

# Journal of the Senate

FORTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 21, 2012, 9:00 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

The President introduced Reverend Aaron Roberts, Colonial Church, Prairie Village, Kansas, who delivered the invocation:

Good morning – I spent last night volunteering in a family homeless shelter in Overland Park, and as we come together in prayer this morning, I ask that all of us join our prayers with those who are “longing for home” in this state of Kansas. If you are a person of prayer, will you join me?

God, you have made a great nation of us. In this room today, bless these leaders with wisdom. Reveal your righteousness to every person in this Senate, and make them agents of compassion to join together to be good news to the poor, care for the common good, and be just and civil and humble in their duties.

Place your Spirit of unity in this place. As each honorable Senator here is blessed to serve, may he or she be blessed to be a blessing to all the families in Kansas – inclusive of all. May your will be done on Earth as it is in heaven. Amen

The Pledge of Allegiance was led by President Stephen Morris.

## **POINT OF PERSONAL PRIVILEGE**

Senator Petersen rose on point of personal privilege to introduce his son, Zack, who was paging in the Senate.

Senator Schodorf rose on a point of personal privilege to introduce the members of the Junior League of Wichita who were visiting the Capitol.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following senate concurrent resolution was introduced and read by title:

Senators Morris, Emler and Hensley introduced the following concurrent resolution which was read by title and adopted by voice vote:

SENATE CONCURRENT RESOLUTION No. **SCR 1618**—

By Senators Morris, Emler and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2012 regular session of the legislature.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on March 21, 2012, and shall reconvene on March 26, 2012, pursuant to adjournment of the daily session convened on March 21, 2012; and

*Be it further resolved:* That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the *per diem* compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2018.**

Ethics and Elections: **HB 2425.**

Natural Resources: **Sub HB 2709.**

Ways and Means: **HB 2777.**

#### CHANGE OF REFERENCE

The President withdrew **HB 2562, HB 2629, HB 2647** from the Calendar under the heading of **General Orders**, and referred the bills to the Committee on **Ways and Means**.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 267**, AN ACT concerning taxation; relating to income tax credits ; certain contributions to community colleges, technical colleges and postsecondary educational institutions; restoration, preservation or operation of certain historic sites; amending K.S.A. 2011 Supp. 79-32,211a and 79-32,261 and repealing the existing sections, was considered on final action.

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

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

Nays: Pilcher-Cook.

The bill passed, as amended.

**SB 371**, AN ACT concerning sales and use taxation; relating to nexus; amending K.S.A. 2011 Supp. 79-3702 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Hensley, Holland, King, Pilcher-Cook, Pyle, A. Schmidt.

Present and Passing: Love.

The bill passed, as amended.

**SB 415**, AN ACT concerning motor vehicles; relating to competitive bidding; amending K.S.A. 2011 Supp. 75-3740 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Bruce, Love, Merrick, Pilcher-Cook, Pyle.

The bill passed, as amended.

**SB 421**, AN ACT concerning property taxation; relating to motor vehicles, computation of amount of tax; local ad valorem tax reduction fund, distribution; amending K.S.A. 79-5105 and K.S.A. 2011 Supp. 79-2959 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 9; Nays 31; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bruce, Donovan, Kelsey, Marshall, Masterson, Olson, Petersen, Schodorf, Wagle.

Nays: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Lynn, McGinn, Merrick, Morris, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Steineger, Taddiken, Teichman, Umbarger, Vratil.

A constitutional majority having failed to vote in favor of the bill, **SB 421** did not pass.

**S Sub for Sub HB 2004**, AN ACT concerning the low-income family postsecondary

savings account incentive program; amending K.S.A. 2011 Supp. 75-650 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

**S Sub for HB 2117**, AN ACT concerning taxation; relating to income tax, rate for individuals, credits, deductions and income determination; severance tax, exemptions; homestead property tax refunds; food sales tax refund; amending K.S.A. 39-7,132, 65-7107, 74-8206, 74-8304, 79-32,118, 79-32,128, 79-32,177, 79-32,190 and 79-32,200 and K.S.A. 2011 Supp. 40-2246, 74-50,173, 74-50,208, 74-8316, 74-8401, 79-32,110, 79-32,111, 79-32,117, 79-32,119, 79-32,138, 79-32,143, 79-32,143a, 79-32,182b, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,212, 79-32,222, 79-32,266, 79-4217, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections; also repealing K.S.A. 79-32,176 and 79-32,182 and K.S.A. 2011 Supp. 79-32,111a, 79-32,120, 79-32,202, 79-32,213, 79-32,242, 79-3633, 79-3634, 79-3635, 79-3636, 79-3637, 79-3638 and 79-3639, was considered on final action.

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

Yeas: Abrams, Apple, Bruce, Donovan, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Schodorf, Steineger, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Longbine, McGinn, Morris, Owens, Reitz, A. Schmidt, Teichman, Umbarger, Vratil.

A constitutional majority having failed to vote in favor of the substitute bill, **HB 2117** did not pass.

#### EXPLANATION OF VOTE

MR. PRESIDENT: Many of my colleagues oppose **S Sub for HB 2117** on the pretext it costs too much. Their No votes are cast after most of them supported amendments to deliberately increase its cost. Such absurdity is analogous to burning down your own house and then begging for charity on the grounds you're homeless.

Consistently, this body gives lip service to the desperate need for tax reform and its members continuously cry for fairness while claiming they are the champions of the downtrodden. To do so, and vote No, is a farce; the results of which not only lead to failure but serves as an insult to those who seek gainful employment, desire a prosperous state and truly believe the pursuit of happiness is not found in political rhetoric or government largess but is instead a natural right.

