

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 2, 2014, 10:00 a.m.

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

Dear Lord, we come to you this day in grateful thanksgiving for the work of many in this chamber who most folks may see but never know. We thank you for the secretaries, clerks, readers, typists and those who have figured out how all of the paper gets in the right files. We thank you for the skill of the technicians who understand the technology and those able to translate one computer language to another. There is a bunch of folks that make it possible for the 40 members of this chamber to get the work, the work of the people, done. Today we thank those who may not be known, but truly are appreciated. In your holy name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

The following remarks, by Senator Garrett Love, are offered on **SR 1814** which was adopted April 1, 2014.

Madam President. The U.S. Senate designated April as Parkinson's Awareness Month for the first time on March 26th, 2010 when **SB 474** was passed by unanimous consent. Today we join with our nation and other states in showing our support of those who suffer from Parkinson's Disease. Committed to a cure, we stand with patients, family members, friends, advocates and caregivers. As stated in the resolution, as many as 1 million Americans have the disease including thousands of Kansans. There is no cure for the disease and while research continues to advance, today's best Parkinson's drug was discovered in 1967. So as we recognize April as Parkinson's Awareness Month, we are mindful of those who struggle and pledge our support and encouragement to them in their fight against this terrible disease. Joining me on the floor today are: Lisa Reser from Ellinwood, Kansas. Mrs. Reser is a fifth grade teacher suffering from Parkinson's Disease. Though she faces the daily challenges of living with the disease, Lisa has been committed to the well being of Kansas children for more than 25 years. As a matter of fact, one of those children is an adult now and the next individual I have the pleasure of introducing. J. Basil Dannebohm is also from Ellinwood. After living in California, he chose to return to his home state and utilize his professional talents for the service of rural Kansas communities. While he lives each day with Young Onset Parkinson's Disease, he remains committed to serving Kansas. These two are supported today on the

floor by Gayle Christy, a supporter of the cause. In our gallery, they are supported by several colleagues and friends who recognize their hard work. Sadly we don't hear enough about Parkinson's Disease and all too often associate this illness with the elderly. Ladies and gentlemen, these two are also the face of Parkinson's - it doesn't discriminate by age. It is my hope that we can take time this month to learn more about the disease, it's devastating affects on the patients and their loved ones and commit ourselves to supporting their work and hoping for a cure.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 453, AN ACT concerning education funding; relating to mineral production; creating the mineral production education fund; abolishing the oil and gas valuation depletion trust fund; concerning local effort; making and concerning appropriations for fiscal year 2017; amending K.S.A. 2013 Supp. 19-101a, 72-6410, 72-6431 and 79-4227 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 19-271 and 79-4231, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Petersen introduced the following Senate resolution, which was read: SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating the Wichita South High School Women's basketball team on its second consecutive class 6A state championship.

WHEREAS, The Wichita South High School women's basketball team won the class 6A state title for the second year in a row, winning the title in 2013 and 2014; and

WHEREAS, The Wichita South High School women's basketball team defeated Maize High School with a score of 47-35; and

WHEREAS, The team has an impressive 24-1 record for this season and a remarkable 48-2 record in the past two seasons; and

WHEREAS, Members of this year's Wichita South High School women's basketball team include Kendrian Elliott, Rachala Ross, Eledria Franklin, Mauri Scales, Ericka Mattingly, Princess Alcaraz, Kyla Collins, Kirea Rogers, Patriece Dodson, Madison Northcutt, Sydney James, Alexis Beard and Kaela Whitfield. The team managers were Ogechi Odunze and Kayla Graf; and

WHEREAS, The team's coach, Antwain Scales, along with assistant coaches Heidi Dreiling and Wayne Riddle, worked diligently with this year's team to maintain their successful record, ultimately leading them to the 2014 class 6A state championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Wichita South High School women's basketball team on its class 6A state championship. These young women have worked hard over the past two seasons and this second consecutive state title is a testament to that hard work; and

Be it further resolved: That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1815** was adopted unanimously.

The senators honored the team and coaches with a standing ovation.

Senator Hensley introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating the Marais des Cygnes Valley High School boys' basketball team for winning its class 1A-D1 state championship.

WHEREAS, The Marais des Cygnes Valley High School Trojans boys' basketball team won the class 1A-D1 state title for 2014; and

WHEREAS, This championship marks the Trojans' first trip to the state championship game in 15 years and the first title win for the team in the school's history; and

WHEREAS, The boys' basketball team had an impressive 26-0 record for the 2013-2014 season and a remarkable 46-2 record over the past two seasons. The team has numerous other achievements, including being named the Yates Center Tournament champion two years in a row, the undefeated Lyon County League champion two years in a row and the Lyon County League Tournament champion two years in a row; and

WHEREAS, Members of this year's Marais des Cygnes Valley High School varsity boys' basketball team include seniors Caleb Dickey, Trey Irely, Wyatt Jordan, Brett Schimmel, Matt Jones, Mark Price and Kaden Vanderpool, who has accepted an offer to play basketball for Hesston Community College; junior Zave Goodrich; and sophomore Cody Patterson; and

WHEREAS, Matt Jones and Mark Price were named to the class 1A first team all-state and Kaden Vanderpool received an honorable mention. Additionally, Matt Jones has been selected to play in the KSHSAA All-Star game; and

WHEREAS, Members of this year's Marais des Cygnes Valley High School junior varsity boys' basketball team include sophomores Corey Allen, Eric Marshall, Chase Allen, Michael Penland, Christian Cannon, Josh Sowers and Marquise Mitchell and freshman Curtis Sowers; and

WHEREAS, The team's coach, Tim Latham, along with assistant coach Donald Dyke, worked diligently with this year's team and ultimately led the team to the 2014 class 1A-D1 state championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Marais des Cygnes Valley High School boys' basketball team on its class 1A-D1 state championship. These young men have worked hard over the past two seasons and this state title is a testament to that hard work. The Trojans' success is a point of pride for the Melvern, Quenemo and Olivet communities; and

Be it further resolved: That the Secretary of the Senate shall send 16 enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1816** was adopted unanimously.

The senators honored the team and coaches with a standing ovation.

Senators Francisco and Holland introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION congratulating Innocent Anavberokhai,
the 2014 Kansas Youth of the Year for the Boys & Girls Clubs of America.

WHEREAS, The Boys & Girls Clubs of America (BGCA) named Innocent Anavberokhai 2014 Kansas Youth of the Year; and

WHEREAS, Innocent will compete against other state Youth of the Year winners in the southwest regional competition to become a spokesperson for BGCA; and

WHEREAS, The honor recognizes youth who have overcome odds and demonstrated exceptional character and accomplishments; and

WHEREAS, Founded in 1947, the Youth of the Year program recognizes outstanding young people for service to their Club and community, academic performance and contributions to their family; and

WHEREAS, Innocent overcame significant obstacles in life and represents many Kansas young people whose lives begin to transform the day they enter a Boys & Girls Club; and

WHEREAS, Innocent is a senior at Free State High School in Lawrence, where he plays varsity basketball, is a member of the Fellowship of Christian Athletes and is a board member of his school's mentoring club. Innocent serves as a group leader at one of the Club's elementary school sites; has mentored 4th and 5th grade students at the Club; and choreographed a dance routine for his kindergarten group to perform for their talent show. Innocent also volunteers at a daycare and at United Way; and

WHEREAS, For more than 100 years, BGCA has enabled young people most in need to achieve great futures as productive, caring and responsible citizens, which Innocent embodies as the Kansas Youth of the Year winner; and

WHEREAS, Club programs promote academic success, good character, citizenship and healthy lifestyles, all of which Innocent exemplifies in order to achieve this honor: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Innocent Anavberokhai for being named the 2014 Kansas Youth of the Year for the Boys & Girls Clubs of America. He is a role model for all Kansas youth and we thank him for giving back to his community; and

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

On emergency motion of Senator Francisco **SR 1817** was adopted unanimously.

Colby Wilson, Executive Director of the Boys and Girls Club of Lawrence was also introduced.

The senators acknowledged Innocent Anavberokhai and Colby Wilson, with a standing ovation.

Senator Ostmeyer introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1818—

A RESOLUTION congratulating the Norton Community High School wrestling team on winning the 2014 Class 3-2-1A State Wrestling Championship.

WHEREAS, The Norton Community High School wrestling team won the 2014 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship held at Gross Memorial Coliseum in Hays. Norton scored 127 points, outscoring runner-up Rossville by 46 points; and

WHEREAS, The 2014 Norton wrestlers added another chapter to their school's history of success in wrestling, as this is Norton's second consecutive championship win and fourth state championship in the last five years; and

WHEREAS, State medalists were:

113 pounds – Branson Addington, first

138 pounds – Alec Hager, second
 106 pounds – Skylar Johnson, third
 145 pounds – Jared Tallent, third
 220 pounds – Jacob Green, third
 132 pounds – Toby Nickell, sixth
 195 pounds – Kolton Harting, sixth

Also competing at the state tournament were sophomore Michael Kasson (1-2) at 152 pounds, junior Kendall Miller (2-2) at 160 pounds and senior Cole Renner (2-2) at 170 pounds; and

WHEREAS, The head coach was Bill Johnson and his assistant coaches were Doug Ray, Shane Miller and Tony Fiscus. Team managers were Lindsay Addington, Jordyn Gosselin and Austin Hager; and

WHEREAS, For Bill Johnson, this was his seventh team championship as head coach for Norton. Prior to the state championship, Coach Johnson was recognized as the National High School Wrestling Coach of the Year; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the wrestlers' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Norton Community High School wrestling team and Coach Johnson be congratulated for winning the 2014 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1818** was adopted unanimously.

Senator Ostmeyer introduced the following Senate resolution, which was read:
 SENATE RESOLUTION No. 1819—

A RESOLUTION congratulating the Hoxie High School women's basketball team on its class 1A state championship.

