

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 18, 2014, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Almighty and everlasting God, we are continuing this new week, a week filled with possibilities and opportunities to do what you have called us to do. Give us minds to think so that we are not inhibited. Give us hearts to love so that we are not blocked. Give us eyes to see so that we do not become shortsighted. In every moment, give us the intuition to see you in the work that needs to be done. We pray in your strong name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Local Government: **HB 2419**; **Sub HB 2541**.
Ways and Means: **SB 443**; **SCR 1621**.

CHANGE OF REFERENCE

The President withdrew **SB 435** from the Committee on **Utilities**, and referred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 265** and has appointed Representatives **Carlson**, **Edmonds** and **Sawyer** as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 266** and has appointed Representatives **Carlson**, **Edmonds** and **Sawyer** as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt, Hensley and Kelly introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1799—

A RESOLUTION commemorating the 40th anniversary
of the Washburn University School of Nursing.

WHEREAS, The Washburn University School of Nursing is celebrating its 40th anniversary in 2014; and

WHEREAS, The School of Nursing began in 1974 under the direction of Dr. Alice Adam-Young, who envisioned a School of Nursing that promoted a commitment to excellence in nursing education; and

WHEREAS, The School of Nursing graduates nurses who support a culture of compassionate care to their patients; and

WHEREAS, The School of Nursing continues to embrace a strong commitment to our community partners for the learning opportunities they provide; and

WHEREAS, The School of Nursing is committed to educating nurses to lead at the bedside, in the community and at the executive level, so as to forge an outstanding system of health care for all Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we celebrate and commemorate the Washburn University School of Nursing for its long-standing commitment to professional nursing education in the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator V. Schmidt.

On emergency motion of Senator V. Schmidt **SR 1799** was adopted unanimously.

Guests introduced were Dr. Jerry Farley, Dr. Cynthia Hornberger, Dr. Monica Schelbmeir, Dr. Marian Jamison, Dr. Randy Pembrook, Susan Maendele, Carrie Magill and Bill Sneed.

The senators honored the guests with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2422**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2455**, as amended by House Committee, 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 **Commerce** recommends **Sub HB 2246** be amended on page 1, in line 11, by striking "or geologist"; in line 23, after "(8)" by inserting " "Professional engineer" shall have the meaning ascribed to such term in K.S.A. 74-7003, and amendments thereto.

(9)";

And by renumbering paragraphs accordingly;

On page 3, in line 14, by striking "offered by the licensee"; in line 15, by striking all after the period; in line 16, by striking "by the licensee" and inserting "Peer review committee process, records, testimony or reports received by the board"; in line 26, by striking all following the period; by striking all in lines 27 through 30; and the bill be passed as amended.

Also, **SB 405** 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 **Federal and State Affairs** recommends **SB 375** be amended on page 2, in line 21, before "sporting" by inserting "amateur athletic or"; in line 24, after "of 18" by inserting ", including, but not limited to, events under the jurisdiction and control of the Kansas state high school activities association"; and the bill be passed as amended.

Also **HB 2125** be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 34 and inserting:

"New Section 1. The Kansas lottery commission shall negotiate an addendum to existing lottery gaming facility management contracts that prohibit the state from operating electronic gaming machines at parimutuel licensee locations in the south central gaming zone until after July 1, 2032.

Sec. 2. K.S.A. 2013 Supp. 74-8741 is hereby amended to read as follows: 74-8741.

(a) The executive director of the Kansas lottery shall negotiate a racetrack gaming facility management contract to place electronic gaming machines at one parimutuel licensee location in each gaming zone except the southwest Kansas gaming zone and the south central Kansas gaming zone.

(b) To be eligible to enter into a racetrack gaming facility management contract the prospective racetrack gaming facility manager shall, at a minimum:

(1) Have sufficient access to financial resources to support the activities required of a racetrack gaming facility manager under the Kansas expanded lottery act; and

(2) be current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes.

(c) A racetrack gaming facility management contract shall include:

(1) The term of the contract;

(2) provisions for the Kansas racing and gaming commission to oversee all racetrack gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and any required certification or licensing of officers, directors, board members, employees, contractors and agents of the racetrack gaming facility manager; auditing of net electronic gaming machine income and maintenance of the integrity of electronic gaming machine operations;

(3) provisions for the racetrack gaming facility manager to pay the costs of oversight and regulation of the racetrack gaming facility manager under this act and such manager's racetrack gaming facility operations by the Kansas racing and gaming commission; and

(4) enforceable provisions: (A) Prohibiting the state, until July 1, 2032, from (i) entering into management contracts for more than ~~three~~ four lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone, one to be located in the southwest Kansas gaming zone and one to be located in the southeast Kansas gaming zone, (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the racetrack gaming facility manager an amount equal to

the privilege fee paid by such racetrack gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(d) Racetrack gaming facility management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine net electronic gaming machine income, unclaimed prizes and credits;

(2) minimum requirements for a racetrack gaming facility manager to provide qualified oversight, security and supervision of electronic gaming machines including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a racetrack gaming facility manager who will have responsibility for or involvement with electronic gaming machines or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing or certification requirements of any employee, contractor or agent as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct racetrack gaming facility operations in a legal and fair manner.