I vote Yes on **S Sub for HB 2117** because I want a prosperous state with a better future for all Kansans. To vote no is to embrace a philosophy of failure and creed of ignorance, the inherent virtue of which will lead to the equal sharing of misery. – TERRY BRUCE

Senators Abrams, Apple, Pilcher-Cook, Donovan, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pyle and Wagle requests the record to show they concur with the "Explanation of Vote" offered by Senator Bruce on **S Sub for HB 2117**.

#### EXPLANATION OF VOTE

MR. PRESIDENT: After analysis and reconsideration, I still vote "NO" on the badly flawed tax bill **S Sub for HB 2117**.

Standing firm in my convictions is a hallmark of consistency which I strongly believe makes my constituents proud of my representation.

Voting one way one hour then, after political pressure and back room dealing, voting the exact opposite way in the next hour may be confusing to many of your constituents.

But proudly, Mr. President, that's something my constituents, when they read today's Senate Journal, don't have to worry about. – DAVID HALEY

Senator Brungardt moved to reconsider the action on **S Sub for HB 2117** and the bill was returned to Final Action.

**S Sub for HB 2117**, AN ACT concerning taxation; relating to income tax, rate for individuals, credits, deductions and income determination; severance tax, exemptions; homestead property tax refunds; food sales tax refund; amending K.S.A. 39-7,132, 65-7107, 74-8206, 74-8304, 79-32,118, 79-32,128, 79-32,177, 79-32,190 and 79-32,200 and K.S.A. 2011 Supp. 40-2246, 74-50,173, 74-50,208, 74-8316, 74-8401, 79-32,110, 79-32,111, 79-32,117, 79-32,119, 79-32,138, 79-32,143, 79-32,143a, 79-32,182b, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,212, 79-32,222, 79-32,266, 79-4217, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections; also repealing K.S.A. 79-32,176 and 79-32,182 and K.S.A. 2011 Supp. 79-32,111a, 79-32,120, 79-32,202, 79-32,213, 79-32,242, 79-3633, 79-3634, 79-3635, 79-3636, 79-3637, 79-3638 and 79-3639, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Huntington, Kelsey, King, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Owens, Reitz, A. Schmidt, Vratil.

The substitute bill passed, as amended.

**S Sub for HB 2157**, AN ACT concerning income taxation; relating to apportionment of business income by certain taxpayers; election thereof; requirements; credits; amending K.S.A. 79-32,141 and K.S.A. 2011 Supp. 79-3279 and 79-32,160a and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-32,160f, was considered on final action.

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Brungardt, Donovan, Emler, Faust-Goudeau, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Abrams, Bruce, Francisco, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken, Wagle.

The substitute bill passed, as amended.

**S Sub for HB 2200**, AN ACT concerning school districts; relating to the amount of base state aid per pupil; relating to the local option budget; amending K.S.A. 2011 Supp. 72-6410 and 72-6433 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Kelsey, Lynn, Masterson, Merrick, Olson, Ostmeyer, Pilcher-Cook, Pyle, Taddiken.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I support **S Sub for HB 2200**, because our school districts have cut tens of millions from their budgets. While the cap was not lifted on the local option budget, this bill will provide much needed funding until such time as the Governor's education plan passes to provide for sustainable funding for all Kansas school districts.

— TERRI HUNTINGTON

#### EXPLANATION OF VOTE

MR. PRESIDENT: **S Sub for HB 2200** takes a “status quo” approach to school finance. The Senate had an unprecedented opportunity to consider bold proposals put forth by our Governor to fundamentally fix a broken system yet deliberately chose an unsustainable future for our children. Even though it's a step in the right direction to allow a public vote I must vote NO and will continue to support legislation that corrects the finance formula that penalizes our efforts to create quality public education. — JULIA LYNN

#### EXPLANATION OF VOTE

MR. PRESIDENT: I am supportive of increasing the funding for our K-12 education system by increasing the state base aid per pupil. However, I cannot support increasing local property taxes by increasing the local option budget authority of local school boards.

Hopefully when this bill returns from the conference committee the increased LOB authority will be removed so that I too can vote to increase funding for our schools. Until such time, I vote no on **S Sub for HB 2200**. — MARK TADDIKEN

Senators Masterson, Ostmeyer and Pyle requests the record to show they concur with the “Explanation of Vote” offered by Senator Taddiken on **S Sub for HB 2200**.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I am pleased to once again vote in favor of additional, and much needed, funding for our K-12 schools and our children. Several of my Johnson County Senate colleagues join in that support. Contrary to the argument frequently made, this vote shows that Johnson County legislators will support additional funding for schools even when the school districts receive additional local option budget authority. Education is the most important function of state government; we must give it first priority in our budgeting process. — JOHN VRATIL

Senators Huntington and Owens requests the record to show they concur with the “Explanation of Vote” offered by Senator Vratil on **S Sub for HB 2200**.

**S Sub for HB 2241**, AN ACT concerning taxation; relating to the local ad valorem tax reduction fund; distribution to political subdivisions; amending K.S.A. 79-2961 and K.S.A. 2011 Supp. 79-2959 and repealing the existing sections, 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Donovan, Steineger.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: While I am pleased to support the reinstatement of the local ad valorem tax reduction fund, especially with my amendment that ensures these funds will be used to lower property taxes, the Senate missed an essential opportunity to provide \$28 million in new property-tax relief for low-income families, the disabled, and fixed-income seniors. The Senate defeated by one vote an amendment that would have more than doubled the property tax relief available to these poorest of Kansas taxpayers through the Homestead Property Tax Relief program. This amendment, which was unanimously endorsed by the Senate Taxation Committee, would have prevented fixed-income seniors from being taxed out of their homes, would have encouraged working families with children to remain in their Kansas homes instead of leaving for lower-tax states, and would have ensured that property taxes did not unfairly punish disabled taxpayers. Kansas taxpayers deserve better than a property tax system that punishes fixed-income retirees and working families. With yesterday's defeated amendment, we missed a golden opportunity to help these Kansas taxpayers.—JEFF KING