WHEREAS, The Hoxie High School women's basketball team won the 2014 Kansas State High School Activities Association class 1A state championship with a victory over Valley Heights High School; and

WHEREAS, This is the Hoxie High School women's basketball team's third consecutive class 1A state championship title. Last year, Hoxie defeated the Olpe High School women's basketball team. For the second season in a row, the Hoxie team had a remarkable 26-0 record for the season; and

WHEREAS, The Hoxie Indians caught fire as soon as they hit the floor. Hoxie led the first half with a score of 29-23. Knowing the Valley Heights Mustangs were not going to back down easily, the Indians came out strong in the second half and continued their fight for the gold. The score was 71-51 when the final buzzer of the season sounded; and

WHEREAS, Shelly Hoyt is the head basketball coach for the Hoxie High women's basketball team. When asked about her team's win she said, "I watched an amazing group of young ladies just dominate a state championship game against a very solid team." Coach Hoyt is assisted by Marlin Beougher; and

WHEREAS, The members of the 2014 Hoxie High School women's basketball team were Natasha Allmer, Kristina Farber, Gabriel Spresser, Kelsey Kelch, Carly Heim, Alexis Schamberger, Terran Hoyt, Scout Washington, Kelsey Geerdes, Erin Carter, Brynn Niblock and Nicole Heim. The team managers were Lilly Schamberger, Rebekah Castle and Brooke Dorenkamp: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Hoxie High School women's basketball team on its third consecutive state championship title. These young women have worked hard throughout the season, and these state titles are testaments to that hard work; and

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

On emergency motion of Senator Ostmeyer **SR 1819** was adopted unanimously.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Donovan as a member of the Conference Committee on **H Sub SB 84** to replace Senator Bruce.

The President announced the appointment of Senator Longbine as a member of the Conference Committee on **HB 2596** to replace Senator Smith.

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **HB 2596** to replace Senator Haley.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 447, AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 2; Present and Passing 4; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Pettey.

Present and Passing: Francisco, Hawk, Holland, Wolf.

The bill passed.

EXPLANATION OF VOTE

Madam President: This legislation exempts local control of municipalities to regulate a safe working environment for their community. This bill now mandates that carrying a lethal weapon into the work environment is more important than the safety of our citizens. Legal weapons do not need to be in the workplace, in our libraries or community centers. I vote "No" on **SB 447**.—PAT PETTEY

Senator Faust-Goudeau requests the record to show they she concurs with the "Explanation of Vote" offered by Senator Pettey on **SB 447**.

SB 448, AN ACT concerning abortion; relating to medical emergencies; relating to the woman's-right-to-know act; amending K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Pettey.

The bill passed.

HB 2668, AN ACT concerning health care predetermination requests relating to health insurance benefits coverage, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pyle, Tyson.

The bill passed, as amended.

Sub HB 2681, AN ACT concerning veterans; abolishing the Kansas commission on veterans affairs; creating the Kansas commission on veterans affairs office within the executive branch of government; transferring certain powers, duties and functions; providing the VCAP advisory board; amending K.S.A. 73-209, 73-210, 73-1211, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-1904a, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1941, 76-1951, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958; K.S.A. 2012 Supp. 74-2012, as amended by section 3 of chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 39-923, 65-1732, 65-2418, 73-1209, 73-1210a, 73-1217, 73-1218, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1906, 76-1939, 76-1953 and 79-3221k and repealing the existing sections; also repealing K.S.A. 73-1207, 73-1208b, 73-1208c and 73-1220 and K.S.A. 2013 Supp. 73-1208a and 73-1219, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2724, AN ACT concerning the uniform commercial driver's license act; definitions, tank vehicle; amending K.S.A. 2013 Supp. 8-2,128 and repealing the

existing section, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2419**.

The House concurs in Senate amendments to **HB 2420**.

The House concurs in Senate amendments to **HB 2444**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2491**, and requests return of the bill.

The House nonconcurrs in Senate amendments to **HB 2086**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2246**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2272**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2580**, requests a conference and has appointed Representatives Goico, Osterman and Meier as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2616**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub HB 2655**, requests a conference and has appointed Representatives Goico, Osterman and Meier as conferees on the part of the House.

The House announced the appointment of Rep. Crum to replace Rep. Schwab as a conferee on **HB 2515**.

The House announced the appointment of Rep. Concannon to replace Rep. Hutton as a conferee on **HB 2515**.

The House announced the appointment of Rep. Ward to replace Rep. Houston as a conferee on **HB 2515**.

ORIGINAL MOTION

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2588**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2588**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2086**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub HB 2246**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2272**.

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2580**.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **S Sub HB 2616**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub HB 2655**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2643**, as amended by House Committee of the Whole, (Corrected), be passed.

Committee on **Ways and Means** recommends Substitute for **HB 2231**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL NO. 2231," as follows:

"Senate Substitute for Substitute for HOUSE BILL NO. 2231

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2013 Supp. 74-99b34, 79-34,156, 79-4227 and 79-4804 and repealing the existing sections.";

And the substitute bill be passed.

Also, **HB 2506** be amended by substituting a new bill to be designated as "Senate

Substitute for HOUSE BILL NO. 2506," as follows:

"Senate Substitute for HOUSE BILL NO. 2506

By Committee on Ways and Means

"AN ACT concerning education; relating to postsecondary education; enacting the SUCCESS act; creating the Johnson county community college go pro now program; relating to real property of certain state universities; relating to school districts; relating to the provision for school finance; relating to teacher licensure; enacting the education fairness property tax relief act; creating the K-12 school finance study commission; making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, and June 30, 2016, for certain state agencies; amending K.S.A. 71-204, 71-617, 72-6411, 72-6415 and 72-8809 and K.S.A. 2013 Supp. 72-3712, 72-3714, 72-3715, 72-3716, 72-6407, 72-6415b, 72-6433, 72-6433d, 72-6441, 72-6455 and 72-6460 and repealing the existing sections; also repealing K.S.A. 72-60b03 and K.S.A. 2013 Supp. 72-6454.";

And the substitute bill be passed.

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 Smith in the chair.

On motion of Senator Smith the following report was adopted:

Sub HB 2442; HB 2744 be passed.

Senator Haley offered an amendment on **Sub HB 2442**; a ruling of the Chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The motion was withdrawn.

SB 410 be amended by adoption of the committee amendments, and the bill be passed as amended.

HB 2490 be amended by adoption of the committee amendments, be further amended by motion of Senator Smith: on page 1, following line 4, by inserting:

"WHEREAS, The provisions of K.S.A. 2013 Supp. 21-2511, and amendments thereto, shall be known and may be cited as Katie's Law: Now, therefore," and **HB 2490** be passed as further amended.

The committee report on **HB 2065** recommending a **S Sub HB 2065** be adopted, be amended by motion of Senator King, on page 1, by striking all in lines 7 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 33 and by inserting:

"Section 1.K.S.A. 2013 Supp. 20-302b is hereby amended to read as follows: 20-302b. (a) Subject to assignment pursuant to K.S.A. 20-329, and amendments thereto, a district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, cigarette or tobacco infractions or misdemeanor charges, to conduct felony first appearance hearings and the preliminary examination of felony charges and to hear misdemeanor or felony arraignments ~~subject to assignment pursuant to K.S.A. 20-329, and amendments thereto~~. Except as otherwise provided, in civil cases, a district magistrate judge shall have jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 61-2801 et seq., and amendments thereto, and concurrent jurisdiction, powers and duties with a district judge. Except as otherwise

specifically provided in this subsection and subsection (b), in all other civil cases, a district magistrate judge shall ~~not have jurisdiction or cognizance over the following actions:~~

~~(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000. The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 61-2801 et seq., and amendments thereto. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection;~~

~~(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;~~

~~(3) actions for specific performance of contracts for real estate;~~

~~(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established. Nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in K.S.A. 61-3801 through 61-3808, and amendments thereto. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;~~

~~(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;~~

~~(6) actions for divorce, separate maintenance or custody of minor children. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) Except as provided in subsection (c), hear any action pursuant to the Kansas code for care of children or the revised Kansas juvenile justice code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. 2013 Supp. 23-2201 et seq., and amendments thereto, the uniform interstate family support act, K.S.A. 2013 Supp. 23-36,101 et seq., and amendments thereto, articles 29 or 30 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 39-718b or 39-755 or K.S.A. 2013 Supp. 23-3101 through 23-3113, 38-2338, 38-2339 or 38-2350, and amendments thereto; or (C) enforce orders granting visitation rights or parenting time;~~

~~(7) habeas corpus;~~

~~(8) receiverships;~~

~~(9) change of name;~~

~~(10) declaratory judgments;~~

~~(11) mandamus and quo warranto;~~

~~(12) injunctions;~~

~~(13) class actions;~~

~~(14) rights of majority; and~~

~~(15) actions pursuant to K.S.A. 59-29a01 et seq., and amendments thereto have jurisdiction over any civil action not filed under the code of civil procedure for limited actions only with the consent of the parties. A district magistrate judge shall have~~

jurisdiction over uncontested actions for divorce.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

- (1) Grant a restraining order, as provided in K.S.A. 60-902, and amendments thereto;
- (2) appoint a receiver, as provided in K.S.A. 60-1301, and amendments thereto; and
- (3) make any order authorized by K.S.A. 23-2707, and amendments thereto.

(c)(1) All actions or proceedings before a district magistrate judge regularly admitted to practice law in Kansas shall be on the record if such actions or proceedings would be on the record before a district judge.

(2) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge: (A) Who is not regularly admitted to practice law in Kansas shall be tried and determined de novo by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge; and (B) who is regularly admitted to practice law in Kansas shall be to the court of appeals.

(d) Except as provided in subsection (e), upon motion of a party, the chief judge may reassign an action from a district magistrate judge to a district judge.

(e) Upon motion of a party for a petition or motion filed under the Kansas code for care of children requesting termination of parental rights pursuant to K.S.A. 2013 Supp. 38-2361 through 38-2367, and amendments thereto, the chief judge shall reassign such action from a district magistrate judge to a district judge.

Sec. 2. K.S.A. 2013 Supp. 22-3602 is hereby amended to read as follows: 22-3602.

(a) Except as otherwise provided, an appeal to the appellate court having jurisdiction of the appeal may be taken by the defendant as a matter of right from any judgment against the defendant in the district court and upon appeal any decision of the district court or intermediate order made in the progress of the case may be reviewed. No appeal shall be taken by the defendant from a judgment of conviction before a district judge upon a plea of guilty or nolo contendere, except that jurisdictional or other grounds going to the legality of the proceedings may be raised by the defendant as provided in K.S.A. 60-1507, and amendments thereto.

