources.

For purposes of this paragraph, all per pupil amounts shall be calculated using the full-time equivalent enrollment of the school district. All function categories and other accounting categories shall refer to those same categories as established and required for financial accounting purposes by the state board through rules and regulations adopted by the state board and in effect on July 1, 2013"; and the bill be passed as amended.

Committee on **Education** recommends **SB 176** be amended on page 1, in line 4, by striking "9" and inserting "10"; in line 7, by striking "9" and inserting "10"; in line 27, by striking "of education";

On page 2, in line 7, after "application" by inserting "on or before the conclusion of such 90-day period"; in line 35, by striking "9" and inserting "10"; in line 42, by striking "K.S.A. 75-2315 et" in line 43, by striking all before the second comma and inserting "all laws governing the issuance of general obligation bonds by school districts";

On page 3, in line 8, by striking "9" and inserting "10"; in line 21, by striking "public innovative" and inserting "school"; in line 23, after "education" by inserting "of a school district"; in line 38, after the period by inserting "The coalition board, in its sole discretion, shall approve or deny the request. As part of its review of such request, the coalition board may make recommendations to the requesting school district to modify the request, and may consider any such modifications prior to making a final decision.";

On page 4, in line 34, by striking "9" and inserting "10";

On page 5, in line 14, by striking "9" and inserting "10"; following line 14, by inserting:

"Sec. 7. (a) If at any time a public innovative district fails to meet any of the renewal criteria set forth in subsection (b) of section 6, and amendments thereto, for two or more consecutive school years, then:

(1) Such public innovative district may submit a petition to the state board for a release of the grant of authority to operate as a public innovative district; or

(2) the coalition board may submit a petition to the state board requesting that such public innovative district have its grant of authority to operate as a public innovative district revoked.

(b) If a petition is submitted to the state board pursuant to subsection (a)(1), then the state board shall grant such petition and release such public innovative district from the grant of authority to operate as a public innovative district. Such release shall be effective for the school year immediately succeeding the grant of the petition.

(c) If a petition is submitted to the state board pursuant to subsection (a)(2), then the state board shall hold a hearing on the issues in controversy. Representatives of the public innovative district shall be provided the opportunity to present information refuting the basis upon which the petition is premised. At least 30 days' notice shall be provided to the board of education of the public innovative district prior to the hearing. Within 60 days after the hearing, the state board shall determine whether to grant or deny the petition. Notification of such decision shall be sent to the board of education of the public innovative district and shall specify the reasons therefor. If the petition is

granted, the authority to operate as a public innovative district shall be revoked commencing with the school year immediately succeeding the grant of the petition.";

Also on page 5, in line 28, by striking "9" and inserting "10";

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 177** be amended on page 1, in line 6, by striking all after "(a)"; by striking all in line 7; in line 8, by striking "election."; in line 10, by striking "a regular or"; in line 11, by striking all before the comma and inserting "any ballot, whether cast in a regular or provisional manner" in line 13, by striking "; or" and inserting "in an election contest pursuant to K.S.A. 25-1434 et seq., and amendments thereto."; in line 14, by striking "endeavoring"; also in line 14, after "induce" by inserting "or attempt to induce"; in line 16, after "(b)" by inserting "The name of any voter who has cast a ballot shall not be disclosed from the time the ballot is cast until the final canvass of the election by the county board of canvassers.

(c)";

Also on page 1, in line 18, by striking "(c)" and inserting "(d) Nothing in this section shall prohibit authorized poll agents from observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-3005a, and amendments thereto.

(e)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 122** be passed.

Committee on **Judiciary** recommends **SB 88** be amended on page 1, in line 13, by striking "If it appears to the satisfaction"; by striking all in lines 14 and 15; in line 16, by striking "the assessment fee."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 118** be amended on page 2, in line 12, after "(a)" by inserting "(1)"; in line 17, after "thereto." by inserting "(2)";

Also on page 2, in line 19, by striking the period; also in line 19, after "agency" by inserting ":

(A)";

Also on page 2, in line 20, by striking the comma and inserting ";

(B) has confirmed the safe status of the person reported missing; or

(C) has confirmed that another law enforcement agency has already completed a report on the missing person incident.

(3)";

Also on page 2, in line 21, by striking "immediately" and inserting "as soon as practical"; in line 23, after "investigation." by inserting

"(4)";

Also on page 2, by striking all in lines 26 through 43;

On page 3, by striking all in lines 1 through 29;

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

Committee on **Ways and Means** recommends **SB 216** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Agriculture** recommends **SB 57** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 57," as follows:

"Substitute for SENATE BILL NO. 57

By Committee on Agriculture

"AN ACT concerning agriculture; relating to animal health; poultry improvement; domesticated deer; amending K.S.A. 2012 Supp. 2-907 and 47-2101 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672 and 47-2101a.";

And the substitute bill be passed.