#### EXPLANATION OF VOTE

MR. PRESIDENT: It is a relief this body has given the people of Kansas the ability to vote for or against property taxes for education. In that regard, I would like to vote for this bill. However, when the Legislature is under threat of another lawsuit that is speeding down the tracks, **we simply cannot continue the status quo, so I have no alternative but to vote against this legislation. I regret the governor's education**

**plan did not receive the priority and attention it deserved.**—MARY PILCHER-COOK

## EXPLANATION OF VOTE

MR. PRESIDENT: I vote No on **S Sub for HB 2241**, state aid to municipal governments. Kansas is a bottom heavy state. Kansas taxpayers are forced to pay more for local government than almost any other state in the nation. This due to an excessive number of counties, cities, townships, an other local units of government It makes no sense for state government to subsidize our outdated and inefficient system of local units, without working towards a modernization and consolidation of our local government structure. — CHRIS STEINEGER

Senator Donovan requests the record to show he concurs with the “Explanation of Vote” offered by Senator Steineger on **S Sub for HB 2241**.

**HB 2430**, AN ACT concerning school districts; relating to the contingency reserve fund; amending K.S.A. 2011 Supp. 72-6426 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2435**, AN ACT concerning postsecondary technical education; relating to career technical education programs and workforce grants; amending K.S.A. 72-4460, 72-4461, 72-4462, 72-4463, 72-4464 and 72-4465 and repealing the existing sections, 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**Sub HB 2455**, AN ACT concerning the motor fuel tax, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Hensley, Lynn, Olson, Pilcher-Cook, Pyle, A. Schmidt.

The substitute bill passed.

**Sub HB 2477**, AN ACT concerning compulsory school attendance laws; relating to

educational alternatives; amending K.S.A. 2011 Supp. 72-1111 and repealing the existing section, 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Merrick, Pyle.

The substitute bill passed.

**HB 2769**, AN ACT concerning property taxation; relating to exemptions; certain housing on military installations; amending K.S.A. 2011 Supp. 79-201a 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Brungardt the following morning session was adopted:

Recommended:

**SB 356**, **SB 400**; **HB 2568**, **HB 2684** be amended by the adoption of the committee amendments, and the bills passed as amended.

The committee report on **HB 2313** recommending a **S Sub for HB 2313** be adopted, and the substitute bill be passed.

The committee report on **HB 2390** recommending a **S Sub for HB 2390** be adopted, be amended by motion on Senator Apple, on page 6, in line 11, after "(b)" by inserting ""Broadband technology-based video communication" means a class of communications technologies which may include switched ethernet services, DSL, cable modem, private line service, multiprotocol label switching (MPLS) based networks, managed or dedicated internet technologies and other future technologies capable of supporting such applications.

(c)";

And by relettering remaining subsections accordingly;

Also on page 6, in line 18, by striking all after "act"; in line 19, by striking "Facilitating"; and inserting "to facilitate"; in line 21, by striking all after "telemedicine"; by striking all in line 22; in line 23, by striking all before the period; in line 31, by striking the first colon; in line 32 by striking "(1)"; in line 36, by striking "

and"; by striking all in lines 37 and 38; in line 39, by striking all before the period; in line 41, by striking "such purposes" and inserting "the purpose of this act";

On page 7, in line 34, by striking "perform" and inserting "set the parameters for"; in line 38, by striking ": (A) A broadband internet connection; and (B)"; in line 40, by striking all after "(3)"; by striking all in line 41; in line 42, by striking all before the semicolon and inserting "contract with a private, independent third party to conduct the needs assessment. Such needs assessment shall include current and future broadband service and quality needs of each school, library and hospital and current connectivity and service quality of broadband for each entity connected to the KAN-ED network. Based on the results of the needs assessments, such third party contractor shall: (A) Compare the utilization, efficiency and effectiveness of KAN-ED to other similar programs in other states for schools, libraries and hospitals; (B) determine if the KAN-ED program is worth its cost in terms of price, service, quality, needed network upgrades and increased utilization of broadband by schools, libraries and hospitals; (C) determine if there are alternative models or opportunities for broadband procurement by a school, library or hospital; and (D) determine if the services and applications offered by KAN-ED lead to full utilization of broadband technology by schools, libraries and hospitals and their surrounding communities";

On page 8, in line 3, by striking all after "(A)"; by striking all in line 4; in line 5, by striking "(B)"; in line 6, by striking "(C)" and inserting "(B)";

On page 10, in line 9, by striking all after "(1)"; by striking all in line 10; in line 11, by striking "(2)";

And by renumbering remaining paragraphs accordingly

and **S Sub for HB 2390** be passed as amended.

**SB 271** be amended by the adoption of the committee amendments, be further amended by Senator Ostmeyer on page 1, by striking all in line 31; in line 32, by striking all before the comma;

On page 2, in line 19, by striking "by contract or"; in line 20, by striking "lease"; by striking all in lines 21 through 23 and **SB 271** be passed as further amended.

The committee report on **SB 433** recommending a **Sub SB 433** be adopted, be amended by motion of Senator Huntington, on page 198, following line 41, by inserting:

"Sec. 75. (a) Except as provided in subsection (b), except to the extent required by federal law, during the fiscal year ending June 30, 2013, no state agency named in chapter 118 of the 2011 Session Laws of Kansas or in this or other appropriation act of the 2012 regular session of the legislature shall expend any moneys appropriated for the fiscal year ending June 30, 2013, from the state general fund or in any special revenue fund or funds for such state agency by chapter 118 of the 2011 Session Laws of Kansas or by this or other appropriation act of the 2012 regular session of the legislature, for health care services provided by any such state agency, or any employee of such state agency while acting within the scope of such employee's employment, which include abortion: *Provided, however,* That the provisions of this section shall not apply to an abortion which is necessary to preserve the life of the pregnant woman.