(b) Appeals to the court of appeals may be taken by the prosecution from cases before a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, as a matter of right in the following cases, and no others:

- (1) From an order dismissing a complaint, information or indictment;
- (2) from an order arresting judgment;
- (3) upon a question reserved by the prosecution; or
- (4) upon an order granting a new trial in any case involving a class A or B felony or for crimes committed on or after July 1, 1993, in any case involving an off-grid crime.

(c) Procedures for appeals by the prosecution enumerated in subsection (b) shall be as provided in supreme court rules.

(d) Appeals to a district judge may be taken by the prosecution from cases before a district magistrate judge who is not regularly admitted to practice law in Kansas as a matter of right in the cases enumerated in subsection (b) and from orders enumerated in K.S.A. 22-3603, and amendments thereto.

(e) Any criminal case on appeal to the court of appeals may be transferred to the

supreme court as provided in K.S.A. 20-3016 and 20-3017, and amendments thereto, and any party to such case may petition the supreme court for review of any decision of the court of appeals as provided in subsection (b) of K.S.A. 20-3018, and amendments thereto, except that any such party may appeal to the supreme court as a matter of right in any case in which a question under the constitution of either the United States or the state of Kansas arises for the first time as a result of the decision of the court of appeals.

(f) For crimes committed on or after July 1, 1993, an appeal by the prosecution or the defendant relating to sentences imposed pursuant to a presumptive sentencing guidelines system as provided in K.S.A. 21-4701 et seq., prior to their repeal, or the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, shall be as provided in K.S.A. 21-4721, prior to its repeal, or K.S.A. 2013 Supp. 21-6820, and amendments thereto.

Sec. 3. K.S.A. 2013 Supp. 22-3609a is hereby amended to read as follows: 22-3609a. (1) A defendant shall have the right to appeal to a district judge from any judgment of a district magistrate judge who is not regularly admitted to practice law in Kansas. The chief judge shall be responsible for assigning a district judge for any such appeal. The appeal shall stay all further proceedings upon the judgment appealed from.

(2) An appeal to a district judge shall be taken by filing a notice of appeal with the clerk of the court. No appeal shall be filed until after the sentence has been imposed. No appeal shall be taken more than 14 days after the date the sentence is imposed.

(3) The clerk of the district court shall deliver the complaint, warrant and any appearance bond to the district judge to whom such appeal is assigned. The case shall be tried de novo before the assigned district judge.

(4) No advance payment of a docket fee shall be required when the appeal is taken.

(5) All appeals taken by a defendant ~~from a district magistrate judge~~ in misdemeanor cases from a district magistrate judge who is not regularly admitted to practice law in Kansas shall be tried by the court unless a jury trial is requested in writing by the defendant. All appeals taken by a defendant ~~from a district magistrate judge~~ in traffic infraction and cigarette or tobacco infraction cases from a district magistrate judge who is not regularly admitted to practice law in Kansas shall be to the court.

(6) Notwithstanding the other provisions of this section, appeal from a conviction rendered pursuant to subsection (c) of K.S.A. 22-2909, and amendments thereto, shall be conducted only on the record of the stipulation of facts relating to the complaint.

Sec. 4. K.S.A. 2013 Supp. 38-2273 is hereby amended to read as follows: 38-2273.

(a) An appeal may be taken by any party or interested party from any order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights.

(b) An appeal from an order entered by a district magistrate judge who is not regularly admitted to practice law in Kansas shall be to a district judge. The appeal shall be heard on the basis of the record within 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo.

(c) Procedure on appeal shall be governed by article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(d) Notwithstanding any other provision of law to the contrary, appeals under this section shall have priority over all other cases.

(e) Every notice of appeal, docketing statement and brief shall be verified by the appellant if the appellant has been personally served at any time during the proceedings.

Failure to have the required verification shall result in the dismissal of the appeal.

(f) While a case is on appeal from the district court, the district court or magistrate court shall continue to have jurisdiction over all issues not specifically appealed and shall conduct timely permanency hearings.

Sec. 5. K.S.A. 2013 Supp. 38-2382 is hereby amended to read as follows: 38-2382.

(a) An appeal from a district magistrate judge who is not regularly admitted to practice law in Kansas shall be to a district judge. The appeal shall be by trial de novo unless the parties agree to a de novo review on the record of the proceedings. The appeal shall be heard within 30 days from the date the notice of appeal was filed.

(b) Appeals from a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, shall be to the court of appeals.

(c) Procedure on appeal shall be governed by article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. K.S.A. 2013 Supp. 59-2401a is hereby amended to read as follows: 59-

2401a. (a) An appeal by an interested party from a district magistrate judge who is not regularly admitted to practice law in Kansas to a district judge may be taken no later than 14 days from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act—(K.S.A. 59-2111 et seq., and amendments thereto);

(2) the care and treatment act for mentally ill persons—(K.S.A. 59-2945 et seq., and amendments thereto);

(3) the care and treatment act for persons with an alcohol or substance abuse problem—(K.S.A. 59-29b45 et seq., and amendments thereto); or

(4) the act for obtaining a guardian or conservator, or both—(K.S.A. 59-3050 et seq., and amendments thereto).

The appeal shall be heard no later than 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo. Except as provided further, if a record was made of the proceedings, the district judge shall conduct the appeal on the record. Upon motion of any party to the proceedings, the district judge may hold a trial de novo.

(b) An appeal by an interested party from ~~the district court~~ a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, to an appellate court shall be taken pursuant to article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act—(K.S.A. 59-2111 et seq., and amendments thereto);

(2) the care and treatment act for mentally ill persons—(K.S.A. 59-2945 et seq., and amendments thereto);

(3) the sexually violent predator act—(K.S.A. 59-29a01 et seq., and amendments thereto);

(4) the care and treatment act for persons with an alcohol or substance abuse problem—(K.S.A. 59-29b45 et seq., and amendments thereto); or

(5) the act for obtaining a guardian or conservator, or both—(K.S.A. 59-3050 et seq., and amendments thereto).

Except for cases otherwise specifically provided for by law, appeals under this

section shall have priority over all others.

(c) Pending the determination of an appeal pursuant to ~~section subsection~~ (a) or (b) ~~of this section~~, any order appealed from shall continue in force unless modified by temporary orders entered by the court hearing the appeal. The supersedeas bond provided for in K.S.A. 60-2103, and amendments thereto, shall not stay proceedings under an appeal from the district court to an appellate court.

(d) In an appeal taken pursuant to ~~section subsection~~ (a) or (b) ~~of this section~~, the court from which the appeal is taken may require an appropriate party, other than the state of Kansas, any subdivision thereof, and all cities and counties in this state, to file a bond in such sum and with such sureties as may be fixed and approved by the court to ensure that the appeal will be prosecuted without unnecessary delay and to ensure the payment of all judgments and any sums, damages and costs that may be adjudged against that party.

(e) As used in this section, "interested party" means:

(1) The parent in a proceeding pursuant to the Kansas adoption and relinquishment act—(K.S.A. 59-2111 et seq., and amendments thereto);

(2) the patient under the care and treatment act for mentally ill persons—(K.S.A. 59-2945 et seq., and amendments thereto);

(3) the patient under the care and treatment act for persons with an alcohol or substance abuse problem—(K.S.A. 59-29b45 et seq., and amendments thereto);

(4) the person adjudicated a sexually violent predator under the sexually violent predator act—(K.S.A. 59-29a01 et seq., and amendments thereto);

(5) the ward or conservatee under the act for obtaining a guardian or conservator, or both—(K.S.A. 59-3050 et seq., and amendments thereto);

(6) the parent of a minor person adjudicated a ward or conservatee under the act for obtaining a guardian or conservator, or both—(K.S.A. 59-3050 et seq., and amendments thereto);

(7) the petitioner in the case on appeal; and

(8) any other person granted interested party status by the court from which the appeal is being taken.

(f) This section shall be part of and supplemental to the Kansas probate code.

Sec. 7. K.S.A. 2013 Supp. 60-2102 is hereby amended to read as follows: 60-2102.

(a) *Appeal to court of appeals as matter of right.* Except for any order or final decision of a district magistrate judge who is not regularly admitted to practice law in Kansas, the appellate jurisdiction of the court of appeals may be invoked by appeal as a matter of right from:

(1) An order that discharges, vacates or modifies a provisional remedy.

(2) An order that grants, continues, modifies, refuses or dissolves an injunction, or an order that grants or refuses relief in the form of mandamus, quo warranto or habeas corpus.

(3) An order that appoints a receiver or refuses to wind up a receivership or to take steps to accomplish the purposes thereof, such as directing sales or other disposal of property, or an order involving the tax or revenue laws, the title to real estate, the constitution of this state or the constitution, laws or treaties of the United States.

(4) A final decision in any action, except in an action where a direct appeal to the supreme court is required by law. In any appeal or cross appeal from a final decision, any act or ruling from the beginning of the proceedings shall be reviewable.

(b) *Appeal to supreme court as matter of right.* The appellate jurisdiction of the supreme court may be invoked by appeal as a matter of right from:

(1) A preliminary or final decision in which a statute of this state has been held unconstitutional as a violation of article 6 of the ~~Kansas~~ constitution of the state of Kansas pursuant to K.S.A. 2013 Supp. 72-64b03, and amendments thereto. Any appeal filed pursuant to this subsection (b)(1) shall be filed within 30 days of the date the preliminary or final decision is filed.

(2) A final decision of the district court in any action challenging the constitutionality of or arising out of any provision of the Kansas expanded lottery act, any lottery gaming facility management contract or any racetrack gaming facility management contract entered into pursuant to the Kansas expanded lottery act.

(c) *Other appeals.* When a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, in making in a civil action an order not otherwise appealable under this section, is of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, the judge shall so state in writing in such order. The court of appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within 14 days after the entry of the order under such terms and conditions as the supreme court fixes by rule. Application for an appeal ~~hereunder pursuant to this subsection~~ shall not stay proceedings in the district court unless the ~~district judge of the district court~~ or an appellate court or a judge thereof so orders.