Committee on **Agriculture** recommends **SB 120** be amended on page 1, in line 12, by striking all after "products"; in line 31, by striking "shall" and inserting "may"; and the bill be passed as amended.

Committee on **Agriculture** recommends **SB 168** be amended on page 2, in line 29, by striking "county" and inserting "local"; in line 41, after "the" by inserting "wholesale"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 64** be amended on page 1, following line 4, by inserting the following:

"Section 1. K.S.A. 2012 Supp. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12 noon, June 1, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of \_\_\_\_\_, and state of Kansas, and a duly registered voter, and a member of \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides in the township of \_\_\_\_\_ (or at number \_\_\_\_\_ on \_\_\_\_\_ street, city of \_\_\_\_\_), in the county of \_\_\_\_\_ and state of Kansas, as a candidate for the office of (here specify the office) \_\_\_\_\_, to be voted for at the primary election to be held on the first Tuesday in August in \_\_\_\_\_, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of	Street Number	Name of
	Date of	
Signers.	or Rural Route	City.
	Signing.	
	(as registered).	

All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a petition circulator ~~who is a resident of the state of Kansas and has the qualifications of an elector in the state of Kansas as defined in section 9, and amendments thereto~~, or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(g) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of

Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

(A) For the office of representative in the United States congress, 1,000 registered voters;

(B) for the office of member of the state board of education, 300 registered voters;

(C) for the office of state senator, 75 registered voters; and

(D) for the office of state representative, 25 registered voters.

(h) In any year in which districts are reapportioned for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas or member of the state board of education:

(1) If new boundary lines are defined and districts established in the manner prescribed by law on or before May 10, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on June 1, or if such date falls on a Saturday, Sunday or a holiday, then before 12 noon of the next following day that is not a Saturday, Sunday or holiday.

(2) If new boundary lines are defined and districts established in the manner prescribed by law on or after May 11, the deadline for filing nomination petitions and declarations of intention to become a candidate for such office, accompanied by the fee required by law, shall be 12 noon on June 10, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

Sec. 2. K.S.A. 2012 Supp. 25-302a is hereby amended to read as follows: 25-302a. Any political party seeking official recognition in this state after the effective date of this act shall file in its behalf, not later than ~~12:00~~ 12 noon, June 1, prior to the primary election held on the first Tuesday of August in even-numbered years, or if such date falls on a Saturday, Sunday or a holiday, then before ~~12:00~~ 12 noon of the next following day that is not a Saturday, Sunday or a holiday petitions signed by qualified electors equal in number to at least 2% of the total vote cast for all candidates for the office of governor in the state in the last preceding general election. Such petitions shall declare support for the official recognition of a political party, the name of which shall be stated in the declaration. No political party seeking official recognition shall assume a name or designation which, in the opinion of the secretary of state, is unreasonably lengthy or so similar to the name or designation of an existing political party as to confuse or mislead the voters at an election.

Petitions seeking official recognition of a political party shall be substantially in the following form:

PETITION SEEKING THE OFFICIAL

RECOGNITION OF THE \_\_\_\_\_ PARTY  
IN THE STATE OF KANSAS

I, the undersigned, hereby declare my support for the official recognition of the \_\_\_\_\_ Party.

I have personally signed this petition; I am a registered elector of the state of Kansas and the County of \_\_\_\_\_, and my residence address is correctly written after my name.

NAME OF SIGNER

ADDRESS AS REGISTERED

CITY

DATE OF SIGNING

Appended to each petition page or set of pages shall be an affidavit by the petition circulator as defined in section 9, and amendments thereto, of the petition affirming that ~~such circulator is a resident of the state of Kansas and has the qualifications of an elector in Kansas and that the circulator~~ personally witnessed the signing of the petition by each person whose name appears thereon. The affidavit shall be executed before a person authorized to administer oaths and include the address of the circulator.

Each page of such petition shall bear the names of registered voters of a single county. All petitions shall be grouped according to the county in which each was circulated before being filed with the secretary of state. All such petitions shall be filed at one time. Any related petitions presented thereafter will be deemed to be separate and not a part of earlier filings. County election officers shall cooperate with the secretary of state in verifying the sufficiency of these petitions as required by law.

The secretary of state shall transmit such petitions to the county election officer of each county for which petitions were presented to be examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 et seq., and amendments thereto, and applicable regulations. Not more than 20 days following receipt of such petitions from the secretary of state, the county election officer shall return these documents to the secretary of state certifying the number of sufficient signatures thereon. The secretary of state shall gather all petitions and determine whether a sufficient number of signatures was submitted. The secretary of state shall forthwith notify the person who submitted the declaration of intent to circulate such petitions of the sufficiency or insufficiency of the number of signatures.

Sec. 3. K.S.A. 2012 Supp. 25-303 is hereby amended to read as follows: 25-303. (a) This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in April.