(b) Nothing in this section shall be construed to prevent a physician enrolled in a residency program and employed by the university of Kansas medical center from receiving experience with induced abortions, conducted at facilities other than those owned, leased or operated by the university of Kansas hospital authority or any other

state entity: *Provided, however*; That for purposes of this section only, such physicians shall be considered acting outside the scope of such physician's official employment in such actions.

(c) As used in this section "abortion" means an abortion as defined by K.S.A. 65-6701, and amendments thereto.";

And by renumbering sections accordingly

Senator McGinn moved to further amend **Sub SB 433**, on page 76, in line 34, by adding \$25,000 to the dollar amount and by adjusting the dollar amount in line 34 accordingly;

On page 149, by striking all in lines 40 through 42;

And by relettering subsections accordingly;

On page 196, following line 37, by inserting:

"Kansas Commission on Peace Officers' Standards and Training 7.00" and **Sub SB 433** be passed as amended.

**S Sub for HB 2597** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator McGinn, on page 3, in line 3, after "department." by inserting "For any proposed land-spreading location that lies wholly or partially within a groundwater management district, prior to submission of an application to land-spread drilling waste on such location, the applicant shall receive approval of the board of directors of such groundwater management district and **S Sub for HB 2597** be passed as amended.

**S Sub for HB 2318** be passed over and retain a place on the calendar.

#### **FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 271**, **SB 356**, **SB 400**, **Sub SB 433**; **S Sub for HB 2313**, **S Sub for HB 2390**, **HB 2568**, **S Sub for HB 2597** and **HB 2684** were advanced to Final Action and roll call.

**SB 271**, AN ACT concerning property; relating to ownership of pore space.

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

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

The bill passed, as amended.

**SB 356**, AN ACT concerning amusement rides; relating to regulation of home-owned amusement rides; amending K.S.A. 2011 Supp. 44-1601, 44-1613 and 44-1614 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, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love,

Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 400**, AN ACT concerning municipalities; relating to landlords and tenants; amending K.S.A. 12-16,123 and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 4; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Haley, Pilcher-Cook, Pyle, Steineger.

The bill passed, as amended.

**Sub SB 433**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, 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. 2011 Supp. 12-5256, 55-193, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-34,156, 79-34,171 and 82a-953a and repealing the existing sections.

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

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

Nays: Steineger.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote aye on **Sub SB 433**. While I commend the effort to meet the 7.5% ending balance law, I have serious reservations and concerns about the KEES funding, especially with unanswered questions surrounding disclosure and contract legality still pending before the Attorney General. – DENNIS PYLE

Senators Abrams, Haley, Lynn, Masterson, Merrick, Olson and A. Schmidt requests the record to show they concur with the “Explanation of Vote” offered by Senator Pyle on **Sub SB 433**

**S Sub for HB 2313**, AN ACT concerning juvenile offenders; relating to out-of-state juvenile offender registration.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love,

Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, A. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

**S Sub for HB 2390**, AN ACT concerning KAN-ED; amending K.S.A. 2011 Supp. 66-2010, 72-9712, 75-2546, 75-7222, 75-7223, 75-7224 and 75-7226 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-7228.

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

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

Nays: Merrick.

The substitute bill passed, as amended.

**HB 2568**, AN ACT concerning the Kansas offender registration act; amending K.S.A. 2011 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 22-4902a and 22-4906a.

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

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

The bill passed, as amended.

**S Sub for HB 2597**, AN ACT concerning solid waste; relating to permit exemptions; amending K.S.A. 2011 Supp. 65-3407c and repealing the existing section.

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

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

Nays: Schodorf.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote for **HB 2597** with full expectation that all parties (KDHE, KCC, the industry, and the landowner) will exercise responsible stewardship. I understand that the 1<sup>st</sup> steward of the land is the landowner so it will be the explicit responsibility of the involved state agencies to keep the landowner properly informed. It is also the state agencies' responsibility to ensure safe industry practices are adhered to along with long-term monitoring for contamination. These responsibilities must be

funded and kept in place. Thank you Mr. President —ALLEN SCHMIDT

**HB 2684**, AN ACT concerning the ombudsman of corrections; amending K.S.A. 2011 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 74-7402, 74-7403, 74-7404, 74-7406 and 74-7407.

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

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

The bill passed, as amended.

#### MESSAGES FROM THE GOVERNOR

**SB 249, SB 264, SB 266, SB 270, SB 384, SB 406** approved on March 20, 2012.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator McGinn the Senate nonconcurrred in the House amendments to **H Sub for SB 259** and requested a conference committee be appointed.

The President appointed Senators Morris, King and Kelly as a conference committee on the part of the Senate.

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

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The senate met pursuant to recess with Vice President Senator Vratil in the chair.

#### POINT OF PERSONAL PRIVILEGE

Senator Vratil rose on a Point of Personal Privilege to introduce his son K.C. Hobbs and grandson Joshua Hobbs who were visiting in the Capitol.

Senator Marshall rose on a Point of Personal Privilege to introduce Jacob Smirl and Stefanie Smirl who were paging in the Capitol.