(e) A person who is the manager of a lottery gaming facility in a gaming zone shall not be eligible to be the manager of the racetrack gaming facility in the same zone.

(f) A racetrack gaming facility management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated.

Sec. 3. K.S.A. 2013 Supp. 74-8746 is hereby amended to read as follows: 74-8746.

(a) ~~Except as provided in subsection (b):~~

~~(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 with at least 13 live races conducted each day for not less than five days per week the south central Kansas gaming zone.~~

~~(2) (b) Except as provided in subsection (c): (1) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee~~

shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.

~~(3)~~ (2) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.

~~(4)~~ (3) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.

~~(b)~~ (c) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection ~~(a)~~ (b) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.

Sec. 4. K.S.A. 2013 Supp. 74-8747 is hereby amended to read as follows: 74-8747. (a) Net electronic gaming machine income from a racetrack gaming facility shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 25% of net electronic gaming machine income;

(2) 7% of net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(3) 7% of net electronic gaming machine income shall be credited to the live greyhound racing purse supplement fund established by K.S.A. 2013 Supp. 74-8767, and amendments thereto, except that the amount of net electronic gaming machine income credited to the fund during any fiscal year from electronic gaming machines at a

racetrack gaming facility shall not exceed an amount equal to the average of \$3,750 per electronic gaming machine at each location and any moneys in excess of such amount shall be distributed between the state and the racetrack gaming facility manager in accordance with the racetrack gaming facility management contract;

(4) (A) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the county in which the racetrack gaming facility is located; or (B) if the racetrack gaming facility is located in the northeast Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the city in which the racetrack gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(5) (A) if the racetrack gaming facility is located in the southeast ~~or south central~~ Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the county in which the racetrack gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the racetrack gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the ~~racetrack gaming facility revenues~~ net electronic gaming machine income to the city in which the racetrack gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;

(6) 2% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2013 Supp. 79-4805, and amendments thereto;

(7) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto;

(8) 40% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund; and

(9) 15% of electronic gaming machine income shall be used for gaming expenses, subject to agreement between the Kansas lottery and the racetrack gaming facility manager.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel licensee or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate, subject to the requirements of subsection (a)(9).";

Also on page 2, in line 35, by striking "2012 Supp. 58-3063 is" and inserting "2013 Supp. 74-8741, 74-8746 and 74-8747 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "real estate brokers and salespersons; relating to"; in line 2, by striking "license fees" and inserting "the Kansas expanded lottery act"; also in line 2, by striking "2012 Supp. 58-3063" and inserting "2013 Supp. 74-8741, 74-8746 and 74-8747"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2655**, as amended by House Committee,

be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2655," as follows:

"Senate Substitute for HOUSE BILL NO. 2655

By Committee on Judiciary

"AN ACT concerning crimes, punishment and criminal procedure; relating to the sentencing of veterans; interference with law enforcement; giving a false alarm; amending K.S.A. 2013 Supp. 21-5904, 21-6207, 21-6604 and 73-1209 and repealing the existing sections.";

And the substitute bill be passed.

Committee on **Local Government** recommends **HB 2420**, as amended by House Committee, be amended on page 1, in line 10, before "employees" by inserting "designated"; and the bill be passed as amended.

The **Select Committee on KPERS** recommends **HB 2533**, (CORRECTED), be passed.

Also, **HB 2596** be amended on page 1, in line 9, by striking all after "dies"; by striking all in line 10; in line 11, by striking "2017,"; and the bill be passed as amended.

HB 2602 be amended on page 2, in line 17, by striking all after the period; by striking all in line 18; in line 19, by striking "the unclassified service."; in line 22, by striking "the effective date of this act" and inserting "July 1, 2014" and the bill be passed as amended.

HB 2564 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 **Transportation** recommends **SB 385**, be amended as recommended by the Senate Committee on Transportation as reported in the Journal of the Senate, on February 26, 2014, and the bill as printed with Senate Committee amendments be further amended on page 3, in line 11, after "that" by inserting ": (A)"; in line 13, by striking "and" and inserting "; (B) there is"; in line 14, by striking all following "settlement"; by striking all in lines 15 through 33; in line 34, by striking all before the period and inserting "; (C) that there are no existing liens on the vehicle or all liens on the vehicle have been released; (D) the insurance company has physical possession of the vehicle; and (E) the insurance company has provided the owner, at the owner's last known address, 30 days' prior notice of such intent to transfer and the owner has not delivered a written objection to the insurance company"; and the bill be passed as amended.