(b) All nominations other than party nominations shall be independent nominations. No person who has declared and retains a party affiliation in accordance with K.S.A. 25-3301, and amendments thereto, shall be eligible to accept an independent nomination for any office.

Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 5,000 qualified voters for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

(c) Independent nominations of candidates for offices to be filled by the voters of a



county, district or other division less than a state may be made by nomination petitions signed by voters equal in number to not less than 4% of the current total of qualified voters of such county, district or other division as compiled by the office of the secretary of state in the case of state offices and as compiled in the office of the county election officer and certified to the secretary of state in accordance with K.S.A. 25-2311, and amendments thereto, in the case of local offices, and in no case to be signed by less than 25 nor more than 5,000 qualified voters of such county, district or division, for each candidate.

(d) Independent nominations of candidates for offices to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the current total of qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

(e) The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post office address. All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit of the candidate or a petition circulator ~~who is a resident of the state of Kansas and has the qualifications of an elector of the state of Kansas~~ shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator or candidate, a verification, signed by the circulator or candidate, to the effect that such circulator or candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(f) No such nomination paper shall contain the name of a candidate for governor without in the same such paper containing the name of a candidate for lieutenant governor, and if it does it shall be void.

(g) No person shall join in nominating more than one person for the same office, and if this is done, the name of such petitioner shall not be counted on any certificate.";

Also on page 1, by striking all in lines 29 and 30; following line 30, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 25-3602 is hereby amended to read as follows: 25-3602. (a) Each petition shall consist of one or more documents pertaining to a single issue or proposition under one distinctive title. The documents shall be filed with the county election officer or other official, if another official is designated in the applicable statutes. The filing shall be made at one time all in one group. Later or successive filings of documents relating to the same issue or proposition shall be deemed to be separate petitions and not a part of any earlier or later filing.

(b) Unless otherwise specifically required, each petition shall: (1) State the question which petitioners seek to bring to an election in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 and K.S.A. 25-3601, and amendments thereto;

(2) name the taxing subdivision or other political subdivision in which an election is sought to be held;

(3) contain the following recital above the spaces provided for signatures: "I have personally signed this petition. I am a registered elector of the state of Kansas and of

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(here insert name of political or taxing subdivision)

and my residence address is correctly written after my name."

The recital shall be followed by blank spaces for the signature, residence address and date of signing for each person signing the petition.

When petitioners are required by law to possess qualifications in addition to being registered electors, the form of the petition shall be amended to contain a recital specifying the additional qualifications required and stating that the petitioners possess the qualifications; and

(4) ~~contain the following recital~~ a recital in substance as follows, at the end of each set of documents carried by each petition circulator as defined in section 9, and amendments thereto: "I am the circulator of this petition and ~~a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas. I have~~ I am qualified to circulate this petition and I personally witnessed the signing of the petition by each person whose name appears thereon.

\_\_\_\_\_  
(Signature of circulator) " "

\_\_\_\_\_  
(Circulator's residence address)

The recital of the circulator of each petition shall be verified upon oath or affirmation before a notarial officer in the manner prescribed by K.S.A. 53-501 et seq., and amendments thereto.

(c) Any person who has signed a petition who desires to withdraw such person's name may do so by giving written notice to the county election officer or other designated official not later than the third day following the date upon which the petition is filed.

(d) Any petition shall be null and void unless submitted to the county election officer or other designated official within 180 days of the date of the first signature on the petition.

(e) Unless the governing body of the political or taxing subdivision in which the election is sought to be held authorizes a special election, all elections which are called as a result of the filing of a sufficient petition shall be held at the next succeeding primary or general election as defined by K.S.A. 25-2502, and amendments thereto, in which the political or taxing subdivision is participating.

(f) When a petition requires signatures equal in number to a percentage of the total number of registered voters, such percentage shall be based on the most recent number of registered voters as certified to the office of the secretary of state pursuant to subsection (g) of K.S.A. 25-2311, and amendments thereto.

Sec. 6. K.S.A. 2012 Supp. 25-4005 is hereby amended to read as follows: 25-4005. The nomination papers or petitions as mentioned in K.S.A. 25-4004, and amendments thereto, shall be in substantially the following form:

I, the undersigned, an elector of the county of \_\_\_\_\_, and state of Kansas, and a duly registered voter and a member of the \_\_\_\_\_ party, hereby nominate \_\_\_\_\_

(Here insert name and city)  
 and state of Kansas as a candidate for the office of governor, and  
 running with such candidate \_\_\_\_\_

(Here insert name and city)

and state of Kansas as a candidate for the office of lieutenant governor to be voted for at the primary to be held on the first Tuesday in August in \_\_\_\_\_, as representing the principles of such party; and I further declare that I intend to support the candidates herein named and that I have not signed and will not sign any petition or nomination paper for any other persons, for such offices at the next ensuing election.