Senator Schodorf rose on a Point of Personal Privilege to introduce her daughter Kelly who was visiting in the Capitol.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **Substitute for HB 2689** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) A license for a public venue shall allow the licensee to:

(1) Offer for sale, sell and serve alcoholic liquor by the individual drink for consumption on the licensed premises;

(2) offer for sale, sell and serve unlimited drinks for a fixed price in designated areas of the licensed premises;

(3) offer for sale and sell all inclusive packages which include unlimited drinks in designated areas of the licensed premises;

(4) offer for sale, sell and serve alcoholic liquor in the original container for

consumption on the licensed premises in private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier;

(5) store, in each private suite, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier, alcoholic liquor sold in the original container to a customer in that private suite; and

(6) with the approval of the retailer or distributor, return for a full refund of the original purchase price unopened containers of alcoholic liquor to the retailer or distributor from whom such items were purchased upon the conclusion of an event if the next scheduled event for that premises is more than 90 days from the date of the concluded event.

(b) An applicant or public venue licensee shall specify in the application for a license, or renewal of a license, the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee. No public venue licensee may offer for sale, sell or serve any alcoholic liquor in any area not included in the licensed premises.

New Sec. 2. (a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any *bona fide* group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for *bona fide* educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

New Sec. 3. (a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is

held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

- (3) Sample portions at a product tasting shall be limited to no more than:
  - (A) One-half ounce for distilled spirits;
  - (B) one ounce for wine; and
  - (C) two ounces for beer and malt beverages.
- (4) No charge of any sort may be made for a sample serving.
- (5) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.
- (6) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

Sec. 4. K.S.A. 2011 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic liquor" means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(c) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(d) "Caterer" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(e) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f) "Club" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g) "Director" means the director of alcoholic beverage control of the department of revenue.

(h) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i) "Domestic beer" means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

(j) "Domestic fortified wine" means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state.

(k) "Domestic table wine" means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(l) "Drinking establishment" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(m) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(n) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(o) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(p) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer.

(q) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

~~(r)~~(r) "Minor" means any person under 21 years of age.

~~(s)~~(s) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

~~(t)~~(t) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshhead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

~~(u)~~(u) "Person" means any natural person, corporation, partnership, trust or association.

~~(v)~~(v) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

~~(w)~~(w) (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

~~(x)~~(x) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

~~(y)~~(y) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed

buyers within the state of Kansas.

~~(y)~~(z) "Secretary" means the secretary of revenue.

~~(z)~~(aa) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

~~(aa)~~(bb) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

~~(bb)~~(cc) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

~~(ee)~~(dd) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

~~(dd)~~(ee) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

~~(ee)~~(ff) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

~~(ff)~~(gg) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.

Sec. 5. K.S.A. 41-304 is hereby amended to read as follows: 41-304. Licenses issued by the director shall be of the following classes: (a) Manufacturer's license; (b) spirits distributor's license; (c) wine distributor's license; (d) beer distributor's license; (e) retailer's license; (f) microbrewery license; (g) microdistillery license; (h) farm winery license; and ~~(h)~~(i) nonbeverage user's license.

Sec. 6. K.S.A. 2011 Supp. 41-305 is hereby amended to read as follows: 41-305. (a) A manufacturer's license shall allow the manufacture and storage of alcoholic liquor and cereal malt beverage and the sale of alcoholic liquor and cereal malt beverage to distributors and nonbeverage users licensed in this state and to such persons outside this state as permitted by law.

(b) A manufacturer's license also shall allow the serving free of charge on the licensed premises of samples of alcoholic liquor manufactured by the licensee, provided the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Samples shall be served by the licensee, or an employee or agent thereof. No sample shall be served to an individual who is a minor. No individual shall remove all or any portion of a sample from the licensed premises. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises.

(c) A person holding a farm winery license issued pursuant to K.S.A. 41-308a, and amendments thereto, may also be issued a manufacturer's license; provided, that no alcoholic liquor or cereal malt beverage manufactured by such licensee shall be sold by such licensee at its licensed premises or at any of such licensee's winery outlets.

Sec. 7. K.S.A. 41-306 is hereby amended to read as follows: 41-306. A spirits

distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

(1) Spirits distributors licensed in this state;  
 (2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

Sec. 8. K.S.A. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;  
 (2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(1) Licensed caterers; and

(2) public venues, clubs and drinking establishments licensed in this state, except

that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 9. K.S.A. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

(a) The wholesale purchase, importation and storage of beer.

(b) The sale of beer to:

(1) Licensed caterers;

(2) beer distributors licensed in this state;

(3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(4) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of cereal malt beverage to:

(1) Beer distributors licensed in this state;

(2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(d) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt

beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.

Sec. 10. K.S.A. 41-308 is hereby amended to read as follows: 41-308. (a) Except as provided in section 3, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor for use or consumption off of and away from the premises specified in such license. A retailer's license shall permit sale and delivery of alcoholic liquor only on the licensed premises and shall not permit sale of alcoholic liquor for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor to a temporary permit holder for resale by such permit holder; and

(2) sell and deliver alcoholic liquor to a caterer or to the licensed premises of a public venue, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county, for resale by such public venue, club, establishment or caterer.

(b) The holder of a retailer's license shall not sell, offer for sale, give away or permit to be sold, offered for sale or given away in or from the premises specified in such license any service or thing of value whatsoever except alcoholic liquor in the original package, except that a licensed retailer may:

(1) Charge a delivery fee for delivery to a public venue, club, drinking establishment or caterer pursuant to subsection (a);

(2) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;

(3) include in the sale of alcoholic liquor any goods included by the manufacturer in packaging with the alcoholic liquor, subject to the approval of the director; and

(4) distribute to the public, without charge, consumer advertising specialities bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialities so that they are not conditioned on or an inducement to the purchase of alcoholic liquor.

(c) No licensed retailer shall furnish any entertainment in such premises or permit any pinball machine or game of skill or chance to be located in or on such premises.

(d) A retailer's license shall allow the licensee to store alcoholic liquor in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor to consumers in a chilled condition.