Also, **Sub HB 2452** be amended on page 1, in line 8, by striking the second "or" and inserting a comma; in line 9, after "less" by inserting "or motorcycles"; in line 11, by striking "or" and inserting a comma; also in line 11, after "truck" by inserting "or motorcycle";

On page 2, in line 2, by striking "or" and inserting a comma; also in line 2, after "truck" by inserting "or motorcycle";

On page 7, following line 34, by inserting:

"Sec. 5. K.S.A. 2013 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) Any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by subsection (c) of K.S.A. 8-132, and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(b) The director of vehicles shall not issue any new distinctive license plate

authorized for issuance on and after July 1, 1995, unless there is a guarantee of an initial issuance of at least 500 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,145, or K.S.A. 2013 Supp. 8-177d, 8-1,163 or 8-1,166, and amendments thereto.

(d) The provisions of subsection (a), shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and amendments thereto, or K.S.A. 2013 Supp. 8-1,153, 8-1,158 or 8-1,161, and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 2013 Supp. 8-1,160, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not less than 1,000 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 1,000 paid orders for such plate have been received, the director of accounts and reports shall transfer \$40,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature on and after July 1, 2004, shall submit to the division of vehicles a nonrefundable amount not to exceed \$20,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue 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 distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

(g) (1) Except for educational institution license plates issued under K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall discontinue the issuance of any distinctive license plate authorized prior to July 1, 2004, and which is subject to the provisions of subsection (b) if:

(A) Less than 500 license plates, including annual renewals, are issued for that distinctive license plate by July 1, 2006; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period after July 1, 2006.

(2) The director of vehicles shall discontinue the issuance of any distinctive license plate authorized on and after July 1, 2004, if:

(A) Less than 500 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

(h) An application for any distinctive license plate issued after December 31, 2012, and the corresponding royalty fee may be collected either by the county treasurer or the

entity benefiting from the issuance of the distinctive license plate. Annual royalty payments collected by the county treasurers 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 a segregated royalty fund which shall be administered by the state treasurer. All expenditures from the royalty fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the royalty fund shall be made to the entity benefiting from the issuance of the distinctive license plate on a monthly basis.

(i) Notwithstanding any other provision of law, for any distinctive license plate, the division shall produce such distinctive license plate for a motorcycle upon request to the division by the organization sponsoring the distinctive license plate.

(j) In addition to any residency requirements for all distinctive license plates, any person not a resident of Kansas, serving as a member of the armed forces stationed in this state shall be eligible to apply for any distinctive license plate as if the individual was a resident of this state. Such person shall be eligible to renew the distinctive license plate registration as long as the person is still stationed in this state at the time the registration is renewed."

And by renumbering sections accordingly;

Also on page 7, in line 35 by striking "is" and inserting "and K.S.A. 2013 Supp. 8-1,141 are";

On page 1, in the title, in line 2, after "international" by inserting ", armed forces"; in line 3, after "plates;" by inserting "motorcycles;"; also in line 3, after "8-161" by inserting "and K.S.A. 2013 Supp. 8-1,141"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until 3:30 p.m..

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

COMMITTEE OF THE WHOLE

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 Apple in the chair.

On motion of Senator Apple the following report was adopted:

SB 366, SB 370, SB 396, SB 422, SB 424; HB 2597, HB 2715 be passed.

SB 264, SB 320, SB 379, SB 392; HB 2057, HB 2130, HB 2152, HB 2525, HB 2576, HB 2687 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion to send **SB 320** back to Federal and State Affairs failed.

The committee report of **HB 2023** recommending a **S Sub HB 2023** be adopted, and the substitute bill be passed.

The committee report of **HB 2446** recommending a **S Sub HB 2446** be adopted, and the substitute bill be passed.

The committee report of **HB 2378** recommending a **S Sub HB 2378** be adopted,

and the substitute bill be passed.

A motion by Senator Pettey to amend **S Sub HB 2378** failed and the following amendment was rejected: on page 34, in line 24, by striking "and"; in line 26, after "hunting" by inserting "; and

(hhhh) all sales of tangible personal property purchased by or on behalf of the epilepsy foundation of Missouri and Kansas, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of leading the fight to stop seizures, finding a cure and overcoming the challenges created by epilepsy, and all sales of any such property by or on behalf of such organization for such purpose";

On page 1, in the title, in line 2, after "activities;" by inserting "epilepsy foundation of Missouri and Kansas;"

SB 295 be amended by adoption of the committee amendments, be further amended by motion of Senator Apple, on page 8, in line 27, by striking "the" and inserting "all"; also in line 27, by striking "year" and inserting "years"; in line 28, by striking all after "received"; by striking all in line 29; in line 30, by striking all before "established" and inserting "under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as" and **SB 295** be passed as further amended.