(HEADING)		
Name of	Street Number	Name of
Signers	Date of or RR Signing (as Registered)	City

All nomination papers shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

Each signer of a nomination paper shall sign but one such paper for governor and lieutenant governor, and shall declare that such signer intends to support the candidates therein named, and shall add to the signer's signature the signer's residence, if in a city, by street and number (if any); or, otherwise by address as shown on such signer's registration. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

All signers of each separate nomination paper shall reside in the same county. The affidavit of a petition circulator ~~who is a resident of the state of Kansas and has the qualifications of an elector of the state of Kansas as defined in section 9, and amendments thereto,~~ shall be appended to each such nomination paper, stating that to the best of such petition circulator's knowledge and belief, all the signers thereof are qualified electors of that county; that the petition circulator knows that they signed the same with full knowledge of the contents thereof; that their respective residences are correctly stated therein; that each signer signed the same on the date stated opposite such signer's name, and that the affiant intends to support the candidates therein named. Such affidavit shall be prima facie evidence of the facts therein stated.

Such nomination papers shall be signed by not less than 1% of the total vote of the party designated in the state. The basis of the percentage shall be the vote of the party for secretary of state at the last preceding general election of secretary of state; or, in case of a new party, the basis of a percentage shall be the vote cast for the successful

candidate for secretary of state at the last preceding general election of secretary of state.

Sec. 7. K.S.A. 2012 Supp. 25-4310 is hereby amended to read as follows: 25-4310. The petitions may be circulated ~~only by a sponsor who is a resident of the state of Kansas and possesses the qualifications of an elector of the state of Kansas and by a petition circulator, as defined in section 9, and amendments thereto,~~ only in person throughout the state or election district of the state officer sought to be recalled. No copy of a petition shall be circulated in more than one county, and the county election officer of the county in which each petition is circulated shall certify to the secretary of state the sufficiency of the signatures on the petition. Any registered elector of such election district or of the state, as the case may be, may subscribe to the petition by signing the elector's name and address as the same appears on the voter registration books. A person who has signed the petition may withdraw such person's name only by giving written notice to the secretary of state before the date the petition is filed. The necessary signatures on a petition shall be secured within 90 days from the date that the petitions prepared by the secretary of state pursuant to K.S.A. 25-4309, and amendments thereto, are delivered to the recall committee. The petition shall be signed only in ink. Illegible signatures unless accompanied by a legible printed name may be rejected by the secretary of state or by any county election officer assisting the secretary of state.

Sec. 8. K.S.A. 2012 Supp. 25-4320 is hereby amended to read as follows: 25-4320. (a) Each petition for recall of a local officer shall include: (1) The name and office of the local officer sought to be recalled; (2) the grounds for recall described in particular in not more than 200 words; (3) a statement that the petition signers are registered electors of the election district of the local officer sought to be recalled; (4) the names and addresses of three registered electors of the election district of the officer sought to be recalled who shall comprise the recall committee; (5) the statement of warning required in K.S.A. 25-4321, and amendments thereto; and (6) a statement that a list of ~~all sponsors petition circulators, as defined in section 9, and amendments thereto,~~ authorized to circulate recall petitions for such recall may be examined in the office of the county election officer where the petition is required to be filed. ~~Each sponsor shall be a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas.~~

(b) Each page of a petition for recall of a local officer shall be in substantially the following form:

I, the undersigned, hereby seek the recall of \_\_\_\_\_ from the office of \_\_\_\_\_, on the ground(s) that \_\_\_\_\_, (state specific grounds) and declare that I am a registered elector of \_\_\_\_\_ County, Kansas, and of the election district of the officer named above.

	Street Number	
Name of	or RR	Name of
Date of		
Signature	(as Registered)	City

Signing

_____	_____
_____	_____
_____	_____

NOTE:

1. It is a class B misdemeanor to sign a name other than your own name to this petition, to knowingly sign more than once for the recall of the same officer at the same election or to sign this petition knowing you are not a registered elector.
2. The following comprise the recall committee:  
(names and resident addresses)
3. A list of all ~~sponsors~~ petition circulators, as defined in section 9, and amendments thereto, authorized to circulate petitions for this recall may be examined in the office of the \_\_\_\_\_ County election officer.

(c) A county election officer shall provide a sample of the form prescribed by subsection (b) upon request by any person.

(d) The affidavit required by K.S.A. 25-4325, and amendments thereto, shall be appended to each petition for recall of a local officer.

New Sec. 9. (a) For the purposes of this act, "petition circulator" shall mean a person who is:

- (1) A United States citizen;
- (2) at least 18 years of age; and
- (3) has not been convicted of a felony.