Sec. 11. K.S.A. 2011 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by K.S.A. 41-2645, and amendments thereto, and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection ~~(f)~~(e), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

(8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2011 Supp. 41-350, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(3) the manufacture of domestic table wine and domestic fortified wine and the storage thereof; provided, that the aggregate quantity of wine produced by the farm winery licensee, including all winery outlets, shall not exceed 100,000 gallons per year.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any *bona fide* group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 12. K.S.A. 2011 Supp. 41-310 is hereby amended to read as follows: 41-310.

(a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The fee for a manufacturer's license to manufacture alcohol and spirits shall be \$5,000.

(c) The fee for a manufacturer's license to manufacture beer and cereal malt beverage shall be:

(1) For 1 to 100 barrel daily capacity or any part thereof, \$400.

(2) For 100 to 150 barrel daily capacity, \$800.

(3) For 150 to 200 barrel daily capacity, \$1,400.

(4) For 200 to 300 barrel daily capacity, \$2,000.

(5) For 300 to 400 barrel daily capacity, \$2,600.

(6) For 400 to 500 barrel daily capacity, \$2,800.

(7) For 500 or more barrel daily capacity, \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for comparison exists, the licensee shall pay in advance for operation during the first term of the license a fee of \$2,000.

(d) The fee for a manufacturer's license to manufacture wine shall be \$1,000.

(e) (1) The fee for a microbrewery license, a microdistillery license or a farm

winery license shall be \$500.

(2) The fee for a winery outlet license shall be \$100.

(3) The fee for a microbrewery packaging and warehousing facility license shall be \$200.

(4) The fee for a microdistillery packaging and warehousing facility license shall be \$200.

(f) The fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be \$2,000.

(g) The fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be \$2,000.

(h) The fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer and cereal malt beverage shall be \$2,000.

(i) The fee for a nonbeverage user's license shall be:

(1) For class 1, \$20.

(2) For class 2, \$100.

(3) For class 3, \$200.

(4) For class 4, \$400.

(5) For class 5, \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The fee for a retailer's license shall be \$500.

(l) In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general

fund of the township.

(m) The license term for a license shall commence on the date the license is issued by the director and shall end two years after that date. The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.

Sec. 13. K.S.A. 41-316 is hereby amended to read as follows: 41-316. Licenses to manufacturers, distributors, microbreweries, microdistilleries, farm wineries and nonbeverage users of alcoholic liquors shall be issued and renewed by the director to qualified applicants upon written application, receipt of bond properly executed and payment in advance of the state registration fee and the license fee.

Sec. 14. K.S.A. 2011 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be completed and submitted to the director in a manner prescribed by the director. Each applicant shall submit an application fee of \$50 for each initial application and \$10 for each renewal application to defray the cost of processing the application.

(b) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this paragraph on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this paragraph for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

(f) All fees received by the director pursuant to this section shall be remitted by the director 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.

(g) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, microdistillery, farm winery, retailer's or special order shipping license shall file with the application a joint and several bond on a form prescribed by the

director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

- (1) For a manufacturer, \$25,000;
- (2) for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (4) for a retailer, \$2,000;
- (5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5;
- (6) for a microbrewery, microdistillery or a farm winery, \$2,000; and
- (7) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures which may be assessed against the licensee.

Sec. 15. K.S.A. 2011 Supp. 41-319 is hereby amended to read as follows: 41-319. (a) Except as provided by subsection (b), within 30 days after an application is filed for a retailer's, microbrewery, microdistillery or farm winery license and within 20 days after an application is filed for a manufacturer's, distributor's or nonbeverage user's license, the director shall enter an order either refusing or granting the license. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been refused. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

(b) In order to complete any national criminal history record check of an applicant who submitted any application after January 31, 2001, and if the applicant is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year immediately preceding the date of submission of such application the director shall enter an order either refusing or granting the license within 90 days after such application is filed. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been refused. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

Sec. 16. K.S.A. 41-320 is hereby amended to read as follows: 41-320. (a) All proceedings for the suspension and revocation of licenses of manufacturers, distributors, retailers, microbreweries, microdistilleries, farm wineries and nonbeverage users shall be before the director, and the proceedings shall be in accordance with the provisions of the Kansas administrative procedure act. Except as provided in subsection (b), no license shall be suspended or revoked except after a hearing by the director.

(b) When proceedings for the suspension or revocation of a distributor's license are filed and the distributor has been issued more than one license for distributing places of business in this state, any order of the director suspending or revoking the license at any one place of business shall suspend or revoke all licenses issued to the distributor. When one person is the holder of stock in two or more corporations licensed as distributors under the provisions of this act, any order of the director suspending or revoking the license of any such corporation shall operate as a suspension or revocation of the license of all corporations licensed as distributors in which the person is a stockholder.

Sec. 17. K.S.A. 41-701 is hereby amended to read as follows: 41-701. (a) Except as provided in subsection (d), no spirits distributor shall sell or attempt to sell any spirits within this state except to:

(1) A licensed manufacturer, licensed nonbeverage user or licensed spirits distributor; or

(2) a licensed retailer, as authorized by K.S.A. 41-306<sub>2</sub> and amendments thereto.

(b) Except as provided in subsection (d), no wine distributor shall sell or attempt to sell any wine within this state except to:

(1) A licensed manufacturer, licensed nonbeverage user or licensed wine distributor;

(2) a licensed caterer; or

(3) a retailer, public venue, club or drinking establishment, licensed in this state, as authorized by K.S.A. 41-306a<sub>2</sub> and amendments thereto.