SB 335 be amended by adoption of the committee amendments, be further amended by motion of Senator Abrams, on page 2, in line 38, after "(a) " by inserting "Except as provided in subsection (d)."; also in line 38, by striking "state"; also in line 38, after "education" by inserting "of each school district";

On page 3, in line 6, by striking all after the period; by striking all in line 7; in line 8, by striking all before "All"; following line 21, by inserting:

"(d) In lieu of establishing an impaired teacher program, the board of education of a school district may enter into an agreement with the board of education of another school district for the purpose of referring impaired teachers to such other school district's impaired teacher program.";

And by redesignating remaining subsections accordingly;

Also on page 3, in line 24, by striking all after "of"; in line 25, by striking "program" and inserting "programs"; also in line 25, by striking all after "established"; in line 26, by striking all before the period and inserting "pursuant to this section"

SB 335 be further amended by motion of Senator Hensley, on page 9, following line 37, by inserting:

"Sec. 6. K.S.A. 2013 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, 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) any safety sensitive position;
- (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;
- (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;
- (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
- (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) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, 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) Any member of the Kansas senate or house of representatives who has a valid positive test result shall be required to complete a substance abuse treatment program approved by the division of legislative administrative services. Any member of the Kansas senate or house of representatives 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 member of the Kansas senate or house of representatives shall be subject to periodic drug screening. Upon a second valid positive test result, the member of the Kansas senate or house of representatives 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 member of the Kansas senate or house of representatives completes the substance abuse treatment program. Upon a third valid positive test result, such member's compensation and expenses shall be terminated.

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

~~(g)~~ (h) "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. 2013 Supp. 21-5914, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;
- (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 rehabilitative services to the clients and patients of those institutions; and
- (8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment.";

Also on page 9, in line 38, by striking "and" and inserting a comma; also in line 38, after "72-1923" by inserting "and 75-4362";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning" by striking all in line 2, in line 3, by striking all before the semicolon and inserting "government officers and employees; relating to drug screening programs and substance abuse treatment programs for teachers and members of the legislature; relating to teacher licensure"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "72-1923" by inserting "and 75-4362" and **SB 335** be passed as further amended.

SB 380 be amended by adoption of the committee amendments, be further amended by motion of Senator Hawk, on page 2, in line 23, by striking "10" and inserting "four" and **SB 380** be passed as further amended.

HB 2516 be amended by adoption of the committee amendments, be further amended by motion of Senator Olson, on page 4, in line 30, after "nurse-midwife" by inserting "and who" and **HB 2516** be passed as further amended.

The committee report on **SB 298** recommending a **Sub SB 298** as amended, be adopted, be further amended by motion of Senator Donovan, on page 2, in line 18, by striking "\$5" and inserting "\$4"; in line 21, by striking "\$8" and inserting "\$7"; in line 37, by striking "\$8" and inserting "\$7"; in line 40, by striking "\$11" and inserting "\$10";

On page 3, in line 13, by striking "\$11" and inserting "\$10"; in line 16, by striking "\$14" and inserting "\$13"; in line 31, by striking "\$14" and inserting "\$13"; in line 34, by striking "\$17" and inserting "\$16".

Sub SB 298 be further amended by motion of Senator O'Donnell, on page 4, in line 16, by striking the second "and"; in line 17, by striking "\$1" and inserting "\$.50"; in line 18, after "thereto" by inserting ", and \$.50 of such funds in the county treasurer technology fund as provided by section 4, and amendments thereto";

On page 8, following line 6, by inserting:

"New Sec. 4.(a) On January 1, 2015, there is hereby created in each county a county treasurer technology fund.

(b) Upon receipt thereof, the county treasurer shall credit to the county treasurer technology fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the county treasurer technology fund shall be used by the county treasurer to acquire equipment and technological services for the storing, recording,

archiving, retrieving, maintaining and handling of data recorded, stored or generated in the office of the county clerk.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the county treasurer under this subsection shall be in accordance with K.S.A. 19-503, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the county treasurer.

(g) At the end of any calendar year, if the balance in such fund exceeds \$50,000 and the county treasurer indicates that such amount in excess of \$50,000 shall not be needed and is not designated for technology, the county commission may authorize the transfer and use of such excess moneys by other county offices for equipment or technological services relating to the land or property records filed or maintained by the county.

(h) If a charter form of government is adopted and implemented pursuant to K.S.A. 19-2680 et seq., and amendments thereto, the provisions of this section shall apply to the official, department or office which performs the duties and functions prescribed for the office of the county treasurer.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, before "amending" by inserting "county treasurer technology fund;" and **Sub SB 298** be passed as further amended.

SB 415 be passed over and retain a place on the calendar.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Smith the Senate nonconcurred in the House amendments to **H Sub SB 40** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 19, 2014.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

□