(b) All petition circulators, whether residents or nonresidents of the state of Kansas, are required to agree to submit to the jurisdiction of the state, including its agencies, political subdivisions and election officials, for purposes of subpoena enforcement regarding the integrity and reliability of the petition process.";

And by renumbering sections accordingly;

Also on page 1, in line 31, by striking "is" and inserting "and K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 are";

Also on page 1, in the title, in line 1, after the second semicolon by inserting "relating to petitions;"; in line 2, after "and" by inserting "K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 203** be amended on page 2, in line 12, by striking "or"; in line 14, before the period by inserting ";

(5) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces; or

(6) offer customer self-service of alcoholic liquor, beer, cereal malt beverage or wine from automated devices on the licensee's premises so long as the licensee monitors and has the ability to control the consumption of such alcoholic liquor, beer, cereal malt beverage or wine from such automated devices and such consumption is monitored by

video surveillance under the real-time review of the licensee's management and the Kansas racing and gaming commission";

On page 3, following line 1, by inserting:

"New Sec. 2. (a) If a person who has attained 18 years of age, or is an emancipated minor, enters premises licensed pursuant to the Kansas liquor control act or club and drinking establishment act where alcoholic liquor or cereal malt beverages are sold and offers or presents to a licensee or an agent or employee of the licensee written evidence of age, that is fraudulent or false or that is not actually the person's own, or otherwise misrepresents the person's age, for the purpose of inducing the licensee or an agent or employee of the licensee to sell, give, serve or furnish alcoholic beverages contrary to the law, shall be liable, in addition to any criminal penalty provided by law, for damages of \$1,000 and, in addition, costs and reasonable attorney fees in a civil action brought by the licensee.

(b) A person who is of legal age for the consumption of alcoholic liquor or cereal malt beverage who solicits another person or who themselves purchases or receives alcoholic liquor from a licensee under the liquor control act or the club and drinking establishment act, an agent or employee of the licensee, or another person, for the purpose of selling, giving, or serving it to a person under the age of 21 years shall be liable to the licensee for damages in a civil action for a penalty of \$1,000 and, in addition, costs and reasonable attorney fees.

(c) It is a condition precedent to maintaining a civil action under this section that the licensee send by first class mail to the defendant at the defendant's last known address 15 days or more before the civil action is commenced, a notice demanding the relief authorized. It is not a condition precedent to maintaining an action under this section that the person who allegedly violated subsection (a) or (b) was charged with or convicted under any criminal statute or ordinance regarding furnishing cereal malt beverages or alcoholic liquor to minors.

(d) A person does not violate this section if the person performs an act proscribed under this section at the request of law enforcement or the alcoholic beverage control, and such enforcement officers accompany, supervise or otherwise observe the person's act, and the purpose of the act is to assist in the enforcement of and compliance with Kansas law.";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 63** be amended on page 1, in line 7, by striking "knowingly" and inserting "intentionally"; in line 8, by striking "offering" and inserting "attempting"; following line 14, by inserting:

"(c) This section shall be part of and supplemental to article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.";

Also on page 1, in line 17, by striking "25-2401 through 25-2433, and"; in line 18, by striking "amendments thereto, and including this act" and inserting "25-1128 or article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto";

On page 2, in line 30, before "level" by inserting "severity";

On page 3, in line 8, before "level" by inserting "severity"; in line 10, after "2423." by inserting "(a)"; in line 12, before "Election" by inserting "(b)"; in line 14, after "2431." by inserting "(a)"; in line 17, before "False" by inserting "(b)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 124** be amended on page 1, in line 6, by

striking the first "and" and inserting a comma; also in line 6, following "50-112" by inserting ", 50-158 and 50-161"; by striking all in lines 12 through 36;

On page 2, by striking lines 1 through 3 and inserting:

"(b) Except as otherwise provided in subsections (c) and (d), the Kansas restraint of trade act shall be construed in harmony with ruling judicial interpretations of comparable federal antitrust law by the United States supreme court.

(c) The Kansas restraint of trade act shall not be construed to prohibit:

(1) Actions or proceedings concerning intrastate commerce;

(2) actions or proceedings by indirect purchasers pursuant to K.S.A. 50-161, and amendments thereto;

(3) recovery of damages pursuant to K.S.A. 50-161, and amendments thereto;

(4) any remedy or penalty provided in the Kansas restraint of trade act, including, but not limited to, recovery of civil penalties pursuant to K.S.A. 50-160, and amendments thereto; and

(5) any action or proceeding brought by the attorney general pursuant to authority provided in the Kansas restraint of trade act, or any other power or duty of the attorney general provided in such act.";

Also on page 2, in line 4, by striking "(c)" and inserting "(d)"; also in line 4, by striking all after "act"; in line 5, by striking all before "shall"; also in line 5, following "not" by inserting "be construed to"; in line 6, by striking "is governed by" and inserting "complies with"; in line 26, following "act," by inserting:

"(6) any association that complies with the provisions and application of article 15 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the cooperative societies act;

(7) any group purchasing organization or group purchasing cooperative engaged in coordinated purchasing activities designed to obtain lower prices or increase efficiencies for its members so long as it does not possess monopoly power;"