Sec. 8. K.S.A. 2013 Supp. 60-2103a is hereby amended to read as follows: 60-2103a. (a) In actions commenced in the district courts of this state all appeals from orders or final decisions of a district magistrate judge who is not regularly admitted to practice law in Kansas shall be heard by a district judge. Except as otherwise provided by law, such appeals shall be taken by notice of appeal specifying the order or decision complained of and shall be filed with the clerk of the district court within 14 days after the entry of such order or decision. The notice of appeal shall specify the party or parties taking the appeal; shall designate the order or decision appealed from; and shall state that such appeal is being taken from an order or decision of a district magistrate judge. The appealing party shall cause notice of the appeal to be served upon all of the parties to the action in accordance with the provisions of K.S.A. 60-205, and amendments thereto. Upon filing the notice of appeal, the appeal shall be deemed perfected.

(b) Except as otherwise provided by law or rule of the supreme court, the provisions of subsections (b) through (i) of K.S.A. 60-2103, and amendments thereto, shall be applicable to appeals from orders and decisions of district magistrate judges who are not regularly admitted to practice law in Kansas.

Sec. 9. K.S.A. 2013 Supp. 61-3902 is hereby amended to read as follows: 61-3902. (a) All appeals from orders, rulings, decisions or judgments of district magistrate judges who are not regularly admitted to practice law in Kansas under the code of civil procedure for limited actions shall be taken in the manner provided in subsection (a) of K.S.A. 60-2103a, and amendments thereto. All appeals from orders, rulings, decisions or judgments of district judges, or district magistrate judges who are regularly admitted to practice law in Kansas, under the code of civil procedure for limited actions shall be

taken in the manner provided in subsections (a) and (b) of K.S.A. 60-2103, and amendments thereto. Notwithstanding the foregoing provisions of this subsection, if judgment has been rendered in an action for forcible detainer and the defendant desires to appeal from that portion of the judgment granting restitution of the premises, notice of appeal shall be filed within seven days after entry of judgment. The notice of appeal shall specify the party or parties taking the appeal; the order, ruling, decision or judgment appealed from; and the court to which the appeal is taken.

(b) The provisions of K.S.A. 60-2001, and amendments thereto, shall apply to appeals pursuant to this section.

(c) An appeal from an action heard by a district magistrate judge who is not regularly admitted to practice law in Kansas shall be taken to a district judge of the county. An appeal from an action heard by a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, shall be taken to the court of appeals.

Sec. 10. K.S.A. 61-3903 is hereby amended to read as follows: 61-3903. Subject to the rules of the supreme court of this state, once an appeal is perfected, if the judge from whom such appeal is taken is a district magistrate judge who is not regularly admitted to practice law in Kansas, such judge shall notify the chief judge of the judicial district that the appeal has been perfected. The chief judge then shall assign the case to a district judge to hear the appeal.";

Also on page 3, in line 34, by striking "20-2909, 20-2911, 20-2914 and 25-312a" and inserting "61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902 and repealing the existing sections", and **S Sub HB 2065** be passed as amended.

The committee report on **HB 2182** recommending a **S Sub HB 2182** be adopted, be amended by motion of Senator King, on page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 33 and inserting:

"Section 1. K.S.A. 2013 Supp. 40-5515 is hereby amended to read as follows: 40-5515. (a) A public adjuster shall maintain a complete record of each transaction as a public adjuster. The records required by this section shall include the following:

- (1) Name of the insured;
- (2) date, location and amount of the loss;
- (3) copy of the contract between the public adjuster and insured;
- (4) name of the insurer and the amount, expiration date and number of each policy carried by the insured with respect to the loss;
- (5) itemized statement of the insured's recoveries;
- (6) itemized statement of all compensation received by the public adjuster, from any source whatsoever, in connection with the loss;
- (7) a register of all moneys received, deposited, disbursed or withdrawn in connection with a transaction with an insured, including fees, transfers and

disbursements from a trust account and all transactions concerning all interest-bearing accounts;

- (8) name of public adjuster who executed the contract;
- (9) name of the attorney representing the insured, if applicable, and the name of the claims representatives of the insurance company; and
- (10) evidence of financial responsibility in the format prescribed by the commissioner.

(b) Records shall be maintained for at least five years after the termination of the transaction with an insured and shall be open to examination by the commissioner at all times.

(c) Records submitted to the commissioner in accordance with this section that contain information identified in writing as proprietary by the public adjuster shall be treated as confidential by the commissioner and shall not be open for inspection under the Kansas open records act.

~~(d) The provisions of subsection (c) shall expire on July 1, 2014, unless the legislature acts to reenact such provisions. The provisions of subsection (c) shall be reviewed by the legislature prior to July 1, 2014.~~

Sec. 2. K.S.A. 2013 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
- (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall

certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception which will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law which creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law which creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be exempted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) of

this subsection (h) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, subsections (a)(1) through (43) of 45-221, 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2009 are hereby continued in existence until July 1, 2015, at which time such exceptions shall expire: 17-2036, 40-5301, subsections (a)(45) and (a)(46) of 45-221, 60-3351, 72-972a, 74-99d05 and 75-53,105.

(j)(1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2010 are hereby continued in existence until July 1, 2016, at which time such exceptions shall expire: 12-5358, 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 44-1132, 60-3333, 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) ~~during 2006, 2007 and 2008 and which have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g)~~ are hereby continued in existence ~~until July 1, 2014, at which~~

time such exceptions shall expire: ~~1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17, 150, 12-2001, 12-5332, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, subsections (a)(44), (45), (46) and (47) and (48) of 45-221, 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 66-1233, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.~~

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2011 are hereby continued in existence until July 1, 2017, at which time such exceptions shall expire: 12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-8772 and 75-7427.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and which have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

Sec. 3. K.S.A. 2013 Supp. 74-99b06 is hereby amended to read as follows: 74-99b06. (a) All resolutions and orders of the board shall be recorded and authenticated by the signature of the secretary or any assistant secretary of the board. The book of resolutions, orders, minutes of open meetings, annual reports and annual financial statements of the authority shall be public records as defined by K.S.A. 45-215 et seq., and amendments thereto. All public records shall be subject to regular audit as provided in K.S.A. 46-1106, and amendments thereto.

(b)(+) Notwithstanding any provision of K.S.A. 45-215 et seq., and amendments thereto, to the contrary, the following records of the authority shall not be subject to the provisions of the Kansas open records act, when in the opinion of the board, the disclosure of the information in the records would be harmful to the competitive position of the authority:

(A)(1) Proprietary information gathered by or in the possession of the authority from third parties pursuant to a promise of confidentiality;

(B)(2) contract cost estimates prepared for confidential use in awarding contracts for research development, construction, renovation, commercialization or the purchase of goods or services; and

(C)(3) data, records or information of a proprietary nature produced or collected by or for the authority, its employees, officers or members of its board; financial statements not publicly available that may be filed with the authority from third parties; the identity, accounts or account status of any customer of the authority; consulting or other reports paid for by the authority to assist the authority in connection with its strategic planning and goals; and the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the authority.

(2) ~~The provisions of this subsection shall expire on July 1, 2009. Prior to such date the legislature shall review the provisions of this subsection.~~

(c) Notwithstanding any provision of this section to the contrary, the authority may claim the benefit of any other exemption to the Kansas open records act listed in K.S.A. 45-215 et seq., and amendments thereto.

Sec. 4. K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "crimes, punishment and criminal procedure; relating"; by striking all in line 2; in line 3, by striking all before the second "and" and inserting "legislative review of exceptions to open records; amending K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06" and **S Sub HB 2182** be passed as amended.

HB 2464, HB 2511, HB 2684 be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m..

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

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2578** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RALPH OSTMEYER

CLARK SHULTZ

Conferees on part of Senate

STEVE BRUNK

TRAVIS COUTURE-LOVELADY

Conferees on part of House

On motion of Senator Shultz the Senate adopted the conference committee report on **HB 2578**, and requested a new conference be appointed.

The President appointed Senators Ostmeyer, Shultz and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2578**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 410, HB 2065, HB 2182, HB 2442, HB 2490** and **HB 2744** were advanced to Final Action and roll call.

SB 410, AN ACT concerning property taxation; relating to exemptions for certain donations of property to the state; amending K.S.A. 2013 Supp. 79-213 and repealing the existing section.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

S Sub HB 2065, AN ACT concerning district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

S Sub HB 2182, AN ACT concerning legislative review of exceptions to open records; amending K.S.A. 2013 Supp. 40-5515, 45-229 and 74-99b06 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

Sub HB 2442, AN ACT concerning crimes, punishment and criminal procedure; relating to the uniform act regulating traffic; criminal penalties for fleeing and eluding; sentencing; amending K.S.A. 2013 Supp. 8-1568 and 21-6804 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Haley.

The substitute bill passed.

EXPLANATION OF VOTE

Madam President: I respect the intent of this bill which is to punish those who attempt to flee or elude the police. Although a basically non-violent activity (running away to avoid pursuit and/or apprehension), such offenders who engage in police chases are often more dangerous than drunk drivers and accordingly, I too believe, deserve to be punished. In that regard, this is really a good law. Still, I must PASS on **Sub HB 2442** as it is written out of concern over the bill's bed space impact. This Senate last year adopted the "pay-go" rule – Joint Rule 6 – that requires any appropriations increase spending be accompanied by equal or greater reductions in spending. I

recommend the same apply with bed space impacts (BSI). To be truly fiscally responsible (unless building and opening new state prisons to incarcerate basically non-violent offenders is your idea of fiscal responsibility), I recommend that whenever the legislature enacts a bill with a positive BSI, another bill reducing spaces must be simultaneously enacted; that the overall impact is neutral or negative. As a member of the Kansas Sentencing Commission, I know and respect that our State is now at capacity for bed space. Please understand that, Madame President and fellow Senators. Can we, simply, afford to build new prisons or house more inmates? I offered an amendment to this bill to make new admissions from it “bed space neutral” by reducing the number of new admissions for another category of non-violent offenders (drug possession) but it was ruled not germane. However, I still believe we need to rein in spending and preserve prison space for violent criminals. We need to find areas in our law where nonviolent offenders get some other help or are no longer incarcerated and reserve those spaces for genuinely violent crimes for genuine public safety. For that reason ALONE, I respectfully vote to “Pass” on **Sub HB 2442** which I yet find a modicum relief in knowing will pass this Chamber.—DAVID HALEY

HB 2490, AN ACT concerning crimes, punishment and criminal procedure; relating to DNA evidence; trials; conduct of jury after case is submitted; amending K.S.A. 22-3420 and K.S.A. 2013 Supp. 21-2511 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2744, AN ACT concerning insurance; providing coverage for autism spectrum disorder; requiring licensure of persons providing applied behavior analysis; amending K.S.A. 2013 Supp. 40-2,103 and 40-19c09 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Shultz, Smith, Wagle, Wolf.