(c) Except as provided by subsection (d), no beer distributor shall sell or attempt to sell any beer or cereal malt beverage within this state except to:

(1) A licensed manufacturer, licensed nonbeverage user or licensed beer distributor;

(2) a licensed caterer; or

(3) a retailer licensed under the Kansas liquor control act or under K.S.A. 41-2702<sub>2</sub> and amendments thereto, or a club or drinking establishment, licensed in this state, as authorized by K.S.A. 41-307<sub>2</sub> and amendments thereto.

(d) (1) If any spirits distributor refuses to sell spirits which such distributor is authorized to sell or refuses to provide any service in connection therewith to any licensed retailer as authorized by K.S.A. 41-306<sub>2</sub> and amendments thereto, it shall be lawful for any other licensed spirits distributor to sell such spirits to such retailer.

(2) If any wine distributor refuses to sell wine which such distributor is authorized to sell or refuses to furnish service in connection therewith to any licensed retailer, as authorized by K.S.A. 41-306a<sub>2</sub> and amendments thereto, it shall be lawful for any other licensed wine distributor to sell such wine to such retailer.

(3) If any beer distributor refuses to sell beer or cereal malt beverage which such distributor is authorized to sell or provide service in connection therewith to any retailer licensed under this act or under K.S.A. 41-2702<sub>2</sub> and amendments thereto, as authorized by K.S.A. 41-307<sub>2</sub> and amendments thereto, it shall be lawful for any other licensed beer distributor to sell such beer or cereal malt beverage to such retailer.

(e) No manufacturer of alcoholic liquor or cereal malt beverage shall sell or attempt to sell any alcoholic liquor or cereal malt beverage within this state except to a licensed manufacturer, licensed distributor or licensed nonbeverage user.

(f) No supplier, wholesaler, distributor, manufacturer or importer shall by oral or written contract or agreement, expressly or impliedly fix, maintain, coerce or control the resale price of alcoholic liquor, beer or cereal malt beverage to be resold by such

wholesaler, distributor, manufacturer or importer.

(g) Any supplier, wholesaler, distributor or manufacturer violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$500 and not more than \$1,000, to which may be added not to exceed six months' imprisonment. In addition, any supplier, wholesaler, distributor, manufacturer or importer violating the provisions of this section relating to fixing, maintaining or controlling the resale price of alcoholic liquor, beer or cereal malt beverage shall be liable in a civil action to treble the amount of any damages awarded plus reasonable attorney fees for the damaged party.

Sec. 18. From and after January 1, 2013, K.S.A. 2011 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(2) Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645, and amendments thereto, for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(4) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-

308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(12) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution,

from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(j) For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.";

And renumbering sections accordingly;

Also on page 1, by striking all in lines 32 through 35;

On page 2, following line 9, by inserting:

"(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.";

Also on page 2, following line 17, by inserting:

"(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

(1) Not less than 4,000 permanent seats; and

(2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.";

And by redesignating subsections accordingly;

Also on page 2, following line 43, by inserting:

"Sec. 20. K.S.A. 41-2608 is hereby amended to read as follows: 41-2608. (a) Any public venue, club or drinking establishment license issued pursuant to this act shall be for one particular premises which shall be stated in the application and in the license.

Not more than one premises licensed under the club and drinking establishment act shall exist at a single legal address.

(b) No license shall be issued for a public venue, club or drinking establishment unless the city, township or county zoning code allows a club or drinking establishment at that location.

Sec. 21. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.

~~(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.~~

~~(c) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging.~~

~~(d)~~(b) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

~~(e)~~(c) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

~~(f)~~(d) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.

~~(g)~~(e) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.";

And renumbering sections accordingly;

On page 3, following line 5, by inserting:

"Sec. 23. K.S.A. 41-2613 is hereby amended to read as follows: 41-2613. The right of immediate entry to and inspection of any premises licensed as a public venue, club or drinking establishment or any premises where alcoholic liquor is sold by a holder of a temporary permit, or any premises subject to the control of any licensee or temporary permit holder, by any duly authorized officer or agent of the director, or by any law enforcement officer, shall be a condition on which every license or temporary permit is issued, and the application for, and acceptance of, any license or temporary permit shall conclusively be deemed to be the consent of the applicant and licensee or permit holder to such immediate entry and inspection. Such right of immediate entry and inspection shall be at any time when the premises are occupied and is not limited to hours when the club or drinking establishment is open for business. Such consent shall not be revocable during the term of the license or temporary permit. Refusal of such entry shall be grounds for revocation of the license or temporary permit.

Sec. 24. K.S.A. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between

the hours of 2:00 a.m. and 9:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 25. K.S.A. 2011 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

(1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, \$500;

(2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, \$1,000;

(3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, \$2,000;

(4) for a class B club, \$2,000;

~~(5) for a drinking establishment, \$1,000;~~

~~(6) for a hotel of which the entire premises are licensed as a drinking establishment, \$3,000;~~

~~(7)(5) for a caterer, \$1,000;~~

~~(8) for a drinking establishment/caterer, \$1,500; and~~

~~(9) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$3,500.~~

~~(b) On and after July 1, 2011, at the time an application is submitted to the director for a drinking establishment license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:~~

~~(1)(6) For a drinking establishment, \$2,000;~~

~~(2)(7) for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;~~

~~(3)(8) for a drinking establishment/caterer, \$3,000; and~~

~~(4)(9) for a drinking establishment/caterer, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000;~~

~~(10) for a public venue with a maximum capacity of not more than 10,000 persons, \$5,000;~~

~~(11) for a public venue with a maximum capacity of not more than 25,000 persons, \$7,500; and~~

~~(12) for a public venue with a maximum capacity exceeding 25,000 persons, \$10,000.~~

~~(e)(b)~~ In addition to the fee provided by ~~subsections (a) and (b)~~ subsection (a), any city where the licensed premises of a club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect a biennial

occupation or license tax from the licensee in an amount equal to not less than \$200 nor more than \$500.