Also on page 2, in line 27, by striking "(6)" and inserting "(8)"; in line 28, by striking "(d)" and inserting "(e)"; in line 33, by striking "(e)" and inserting "(f)";

On page 3, following line 38, by inserting:

"Sec. 4. K.S.A. 50-158 is hereby amended to read as follows: 50-158. The provisions of ~~article 1 of chapter 50 of the Kansas Statutes Annotated, and amendments thereto, and the provisions of K.S.A. 50-158 through 50-160~~ K.S.A. 50-101 through 50-162 and section 1, and amendments thereto, may be cited as the Kansas restraint of trade act.";

And by redesignating sections accordingly;

On page 4, in line 14, by striking all after "sustained"; in line 15, by striking all before the period; in line 26, following "50-112" by inserting ", 50-108, 50-115, 50-158"; in line 28, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 2, following "50-112" by inserting ", 50-158"; also in line 2, following "sections" by inserting "; also repealing K.S.A. 50-108 and 50-115"; and the bill be passed as amended.

**COMMITTEE OF THE WHOLE**

**SB 60, SB 128, SB 142** be passed.

**SB 75, SB 81, SB 100, SB 121, SB 125, SB 129, SB 139, SB 149, SB 166, SB 167** be amended by the adoption of the committee amendments, and the bills be passed as

amended.

**SB 199** be passed over and retain a place on the calendar.

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

**SB 139** be amended by the adoption of the committee amendments,

**SB 166** be amended by the adoption of the committee amendments,

**SB 121** be amended by the adoption of the committee amendments,

The committee report on **Sub Bill for SB70** recommending a substitute for **Sub Bill for SB70** be adopted,

and the substitute bill be passed.

**SB 75** be amended by the adoption of the committee amendments,

**SB 100** be amended by the adoption of the committee amendments,

**SB 129** be amended by the adoption of the committee amendments,

**SB 136** be amended by the adoption of the committee amendments,

**SB 136** be amended by motion of Senator Petersen,

I move to amend **SB 136**, as amended by Senate Committee, on page 5, in line 24, by striking "served under honorable conditions" and inserting "was honorably discharged"

Senator \_\_\_\_\_

and **SB 136** be passed as further amended.

**SB 164** be amended by the adoption of the committee amendments,

**SB 164** be amended by motion of Senator Petersen,

I move to amend **SB 164**, as amended by Senate Committee, on page 1, in the title, in line 1, before "vehicles" by inserting "motor"; in line 2, by striking "motor"

Senator \_\_\_\_\_

and **SB 164** be passed as further amended.

**SB 81** be amended by the adoption of the committee amendments,

**SB 125** be amended by the adoption of the committee amendments,

**SB 199** be amended by the adoption of the committee amendments,

**SB 167** be amended by the adoption of the committee amendments,

A motion by Senator Faust-Goudeau to amend **SB 149** failed and the following amendment was rejected.

I move to amend **SB 149**, on page 12, in line 19, by striking "substance abuse"



treatment program"; by striking all in line 20; in line 21, by striking "secretary of commerce" and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 24, by striking "substance"; in line 25, by striking "abuse"; also in line 25, by striking the first "program" and inserting "plan"; in line 27, by striking "substance abuse"; also in line 27, after "treatment" by inserting "plan"; in line 28, by striking "substance abuse" and inserting "the"; also in line 28, after "treatment" by inserting "plan"; in line 33, by striking "substance abuse treatment program" and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 36, by striking "substance abuse treatment" and inserting "the recommended treatment plan";

On page 27, in line 6, by striking "substance abuse treatment program"; by striking all in line 7; in line 8, by striking "children and families," and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 12, by striking "substance abuse"; also in line 12, by striking "program" and inserting "plan"; in line 14, by striking "substance abuse"; also in line 14, after "treatment" by inserting "plan"; in line 15, by striking "substance abuse" and inserting "the"; also in line 15, after "treatment" by inserting "plan"; in line 20, by striking "substance"; in line 21, by striking "abuse treatment program" and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 24, by striking "substance abuse treatment" and inserting "the recommended treatment plan"

Senator \_\_\_\_\_

**SB 149** be amended by motion of Senator King,

I move to amend SB 149, on page 11, in line 40, after "is" by inserting "unlawfully";

On page 12, in line 4, after "to" by inserting "unlawful"; in line 6, after "indicating" by inserting "unlawful"; in line 14, after "for" by inserting "unlawful"; in line 18, after "for" by inserting "unlawful"; in line 31, after "for" by inserting "unlawful"; in line 37, after "for" by inserting "unlawful"; in line 41, after "for" by inserting "unlawful";

On page 13, in line 12, after "is" by inserting "unlawfully"; in line 19, after "to" by inserting "unlawful"; in line 21, after "indicating" by inserting "unlawful"; in line 29, after "for" by inserting "unlawful"; in line 32, after "for" by inserting "unlawful";

On page 27, in line 5, after "for" by inserting "unlawful"; in line 18, after "for" by

inserting "unlawful"; in line 25, after "for" by inserting "unlawful";

On page 1, in the title, in line 2, after "Supp." by inserting "39-709,"

Senator \_\_\_\_\_

A motion by Senator V. Schmidt to amend **SB 149** was withdrawn.