Nays: Pilcher-Cook, Tyson.

The bill passed.

S Sub HB 2065, AN ACT concerning district magistrate judges; relating to jurisdiction; appeals; amending K.S.A. 61-3903 and K.S.A. 2013 Supp. 20-302b, 22-3602, 22-3609a, 38-2273, 38-2382, 59-2401a, 60-2102, 60-2103a and 61-3902 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The substitute bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Olson moved the Senate concur in House amendments to **SB 285**.

SB 285, AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

Present and Passing: Denning.

The Senate concurred.

Senator Petersen moved the Senate concur in House amendments to **SB 344**.

SB 344, AN ACT regulating traffic; concerning motor carriers, special permits; relating to oversized loads; transporting hay or feed stuffs; amending K.S.A. 2013 Supp. 8-1911 and 66-1344 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2057** submits the following report:

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

On page 2, following line 15, by inserting:

"New Sec. 2. Whenever personal property in this state is abandoned or repossessed after it is assessed and before the taxes are paid, the owner or lessee of any real property upon which such property was situated at the time of abandonment or repossession shall not be liable for such taxes where lawful title to such property is acquired by such landowner or lessee within 12 months of the time such property is deemed abandoned or within 12 months of the time legal proceedings are commenced to effect a repossession.

Sec. 3. K.S.A. 2013 Supp. 79-1613 is hereby amended to read as follows: 79-1613.
(a) As used in this section:

(1) "Destroyed or substantially destroyed" means damage of any origin sustained by a homestead as the direct result of: (A) An earthquake, flood, tornado, fire, or storm; or ~~or other~~ (B) an event or occurrence which the governor of the state of Kansas has declared a disaster, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(2) "Homestead" means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(3) "Public or private buyout" means any buyout from a local, state or federal governmental entity or any non-governmental entity, including, but not limited to, an individual, foundation, trust, association, corporation, limited liability company or partnership.

(b) The owner of any homestead listed and assessed for property taxation purposes which was destroyed or substantially destroyed due to an earthquake, flood, tornado, fire, storm, or other event or occurrence which the governor of the state of Kansas has declared a disaster may make application to the board of county commissioners of the county in which such property is located for the abatement of property taxes levied upon such homestead or for a credit against property taxes payable by such owner, as permitted by this section.

(1) If such homestead has been so destroyed or substantially destroyed after January 1 of a particular year but prior to August 15 of such year, the owner of such homestead may make application to such board of county commissioners for the abatement of property taxes levied upon such homestead, or if such property taxes have been paid or partially paid, may make application for the granting of a credit against property taxes payable by such owner during any or all of the next succeeding three taxable years.

(2) If such homestead has been so destroyed or substantially destroyed on or after August 15 of a particular year but prior to January 1 of the next succeeding year, the owner of such homestead may make application to such board of county commissioners for the granting of a credit against property taxes payable by such owner during any or all of the next succeeding three taxable years.

(c) An application for relief as permitted by subsection (b) may be made for abatement of property taxes assessed but not yet paid, or for a grant of a credit for assessed property taxes paid or for both, as the case may be, and may be made on or before December 20 of the year next succeeding the year for which such taxes have been assessed.

(d) Upon receipt of any such application, subject to budgetary restraints of the county or taxing subdivision arising from the event or occurrence declared a disaster by the governor, the board of county commissioners shall inquire into and make findings regarding, among other things, whether the property is a homestead, as defined in

subsection (a), whether the homestead was destroyed or substantially destroyed, as defined in subsection (a) and the assessed valuation thereof. If it is determined that an owner of such homestead is entitled to an abatement of all or any portion of the property taxes levied against such homestead or is entitled to a credit against property taxes payable by such owner in any or all of the next succeeding three years, the board may issue an order so providing.

~~(e) The board shall not grant an application for relief by an owner who is a recipient of funds from either a public or private buyout or insurance proceeds, which, as the case may be, are of an amount equal to or greater than 50% of the entire pre-disaster value of the homestead which was destroyed or substantially destroyed.~~

~~(f)~~—The county clerk and county treasurer shall in each case of abatement or credit correct their records in accordance therewith and the county clerk shall notify the governing body of any taxing district affected thereby.

~~(g)~~—~~(f)~~ The provisions of this section shall be applicable to all taxable years commencing after December 31, 2011, and ~~ending before January 1, 2014, all taxable years thereafter.~~

Sec. 4. K.S.A. 2013 Supp. 79-1703 is hereby amended to read as follows: 79-1703.

(a) Except as provided in subsection (b) or as otherwise provided by law, no board of county commissioners or other officer of any county shall have power to release, discharge, or remit or commute any portion of the taxes assessed or levied against any person or property within their respective jurisdictions for any reason whatever. Any taxes so discharged, released, or remitted or commuted may be recovered by civil action from the members of the board of county commissioners or such other officer and the sureties of their official bonds at the suit of the attorney general, the county attorney, or of any citizen of the county or the board of education of any school district a part of the territory of which is in such county, as the case may be, and when collected shall be paid into the county treasury to be properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled thereto. Nothing in this subsection shall be construed to prohibit a board of county commissioners from entering into an agreement whereby the board agrees to pay the full amount of the taxes assessed or levied against any person or property on behalf of such person, as long as such amount is properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled to a portion of such amount.

(b) In the event a person, partnership or corporation has failed to pay any portion of the taxes assessed or levied against its property located within any county and such person, partnership or corporation is a debtor in an action filed pursuant to the United States bankruptcy code, the county commissioners of any such county may compromise, assign, transfer or otherwise settle such tax claim in such fashion as the commissioners deem to be in the best interest of the state and all taxing subdivisions affected thereby, subject to approval by the state court of tax appeals; except that, the state and each other taxing subdivision affected by any such settlement shall receive the same proportional share of its respective tax claim. The state court of tax appeals shall respond to such settlement request within 30 days from the date of receiving such request or such request shall be deemed approved.

Sec. 5. K.S.A. 79-2109 is hereby amended to read as follows: 79-2109. ~~If any owner of personal property after the date as of which personal property is assessed and before the tax thereon is paid, shall sell all of a class of the same to any one person, the~~

tax for that year shall be a lien upon the property so sold, and shall at once become due and payable, and the county treasurer shall at once issue a tax warrant for the collection thereof, and the sheriff shall forthwith collect it as in other cases. The property so sold shall be liable in the hands of the purchaser for such tax, but in the event that a purchaser shall pay the tax or any part thereof or, if said property be seized and sold for such tax the seller thereof, shall be civilly liable to the purchaser for the amount of the taxes the purchaser has paid or the amount of taxes due on the property so seized; but if the property be sold in the ordinary course of retail trade it shall not be so liable in the hands of the purchasers. (a) On and after January 1, 2015, if any owner of personal property sells or transfers such property to another after the date such property is assessed and before the tax thereon is paid, then the taxes on the personal property of such taxpayer which is being sold or transferred shall fall due immediately, and a lien shall attach to the property so sold or transferred. The lien shall be for an amount equal to the tax assessment for the year in which the sale or transfer is made and shall become due and payable immediately. The lien shall attach to the property and is not a personal debt of the purchaser or transferee. In no circumstance shall the purchaser or transferee be liable for any taxes owed by the seller or transferor prior to the year in which the sale or transfer occurred. Such lien shall be in preference to all other claims against such property. The county treasurer, after receiving knowledge of any such surrender or transfer, shall issue immediately a tax warrant for the collection thereof and the sheriff shall collect it as in other cases. The lien shall remain on the property and any person taking possession of the property does so subject to the lien. The one owing such tax shall be liable civilly to any person taking possession of such property for any taxes owing thereon, but the property shall be liable in the hands of the person taking possession thereof for such tax. If the property is sold in the ordinary course of retail trade it shall not be liable in the hands of the purchasers. No personal property which has been transferred in any manner after it has been assessed shall be liable for the tax in the hands of the transferee after the expiration of three years from the time such tax originally became due and payable.

(b) If, at the time of the sale, taxes on the personal property remain due and unpaid for any tax year or years prior to the year of the sale, then such unpaid taxes shall be a personal debt of the seller, subject to collection under K.S.A. 79-2017 or 79-2101, and amendments thereto, as the case may be. The county treasurer of the county where such personal property taxes remain due and unpaid shall update the records of the county treasurer to show that the seller or transferor is delinquent and owes personal property taxes levied against the seller or transferor for such previous year or years for the purposes of vehicle registration under K.S.A. 8-173, and amendments thereto.

Sec. 6. K.S.A. 2013 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income

tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2013 Supp. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2013 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the

federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2013 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2013 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2013 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2013 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2013 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2013 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2013 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income

tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 2013 Supp. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2013 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2013 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association

organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2013 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any:

(1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city's home rule authority.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 7. K.S.A. 2013 Supp. 79-32,143a is hereby amended to read as follows: 79-32,143a. (a) For taxable years beginning after December 31, 2011, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the amount of bonus depreciation being claimed for such property pursuant to section 168(k) of the internal revenue code, as amended, for federal income tax purposes in such tax year, but without regard to any expense deduction being claimed for such property under section 179 of the internal revenue code, as amended, multiplied by the applicable factor, determined by using, the table provided in subsection (f), based on the method of depreciation selected pursuant to section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended. This election shall be made by the due date of the original return, including any extensions, and may be made only for

the taxable year in which the property is placed in service, and once made, shall be irrevocable. If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets.

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is subsequently sold during the applicable recovery period for such property as defined under section 168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any previously taken expense or depreciation deductions for federal income tax purposes, or if the situs of such property is otherwise changed such that the property is relocated outside the state of Kansas during such applicable recovery period, then the expense deduction determined pursuant to subsection (a) shall be subject to recapture and treated as Kansas taxable income allocated to this state. The amount of recapture shall be the Kansas expense deduction determined pursuant to subsection (a) multiplied by a fraction, the numerator of which is the number of years remaining in the applicable recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as amended, after such property is sold or removed from the state including the year of such disposition, and the denominator of which is the total number of years in such applicable recovery period.