I move to amend SB 149, on page 12, following line 39, by inserting the following:

"The secretary for children and families shall fund such substance abuse treatment program and job skills program with the funding available from TANF, provided that the federal law and regulations allow such expenditure. If the federal law and regulations do not allow such expenditure, the secretary for children and families shall expend moneys appropriated to the Kansas department for children and families in the state operations (official hospitality) account of the state general fund for administering the substance abuse treatment program and job skills program.";

On page 27, following line 28, by inserting the following:

"The secretary for children and families shall fund such substance abuse treatment program and job skills program with the funding available from TANF, provided that the federal law and regulations allow such expenditure. If the federal law and regulations do not allow such expenditure, the secretary for children and families shall expend moneys appropriated to the Kansas department for children and families in the state operations (official hospitality) account of the state general fund for administering the substance abuse treatment program and job skills program."

Senator \_\_\_\_\_

A motion by Senator Hensley to amend **SB 149** failed and the following amendment was rejected.

I move to amend SB 149, on page 28, following line 1, by inserting:

"New Sec. 5. (a) Each person elected to the legislature as a condition for taking public office shall undergo a drug screening for testing of unlawful use of a controlled substance or controlled substance analog.

(b) Any legislator who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the division of legislative administrative services. Any legislator who fails to complete or refuses to participate in the substance abuse treatment program as required under this section shall be ineligible to receive public funds for legislative compensation or expenses until completion of such substance abuse treatment program. Upon completion of substance abuse treatment, such legislator shall be subject to periodic drug screening. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, the legislator shall be ordered to complete

again a substance abuse treatment program approved by the director of legislative administrative services and shall not receive legislative compensation or expenses for a period of 12 months, or until such legislator completes the substance abuse treatment program. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, the legislator's compensation and expenses shall be terminated.

(c) As used in this section:

(1) "Controlled substance" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802; and

(2) "controlled substance analog" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to recipients of cash"; in line 2, by striking "assistance and unemployment benefits;"; in line 2, after "Supp." by inserting "39-709,"

Senator \_\_\_\_\_

On roll call, the vote was: Yeas 17; Nays 21; Present and Passing 0; Absent or Not Voting 2.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Love, McGinn, O'Donnell, Petersen, Pettey, V. Schmidt, Smith, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, Longbine, Lynn, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

Absent or Not Voting: Donovan, Masterson.

**SB 149** be amended by motion of Senator Hensley,

I move to amend SB 149, on page 28, following line 1, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor~~or~~, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

(1) The office of governor, lieutenant governor or attorney general;

(2) members of the Kansas senate or house of representatives;

~~(3)~~ (3) any safety sensitive position;

~~(3)~~ (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;

~~(4)~~ (5) any position in the Kansas state school for the blind, as established under

K.S.A. 76-1101 et seq., and amendments thereto;

~~(5)~~ (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or

~~(6)~~ (7) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) No person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

(1) The employee has not previously had a valid positive test result; and

(2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) "Safety sensitive positions" means the following:

(1) All state law enforcement officers who are authorized to carry firearms;

(2) all state corrections officers;

(3) all state parole officers;

(4) heads of state agencies who are appointed by the governor and employees on the governor's staff;

(5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2012 Supp. 21-5914, and amendments thereto;

(6) all employees of a juvenile correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto; and

(7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions.";

Also on page 28, in line 2, by striking "and" and inserting a comma; also in line 2, after "44-706" by inserting "and 75-4362";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to recipients of cash"; in line 2, by striking "assistance and unemployment benefits;"; also in line 2, after "Supp." by inserting "39-709,"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "44-706" by inserting "and 75-4362"

A motion by Senator Hensley to amend **SB 149** failed and the following amendment was rejected.

I move to amend **SB 149**, on page 28, following line 1, by inserting:

"New Sec. 5. (a) The secretary of commerce shall order drug screening of owners or officers of businesses that are applicants for or recipients of benefits from the high performance incentive program, K.S.A. 79-32,160a, and amendments thereto, the high performance incentive act or fund, K.S.A. 74-50,131 et seq., and amendments thereto, the promoting employment across Kansas act, K.S.A. 74-50,210 et seq., and amendments thereto, and accelerated depreciation programs as provided by K.S.A. 79-32,143a, and amendments thereto, at any time when reasonable suspicion exists that such owner or officer of a business applicant for or recipient of benefits from such economic development assistance program is unlawfully using a controlled substance or controlled substance analog. The secretary of commerce may use any information obtained by the secretary of commerce to determine whether such reasonable suspicion exists, including, but not limited to, an officer or owner's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the owner or officer indicating unlawful use of a controlled substance or controlled substance analog. Where the secretary of commerce has determined reasonable suspicion exists, participation in such testing shall be a condition for the business of the owner or officer to continue to receive state income tax benefits pursuant to such economic development assistance programs.