(d) The situs of tangible property for purposes of claiming and recapture of the expense deduction shall be the physical location of such property. If such property is mobile, the situs shall be the physical location of the business operations from where such property is used or based. The situs of computer software shall be apportioned to Kansas based on the fraction, the numerator of which is the number of the taxpayer's users located in Kansas of licenses for such computer software used in the active conduct of the taxpayer's business operations, and the denominator of which is the total number of the taxpayer's users of the licenses for such computer software used in the active conduct of the taxpayer's business operations everywhere.

(e) Any member of a unitary group filing a combined report may elect to take an expense deduction pursuant to subsection (a) for an investment in property made by any member of the combined group, provided that the amount calculated pursuant to subsection (a) may only be deducted from the Kansas net income before expensing or recapture allocated to or apportioned to this state by such member making the election.

(f) The following table shall be used in determining the expense deduction calculated pursuant to subsection (a):

Factors			
IRC§168 Recover Period (year)	IRC§168(b)(1) Depreciation Method	IRC§168(b)(2) Depreciation Method	IRC§168(b)(3)or(g) Depreciation Method
2.5	*	.077	.092
3	.075	.091	.106
3.5	*	.102	.116
4	*	.114	.129

5	.116	.135	.150
6	*	.154	.170
6.5	*	.163	.179
7	.151	.173	.190
7.5	*	.181	.199
8	*	.191	.208
8.5	*	.199	.217
9	*	.208	.226
9.5	*	.216	.235
10	.198	.224	.244
10.5	*	.232	.252
11	*	.240	.261
11.5	*	.248	.269
12	*	.256	.277
12.5	*	.263	.285
13	*	.271	.293
13.5	*	.278	.300
14	*	.285	.308
15	*	.299	.323
16	*	.313	.337
16.5	*	.319	.344
17	*	.326	.351
18	*	.339	.365
19	*	.351	.378
20	*	.363	.391
22	*	.386	.415
24	*	.408	.438
25	*	.419	.449

*Not Applicable

(g) If a taxpayer elects to expense any investment pursuant to subsection (a), such taxpayer shall not be eligible for any tax credit, accelerated depreciation, or deduction for such investment allowed pursuant to K.S.A. 2013 Supp. 79-32,160a(e), 79-32,182b, 79-32,201, 79-32,204, 79-32,211, 79-32,218, 79-32,221, 79-32,222, 79-32,224, 79-32,227, 79-32,229, 79-32,232, 79-32,234, 79-32,237, 79-32,239, 79-32,246, 79-32,249, 79-32,252, 79-32,255, 79-32,256 and 79-32,258, and amendments thereto.

(h)(1) For tax year 2013, ~~and all tax years thereafter~~, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

(2) For tax year 2014, and all tax years thereafter, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine

such taxpayer's corporate income or privilege tax liability.

Sec. 8. K.S.A. 2013 Supp. 79-32,195 is hereby amended to read as follows: 79-32,195. As used in this act, the following words and phrases shall have the meanings ascribed to them herein: (a) "Business firm" means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act, any individual subject to the state income tax imposed by the provisions of the Kansas income tax act, any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto;

(b) "Community services" means:

(1) The conduct of activities which meet a demonstrated community need and which are designed to achieve improved educational and social services for Kansas children and their families, and which are coordinated with communities including, but not limited to, social and human services organizations that address the causes of poverty through programs and services that assist low income persons in the areas of employment, food, housing, emergency assistance and health care;

(2) crime prevention; ~~and~~

(3) health care services; ~~and~~

(4) youth apprenticeship and technical training.

(c) "Crime prevention" means any nongovernmental activity which aids in the prevention of crime.

(d) "Youth apprenticeship and technical training" means conduct of activities which are designed to improve the access to and quality of apprenticeship and technical training which support an emphasis on rural construction projects as well as the necessary equipment, facilities and supportive mentorship for youth apprenticeships and technical training.

(e) "Community service organization" means any organization performing community services in Kansas and which:

(1) Has obtained a ruling from the internal revenue service of the United States department of the treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) of the federal internal revenue code; or

(2) is incorporated in the state of Kansas or another state as a nonstock, nonprofit corporation; or

(3) has been designated as a community development corporation by the United States government under the provisions of title VII of the economic opportunity act of 1964; or

(4) is chartered by the United States congress.

~~(e)~~(f) "Contributions" shall mean and include the donation of cash, services or property other than used clothing in an amount or value of \$250 or more. Stocks and bonds contributed shall be valued at the stock market price on the date of transfer. Services contributed shall be valued at the standard billing rate for not-for-profit clients. Personal property items contributed shall be valued at the lesser of its fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution, but shall not include sales tax. Contributions of real estate are allowable for credit only when title thereto is in fee simple absolute and is clear of any encumbrances. The

amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers.

~~(f)~~(g) "Health care services" shall include, but not be limited to, the following: Services provided by local health departments, city, county or district hospitals, city or county nursing homes, or other residential institutions, preventive health care services offered by a community service organization including immunizations, prenatal care, the postponement of entry into nursing homes by home health care services, and community based services for persons with a disability, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, services provided by rural health clinics, integration of health care services, home health services and services provided by rural health networks, except that for taxable years commencing after December 31, 2013, health care services shall not include any service involving the performance of any abortion, as defined in K.S.A. 65-6701, and amendments thereto.

~~(g)~~(h) "Rural community" means any city having a population of fewer than 15,000 located in a county that is not part of a standard metropolitan statistical area as defined by the United States department of commerce or its successor agency. However, any such city located in a county defined as a standard metropolitan statistical area shall be deemed a rural community if a substantial number of persons in such county derive their income from agriculture and, in any county where there is only one city within the county which has a population of more than 15,000 and which classifies as a standard metropolitan statistical area, all other cities in that county having a population of less than 15,000 shall be deemed a rural community.

Sec. 9. K.S.A. 79-3492 is hereby amended to read as follows: 79-3492. ~~(a)~~ Except as otherwise provided in this act, a tax per gallon, or fraction thereof, at the rate computed as prescribed in K.S.A. 79-34,141, and amendments thereto, is hereby imposed on the LP-gas user or LP-gas dealer who places such LP-gas fuel into the fuel supply tank or tanks of any motor vehicle while such vehicle is within this state except that in those instances in which LP-gas is withdrawn from the cargo tank of a motor vehicle for the operation thereof upon the public highways of the state, the tax shall be imposed upon and measured only by that volume of LP-gas so withdrawn and used multiplied by the tax rate per gallon provided in this act.

(b) The conversion formula to be used to convert compressed natural gas and liquefied natural gas per gallon for the tax imposed pursuant to K.S.A. 79-34,141, and amendments thereto, shall be as follows:

(1) For purposes of converting the energy equivalent of compressed natural gas to a gasoline gallon energy equivalent, 126.67 cubic feet or 5.66 pounds of compressed natural gas shall equal one gasoline gallon; or

(2) for purposes of converting the energy equivalent of liquefied natural gas to a diesel gallon energy equivalent, 6.06 pounds of liquefied natural gas shall equal one diesel gallon.

Sec. 10. K.S.A. 2013 Supp. 79-3495 is hereby amended to read as follows: 79-3495. (a) Each LP-gas user or LP-gas dealer subject to the provisions of this act must, on or before the 25th day of each calendar month, file with the director a report, certified to be true and correct, on a form prescribed and furnished by the director, showing the total number of gallons of LP-gas placed into fuel supply tank or tanks of any motor vehicle while such vehicle is within this state during the preceding calendar month,

including the number of gallons on hand at the beginning and end of each month, the number of gallons received from any and all sources supported by detailed schedules of receipts, purchases and withdrawals for sale or use, and such other information as the director may require. Each LP-gas user or LP-gas dealer at the time of filing each monthly report must pay to the director the full amount of tax due for the preceding calendar month at the rate provided for in this act.

(b) Any tax imposed under the provisions of this act not paid on or before the 25th of the month succeeding the calendar month in which the LP-gas was used shall be deemed delinquent and shall bear interest at the rate per month, or fraction thereof prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from such due date until paid, and in addition thereto there is hereby imposed upon all amounts of such tax remaining due and unpaid after such due date a penalty in the amount of 5% thereof, and such penalty shall be by the director added to and collected as a part of such tax. If the LP-gas user or LP-gas dealer furnishes evidence to the director that the delinquency was due to causes beyond such user's or dealer's reasonable control, and if in the opinion of the director the delinquency was not the result of willful negligence of the LP-gas user or LP-gas dealer the penalty or interest or both may be waived or reduced by the director.

(c) The director, if satisfied that the enforcement of the act is not adversely affected, may exempt any LP-gas user or LP-gas dealer from the monthly reporting and payment requirements of this act and require in lieu thereof annual payment of the tax due hereunder and annual reporting on forms provided by the director.

(d) Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsection (b) was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

(e) It shall be unlawful for any LP-gas user or LP-gas dealer to use or sell any LP-gas within this state unless such LP-gas user or LP-gas dealer is a holder of an uncanceled, unsuspended or unrevoked license issued by the director, unless such user has remitted the tax to a licensed LP-gas dealer. To procure such license every applicant shall file with the director an application upon oath and in such form as the director may prescribe, setting forth the name and addresses, the kind of business, and the designation of the exact locations or places of business where LP-gas is delivered or placed into the fuel supply tank or tanks of a motor vehicle, and such other information as the director may require. Such application must also contain, as a condition to the issuance of the license, an agreement by the applicant to comply with the provisions and requirements of this act and the rules and regulations promulgated by the director. If the applicant is a partnership or association, the application shall set forth the name and address of each partner or person constituting the partnership, or association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the director for the purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in case of partnership or association, by a partner or member thereof, and in case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of

such person's authority. Any valid LP-gas user's or LP-gas dealer's license in effect on the effective date of this act shall remain in full force and effect and no new application need be made under this act.