(b) Any owner or officer whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any owner or officer who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such owner or officer who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(c) Any owner or officer who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary of commerce. The business of any owner or officer who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this section shall be ineligible to receive economic development assistance or state economic development income tax benefits until completion of such substance abuse treatment. Upon completion of the substance abuse treatment programs, such owner or officer of a business recipient of economic development income tax benefits may be subject to periodic drug screening, as determined by the secretary of commerce. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an owner or officer shall be ordered to complete again a substance abuse treatment program, and the business of such owner or officer shall be terminated from economic development assistance

benefits or economic development income tax benefits for a period of 12 months, or until such owner or officer completes a substance abuse treatment program, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, the business of the officer or owner that is receiving economic development assistance or economic development income tax benefits shall be terminated from such benefits and shall not be eligible for such programs.

(d) If an officer or owner of a business applicant for or recipient of economic development assistance or economic development income tax benefits has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such business shall thereby become forever ineligible to receive any economic development assistance or economic development income tax benefits under this section unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, the business of such owner or operator shall become ineligible to receive economic development assistance or economic development income tax benefits for five years from the date of conviction.

(e) Except for hearings before the Kansas department of commerce or criminal prosecutions, the results of any drug screening administered as part of the drug screening program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of commerce may adopt such rules and regulations as are necessary to carry out the provisions of this section.

(g) Any authority granted to the secretary of commerce under this section shall be in addition to any other penalties prescribed by law.

(h) As used in this section:

(1) "Economic development assistance," "economic development income tax benefits," or "economic development assistance programs" means the economic development assistance programs of, and benefits pursuant to, the high performance incentive act or high performance incentive fund, pursuant to K.S.A. 79-32,160a, and amendments thereto, and K.S.A. 74-50,131 et seq., and amendments thereto, the promoting employment across Kansas act, K.S.A. 74-50,210 et seq., and amendments thereto, and expensing programs pursuant to K.S.A. 79-32,143a, and amendments thereto.

(2) "Controlled substance" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(3) "Controlled substance analog" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, following "benefits" by inserting "owners and operators of business recipients of state income tax benefits;"

Senator \_\_\_\_\_

On roll call, the vote was: Yeas 7; Nays 29; Present and Passing 2; Absent or Not Voting 2.

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

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

Present and Passing: Kelly, McGinn.

Absent or Not Voting: Donovan, Masterson.

Senator Haley challenged the ruling of the chair, @(place\_holder\_subject) @(place\_holder\_for\_optional\_vote) the chair was sustained.

Senator McGinn moved **SB 149** be rereferred to the Committee on Commerce. The motion failed.

**SB 149** be amended by motion of Senator Francisco,

I move to amend SB 149, on page 13, in line 1, by striking "eligible for cash assistance"; in line 7, by striking "order a drug screening of the"; in line 8, by striking "designated individual" and inserting "review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog"

Senator \_\_\_\_\_

**SB 149** be amended by motion of Senator V. Schmidt,

I move to amend **SB 149**, on page 12, following line 39, by inserting the following:

"The secretary for children and families shall fund such substance abuse treatment program and job skills program with the funding available from TANF, provided that the federal law and regulations allow such expenditure and the applicant or the recipient are not otherwise eligible for medical assistance under subsection (e). If the federal law and regulations do not allow such expenditure, the secretary for children and families shall expend moneys appropriated from the state general fund to administer and operate such programs. When the federal or any other funding is not available to fund such expenditures, the secretary for children and families shall expend moneys from the state general fund to administer and operate such programs.";

On page 27, following line 28, by inserting the following:

"The secretary for children and families shall fund such substance abuse treatment program and job skills program with the funding available from TANF, provided that the federal law and regulations allow such expenditure and the applicant or the recipient are not otherwise eligible for medical assistance under subsection (e). If the federal law

and regulations do not allow such expenditure, the secretary for children and families shall expend moneys appropriated from the state general fund to administer and operate such programs. When the federal or any other funding is not available to fund such expenditures, the secretary for children and families shall expend moneys from the state general fund to administer and operate such programs."

Senator \_\_\_\_\_

On motion of Senator Apple the following report was adopted:

**MISCELLANEOUS**

(These events were not claimed by any other section. Please inform journal developers with the event action\_code and correct section for each event that appears here.)

An objection having been made to **HB 2060** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.



The roll was called with 40 members present.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Thursday, February 28, 2013.

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

DIANE MINEAR, *Secretary of the Senate.*