(f) In the event that any application for a license to use LP-gas as an LP-gas user or LP-gas dealer in this state shall be filed by any person whose license shall at any time theretofore have been canceled for cause, or in case the director shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been canceled for cause, then and in any of such events, the director may refuse to issue to such person a license in this state. Notice of such refusal shall be mailed to the applicant. Any applicant aggrieved by the order of the director refusing to issue a license may request a hearing of the director on such application by filing with the director a written request therefor. Upon such filing the director shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. If the director finds upon such hearing that applicant is entitled to a license, the director shall order its issuance, but if the director finds that such applicant is not entitled to a license, such director shall enter an order refusing issuance.

(g) Upon the filing of the application for a license, a filing fee of \$5 shall be paid to the director. All such fees collected by the director shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. The application in proper form having been accepted for filing, the bond hereafter provided for having been accepted and approved by the director and the other conditions and requirements of this act having been complied with, the director shall issue to such applicant a license and such license shall be in force so long as the holder thereof has in force a bond as required by this act deposited with the director, or until such license is suspended, surrendered, or revoked for cause by the director. The license issued by the director shall not be assignable and shall be valid only for the LP-gas user or LP-gas dealer in whose name issued, and shall be displayed conspicuously by the LP-gas user or LP-gas dealer at the user's or dealer's principal place of business as set forth in the application.

(h) In the event a person qualifies for both a user's and dealer's license, only one license shall be required. A copy of such user's or dealer's license shall be required for each place of business of the licensee where LP-gas is sold or dispensed. No charge shall be made for additional copies of such user's or dealer's license when such copies are required for multiple business locations.

Sec. 11. K.S.A. 2013 Supp. 79-34,141 is hereby amended to read as follows: 79-34,141. The tax imposed under this act shall be not less than:

(1) On motor-vehicle fuels other than E85 fuels, \$.24 per gallon, or fraction thereof;

(2) on special fuels, \$.26 per gallon, or fraction thereof;

(3) on LP-gas, other than compressed natural gas and liquefied natural gas, \$.23 per gallon, or fraction thereof; ~~and~~

(4) on E85 fuels, \$.17 per gallon, or fraction thereof;

(5) on compressed natural gas, \$.24 per gallon, or fraction thereof; and

(6) on liquefied natural gas, \$.26 per gallon, or fraction thereof";

And by renumbering sections accordingly;

Also on page 2, in line 16, after "K.S.A." by inserting "79-2109, 79-2110 and 79-3492 and K.S.A."; also in line 16, by striking "is" and inserting ", 79-1613, 79-1703, 79-32,117, 79-32,143a, 79-32,195, 79-3495 and 79-34,141 are";

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in lines 2 and 3 and inserting "taxation; relating to property taxation, sale or abandonment of personal property before taxes paid, liens, appointment of interim appraisers, homesteads destroyed or substantially destroyed by natural disaster, certain agreements by board of county commissioners; privilege tax, deductions; income tax, credits, modification to Kansas adjusted gross income; liquified petroleum motor fuel law, rates of taxation; amending K.S.A. 79-2109 and 79-3492 and K.S.A. 2013 Supp. 19-430, 79-1613, 79-1703, 79-32,117, 79-32,143a, 79-32,195, 79-3495 and 79-34,141 and repealing the existing sections; also repealing K.S.A. 79-2110.";

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

LES DONOVAN
CARYN TYSON
TOM HOLLAND

Conferees on part of Senate

RICHARD CARLSON
JOHN EDMONDS
TOM SAWYER

Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2057**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2338** submits the following report:

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

On page 3, in line 11, by striking "subsection (g) of"; following line 29, by inserting:
"Sec. 5. K.S.A. 5-517 is hereby amended to read as follows: 5-517. There is hereby created the dispute resolution fund in the state treasury which shall be administered by the judicial administrator. All expenditures from the dispute resolution fund shall be for the purpose of carrying out the dispute resolution act. ~~In addition to funds generated by remittances under K.S.A. 20-367, and amendments thereto,~~ Funds acquired through grants, training fees, registration and approval fees, and other public or private sources

and designated for dispute resolution, shall be remitted to the dispute resolution fund for carrying out the dispute resolution act. All expenditures from the dispute resolution 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 judicial administrator or by the judicial administrator's designee.

Sec. 6. K.S.A. 2013 Supp. 20-1a04 is hereby amended to read as follows: 20-1a04. The clerk of the supreme court shall remit all moneys received by or for such clerk for docket fees, and all amounts received for other purposes than those specified in K.S.A. 20-1a01, 20-1a02 or 20-1a03, and amendments thereto, unless by order of the supreme court such clerk is directed to make other disposition thereof 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 judicial branch nonjudicial salary initiative fund, a sum equal to 52.24% of the remittances of docket fees, to the judicial branch nonjudicial salary adjustment fund, a sum equal to 6.72% of the remittance of docket fees, and to the ~~state general~~ judicial branch docket fee fund, a sum equal to 41.04% of the remittance of docket fees.";

On page 4, following line 37, by inserting:

"Sec. 8. K.S.A. 20-166 is hereby amended to read as follows: 20-166. (a) There is hereby created in the state treasury the access to justice fund. Money credited to the fund ~~pursuant to K.S.A. 20-362, and amendments thereto,~~ shall be used solely for the purpose of making grants for operating expenses to programs, including dispute resolution programs, which provide access to the Kansas civil justice system for persons who would otherwise be unable to gain access to civil justice. Such programs may provide legal assistance to pro se litigants, legal counsel for civil and domestic matters or other legal or dispute resolution services provided the recipient of the assistance or counsel meets financial qualifications under guidelines established by the program in accordance with grant guidelines promulgated by the supreme court of Kansas.

(b) All expenditures from the access to justice fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(c) The chief justice may apply for, receive and accept money from any source for the purposes for which money in the access to justice fund may be expended. Upon receipt of each such remittance, the chief justice shall remit the entire amount 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 access to justice fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas supreme court in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the supreme court.";

On page 10, by striking all in lines 7 through 43;

On page 11, by striking all in lines 1 through 23 and inserting the following:

"Sec. 18. K.S.A. 2013 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to \$1 for each fee paid pursuant to subsection (c) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month for cases filed in the county.

~~(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the indigents' defense services fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A. 28-170, and amendments thereto, during the preceding calendar month.~~

~~(e)~~—To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

~~(f)~~—To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the judicial branch surcharge fund a sum equal to the amount collected for credit to that fund, as provided by supreme court rule.

~~(g)~~ (e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and distribution according to K.S.A. 20-367, and amendments thereto, a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c); and ~~(d), (e) and (f)~~. Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit 0.99% to the judicial council fund. During the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, of the remainder, the state treasurer shall deposit and credit the first \$3,100,000 to the electronic filing and management fund created in section 4, and amendments thereto. During the fiscal year ending June 30, 2018, and each fiscal year thereafter, of the remainder, the state treasurer shall deposit and credit the first \$1,000,000 to the electronic filing and management fund. Of the balance which remains after deduction of the amounts specified in this subsection, the state treasurer shall deposit and credit the remainder to the judicial branch docket fee fund."

On page 24, following line 14, by inserting:

"Sec. 26. K.S.A. 2013 Supp. 28-170 is hereby amended to read as follows: 28-170.

(a) The docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq., and amendments thereto. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

- 1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued..... \$14
- 2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued\$24
- 3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2013 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2013 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a, and amendments thereto.

~~(d) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2013 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2013 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents' defense services fund as provided in K.S.A. 28-172b, and amendments thereto.~~

(e) Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an

additional charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.";

On page 25, in line 7, by striking all after "charges"; by striking all in lines 8 and 9; in line 10, by striking all before "shall" and inserting "made pursuant to the provisions of K.S.A. 20-362, and amendments thereto,"; following line 41, by inserting:

"Sec. 28. K.S.A. 2013 Supp. 28-172b is hereby amended to read as follows: 28-172b. (a) There is hereby established in the state treasury an indigents' defense services fund.

(b) ~~The clerk of the district court shall charge a fee of \$.50 in each criminal case, to be deducted from the docket fee as provided in K.S.A. 28-172a, and amendments thereto, and shall charge a fee of \$.50 in each case pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code and each mental illness, drug abuse or alcoholism treatment action as provided by subsection (d) of K.S.A. 28-170, and amendments thereto. The clerk of the district court shall remit all such fees received 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 indigents' defense services fund.~~

(c) Moneys in the indigents' defense services fund shall be used exclusively to provide counsel and related services for indigent defendants. Expenditures from such 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 chairperson of the state board of indigents' defense services or a person designated by the chairperson.

Sec. 29. K.S.A. 2013 Supp. 28-177 is hereby amended to read as follows: 28-177. (a) Except as provided in this section and K.S.A. 2013 Supp. 28-178, and amendments thereto, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$26.50 per fee or the amount established by the applicable statute, whichever amount is less, to fund the costs of non-judicial personnel.

(b) Such additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2013 Supp. 21-6614, 23-2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch ~~surecharge docket fee~~ fund, which is hereby created in the state treasury.

(c) ~~All~~ Moneys credited to the judicial branch ~~surecharge docket fee~~ fund shall be used for compensation of non-judicial personnel and shall not be expended for compensation of judges or justices of the judicial branch.

(d) All expenditures from the judicial branch ~~surecharge docket fee~~ fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to ~~payrolls~~ vouchers approved by the chief justice

of the Kansas supreme court or by a person or persons designated by the chief justice.

(e) Expenditures may be made from the judicial branch docket fee fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, and for educating and training municipal judges and municipal court and support staff, including official hospitality. The judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs. Such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality. All fees received for such purposes and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch docket fee fund.

(f) On the effective date of this act:

(1) The director of accounts and reports shall transfer all moneys in the judicial branch surcharge fund to the judicial branch docket fee fund;

(2) all liabilities of the judicial branch surcharge fund existing prior to that date are hereby imposed on the judicial branch docket fee fund; and

(3) the judicial branch surcharge fund is hereby abolished.

Sec. 30. K.S.A. 2013 Supp. 28-178 is hereby amended to read as follows: 28-178.

(a) In addition to any other fees specifically prescribed by law, on and after July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) 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 judicial branch ~~surcharge~~ docket fee fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Sec. 31. K.S.A. 2013 Supp. 28-179 is hereby amended to read as follows: 28-179.

(a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$40 on and after July 1, 2013, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with ~~subsection (f) of~~ K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.";

On page 29, in line 21, before "34.50" by inserting "\$";

On page 32, in line 4, by striking "subsection (g) of"; in line 24, by striking "subsection (g) of";

On page 34, following line 41, by inserting:

"Sec. 38. K.S.A. 2013 Supp. 74-7325 is hereby amended to read as follows: 74-7325. (a) There is hereby created in the state treasury the protection from abuse fund. All moneys credited to the fund shall be used solely for the purpose of making grants to programs providing: (1) Temporary emergency shelter for adult victims of domestic abuse or sexual assault and their dependent children; (2) counseling and assistance to those victims and their children; or (3) educational services directed at reducing the incidence of domestic abuse or sexual assault and diminishing its impact on the victims. All moneys credited to the fund ~~pursuant to K.S.A. 20-367, and amendments thereto,~~ shall be used only for on-going operating expenses of domestic violence programs. All moneys credited to the fund pursuant to any increase in docket fees as provided by this act as described in K.S.A. ~~20-367 and~~ 60-2001, and amendments thereto, shall not be awarded to programs until July 1, 2003, and shall be used for ongoing operating expenses of domestic violence or sexual assault programs.

(b) All expenditures from the protection from abuse fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

(c) The attorney general may apply for, receive and accept moneys from any source for the purposes for which moneys in the protection from abuse fund may be expended. Upon receipt of any such moneys, the attorney general shall remit the entire amount 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 protection from abuse fund.

(d) Grants made to programs pursuant to this section shall be based on the numbers of persons served by the program and shall be made only to the city of Wichita or to agencies which are engaged, as their primary function, in programs aimed at preventing

domestic violence or sexual assault or providing residential services or facilities to family or household members who are victims of domestic violence or sexual assault. In order for programs to qualify for funding under this section, they must:

- (1) Meet the requirements of section 501(c) of the internal revenue code of 1986;
- (2) be registered and in good standing as a nonprofit corporation;
- (3) meet normally accepted standards for nonprofit organizations;
- (4) have trustees who represent the racial, ethnic and socioeconomic diversity of the county or counties served;
- (5) have received 50% or more of their funds from sources other than funds distributed through the fund, which other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (6) demonstrate ability to successfully administer programs;
- (7) make available an independent certified audit of the previous year's financial records;
- (8) have obtained appropriate licensing or certification, or both;
- (9) serve a significant number of residents of the county or counties served;
- (10) not unnecessarily duplicate services already adequately provided to county residents; and
- (11) agree to comply with reporting requirements of the attorney general.

The attorney general may adopt rules and regulations establishing additional standards for eligibility and accountability for grants made pursuant to this section.

(e) As used in this section:

- (1) "Domestic abuse" means abuse as defined by the protection from abuse act—(, K.S.A. 60-3101 et seq., and amendments thereto).
- (2) "Sexual assault" means acts defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6419 through 21-6421, and amendments thereto.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the protection from abuse fund interest earnings based on:

- (1) The average daily balance of moneys in the protection from abuse fund for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 39. K.S.A. 2013 Supp. 74-7334 is hereby amended to read as follows: 74-7334. (a) There is hereby created in the state treasury the crime victims assistance fund. All moneys credited to the fund pursuant to K.S.A. 12-4117, 19-101e, and 19-4707 ~~and 20-367~~, and amendments thereto, shall be used solely for the purpose of making grants for on-going operating expenses of programs, including court-appointed special advocate programs, providing: (1) Temporary emergency shelter for victims of child abuse and neglect; (2) counseling and assistance to those victims; or (3) educational services directed at reducing the incidence of child abuse and neglect and diminishing its impact on the victim. The remainder of moneys credited to the fund shall be used for the purpose of supporting the operation of state agency programs which provide services to the victims of crime and making grants to existing programs or to establish

and maintain new programs providing services to the victims of crime.

(b) All expenditures from the crime victims assistance fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

(c) The attorney general may apply for, receive and accept moneys from any source for the purposes for which moneys in the crime victims assistance fund may be expended. Upon receipt of any such moneys, the attorney general shall remit the entire amount 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 crime victims assistance fund.

(d) Grants made to programs with funds derived from K.S.A. 12-4117, 19-101e, ~~and 19-4707 and 20-367~~, and amendments thereto, shall be based on the numbers of persons served by the program and shall be made only to programs aimed at preventing child abuse and neglect or providing residential services or facilities to victims of child abuse or neglect. In order for programs to qualify for funding under this section, they must:

- (1) Meet the requirements of section 501(c) of the internal revenue code of 1986;
- (2) be registered and in good standing as a nonprofit corporation;
- (3) meet normally accepted standards for nonprofit organizations;
- (4) have trustees who represent the racial, ethnic and socioeconomic diversity of the county or counties served;
- (5) have received 50% or more of their funds from sources other than funds distributed through the fund, which other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (6) demonstrate ability to successfully administer programs;
- (7) make available an independent certified audit of the previous year's financial records;
- (8) have obtained appropriate licensing or certification, or both;
- (9) serve a significant number of residents of the county or counties served;
- (10) not unnecessarily duplicate services already adequately provided to county residents; and
- (11) agree to comply with reporting requirements of the attorney general.

The attorney general may adopt rules and regulations establishing additional standards for eligibility and accountability for grants made pursuant to this section.

(e) All moneys credited to the fund pursuant to K.S.A. 2013 Supp. 23-2510, and amendments thereto, shall be set aside to use as matching funds for meeting any federal requirement for the purpose of establishing child exchange and visitation centers as provided in K.S.A. 75-720, and amendments thereto. If no federal funds are made available to the state for the purpose of establishing such child exchange and visitation centers, then such moneys may be used as otherwise provided in this section. Only those moneys credited to the fund pursuant to K.S.A. 2013 Supp. 23-2510, and amendments thereto, may be used for such matching funds. No state general fund moneys shall be used for such matching funds.";

On page 37, following line 21, by inserting:

"Sec. 42. K.S.A. 2013 Supp. 75-7021 is hereby amended to read as follows: 75-7021. (a) There is hereby created in the state treasury the Kansas juvenile delinquency prevention trust fund. Money credited to the Kansas juvenile delinquency prevention trust fund pursuant to K.S.A. 20-367, and amendments thereto, or by any other lawful means shall be used solely for the purpose of making grants to further the purpose of juvenile justice reform, including rational prevention programs and programs for treatment and rehabilitation of juveniles and to further the partnership between state and local communities. Such treatment and rehabilitation programs should aim to combine accountability and sanctions with increasingly intensive treatment and rehabilitation services with an aim to provide greater public safety and provide intervention that will be uniform and consistent.

(b) All expenditures from the Kansas juvenile delinquency prevention trust fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(c) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the Kansas juvenile delinquency prevention trust fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount 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 Kansas juvenile delinquency prevention trust fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas advisory group on juvenile justice and delinquency prevention in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the Kansas advisory group on juvenile justice and delinquency prevention.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas juvenile delinquency prevention trust fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas juvenile delinquency prevention trust fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) On and after the effective date of this act, the Kansas endowment for youth trust fund created by this section prior to amendment by this act is hereby redesignated as the Kansas juvenile delinquency prevention trust fund. On and after the effective date of this act, whenever the Kansas endowment for youth trust fund created by this section prior to amendment by this act, 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 Kansas juvenile delinquency prevention trust fund.";

Also on page 37, in line 27, after "K.S.A." by inserting "5-517,"; also in line 27, after "20-162," by inserting "20-166,"; in line 29, before "20-367," by inserting "20-1a04, 20-362,"; in line 30, after "22-2410," by inserting "28-170,"; also in line 30, after "28-

172a," by inserting "28-172b, 28-177, 28-178, 28-179,"; in line 31, after the second comma by inserting "74-7325, 74-7334,"; also in line 31, by striking "and" and inserting a comma; also in line 31, after "75-5551" by inserting "and 75-7021";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "fund" by inserting "and the judicial branch docket fee fund; abolishing the judicial branch surcharge fund"; in line 9, after "K.S.A." by inserting "5-517,"; also in line 9, after "20-162," by inserting "20-166,"; in line 12, by striking "20-367" and inserting "20-1a04, 20-362"; also in line 12, after "22-2410," by inserting "28-170,"; also in line 12, after "28-172a," by inserting "28-172b, 28-177, 28-178, 28-179,"; in line 13, after the second comma by inserting "74-7325, 74-7334,"; also in line 13, by striking the first "and" and inserting a comma; also in line 13, after after "75-5551" by inserting "and 75-7021"; in line 14, after "Supp." by inserting "20-367,";

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

TY MASTERSON

JEFF KING

Conferees on part of Senate

MARC RHOADES

LANCE KINZER

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub HB 2338**.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Shultz, Smith, Wagle.

Nays: Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Pyle, V. Schmidt, Tyson.

Present and Passing: Faust-Goudeau, Love, Wolf.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I VOTE "No" ON THE CONFERENCE COMMITTEE REPORT ON **S Sub HB 2338**. These provisions include policy decisions which were each before the Senate Judiciary committee in individual bills. **S Sub HB 2338** is designated a budget bill and the Senate should take into account the stakeholders of these policy decisions before passing this underlying bill. Those stakeholders include the chief judges of every judicial district in the State of Kansas who, to a person, have rejected some of these policy decisions; including allocating to each chief judge the responsibilities to set each judicial district's budget. We should respect the judicial branch's opinions when it weighs in on policy decisions that affect or disrupt its administration. This legislature should not get accustomed to mixing policy decisions with budget bills in that it does not serve our time-honored procedures well at all. Maintaining our tradition as a noble Senate is important; mindful and respectful of both

custom and separate, co-equal branches, of state government.—DAVID HALEY

Senators Francisco, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **S Sub HB 2338**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2447** submits the following report:

The Senate recedes from all of its amendments to the bill.

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2447**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Shultz, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

Motion by Senator Bruce to recess to the sound of the gavel.

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

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2272**, and requests return of the bill.

The House nonconcur in Senate amendments to **HB 2668**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2578**, and has appointed Representatives Brunk, Couture-Lovelady and Ruiz as second conferees on the part of the House.

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ORIGINAL MOTION

On motion of Senator Bruce, the Senate acceded to the request of the House for a conference on **HB 2668**.

The President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 5:00 p.m., Thursday, April 3, 2014.

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