(c) In addition to the fee provided by subsection (a), any city where the licensed premises of a public venue is located or, if such licensed premises is not located in a city, the board of county commissioners of the county where the licensed premises is located may levy and collect a biennial occupation or license tax from the licensee in an amount not less than \$200.

(d) No occupational or excise tax or license fee other than that authorized by subsection (b) or (c) shall be levied by any city or county against or collected from a licensed public venue, club or drinking establishment.

(e) The director shall remit all moneys received under this section 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. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the department of social and rehabilitation services. In addition to other purposes for which expenditures may be made from the other state fees fund of the department of social and rehabilitation services, expenditures may be made by the secretary of social and rehabilitation services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 26. K.S.A. 2011 Supp. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club-~~license~~, drinking establishment, public venue or caterer's license shall be issued for a term not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided in this act.

~~(b) Prior to July 1, 2011, a drinking establishment license shall be issued for a term not to exceed one year after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act. On and after July 1, 2011, a drinking establishment license shall be issued for a term not to exceed two years after issuance, except as otherwise provided by law, unless sooner suspended or revoked as provided by this act.~~

~~(e)(b)~~ The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.

~~(d)(c)~~ A class B ~~license~~ club, ~~drinking establishment license~~, public venue or caterer's license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A class B club-~~license~~, drinking establishment license, public venue or caterer's license shall not descend by the laws of testate or intestate devolution but shall cease or expire upon the death of the licensee subject to ~~the following provision~~ subsection (d).

~~(e)(d)~~ An executor, administrator or representative of the estate of any deceased

holder of a class B club, drinking establishment, public venue or caterer's license, or the trustee of any insolvent or bankrupt class B club, drinking establishment, public venue or caterer's license may continue the licensee's business under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such licensee or after such insolvency or bankruptcy until the expiration of such license, but in no case longer than one year after the death, insolvency or bankruptcy of such licensee.

~~(f)~~(e) When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

Sec. 27. K.S.A. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person ~~a~~ an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

~~(4) sell, offer to sell or serve any drink to any person at any time at a price less than that charged all other purchasers of drinks on that day;~~

~~(5) increase the volume of alcoholic liquor contained in a drink or the size of a drink of cereal malt beverage without increasing proportionately the price regularly charged for the drink on that day;~~

~~(6)~~(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes; or

~~(7)~~(5) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through ~~(6)~~(4).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as

prizes; or

~~(6)~~ advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (5).

~~(b)(c)~~ Nothing in subsection (a) shall be construed to prohibit A public venue club, drinking establishment, caterer or holder of a temporary permit from may:

~~(1)~~ OfferingOffer free food or entertainment at any time; or

~~(2)~~ selling or delivering sell or deliver wine by the bottle or carafe;

~~(3)~~ sell, offer to sell and serve individual drinks at different prices throughout any day; or

~~(4)~~ sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces.

~~(e)(d)~~ Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

~~(e)(c)~~ Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

~~(e)(f)~~ Every licensed club and drinking establishment shall make available at any time upon request a price list showing the club's or drinking establishment's current prices per individual drink for all individual drinks.

~~(f)~~ As used in this section, "drink" means an individual serving of any beverage containing alcoholic liquor or an individual serving of cereal malt beverage.

Sec. 28. K.S.A. 2011 Supp. 41-2645 is hereby amended to read as follows: 41-2645. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on unlicensed premises, which may be open to the public, subject to the terms of such permit.

(b) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(c) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought unless the director waives such requirement for good cause. Each application shall state the purposes for which the proceeds of the event will be used. The application shall be upon a form prescribed and furnished by the director and shall be filed with the director in duplicate. Each application shall be accompanied by a permit fee of \$25 for each day for which the permit is issued, which fee shall be paid by a certified or cashier's check of a bank within this state, United States post office money order or cash in the full amount thereof. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Temporary permits shall specify the premises for which they are issued and shall be issued only for premises where the city, county or township zoning code allows use for which the permit is issued. No temporary permit shall be issued for premises which are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the

proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or (B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(e) (1) A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for a special event; provided, that such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township for such special event, a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body and the special event is approved by the governing body of such city, county or township by ordinance or resolution. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of a special event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the special event for the duration of the temporary permit issued for such special event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of a special event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) For the purposes of this section, "special event" shall have the same meaning given that term in K.S.A. 41-719, and amendments thereto.

~~(f) (1) Except as otherwise provided in this subsection, a temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit, except that the director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose. Not more than four temporary permits may be issued to any one applicant in a calendar year.~~

~~(2) The director may issue one temporary permit, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of only wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose.~~

~~(3) The director may issue a temporary permit for a special event approved by the governing body of a city, county or township pursuant to subsection (e)(1), which may, at the director's discretion, be valid for the entire period of such special event, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days.~~

(g) All proceeds from an event for which a temporary permit is issued shall be used

only for the purposes stated in the application for such permit.

(h) Upon written permission from the director and within three business days after the end of an event conducted pursuant to a temporary permit, the holder of a temporary permit may sell back to the licensee from whom alcoholic liquor was purchased any alcoholic liquor sold to the holder of the temporary permit for such event.

~~(h)(i)~~ A temporary permit shall not be transferable or assignable.

~~(i)~~ The director may refuse to issue a temporary permit to any person or organization which has violated any provision of the Kansas liquor control act, the drinking establishment act or K.S.A. 79-41a01 *et seq.*, and amendments thereto.

Sec. 29. K.S.A. 41-2722 is hereby amended to read as follows: 41-2722. (a) No retailer, or employee or agent of a retailer, licensed to sell cereal malt beverage for consumption on the licensed premises shall:

(1) Offer or serve any free cereal malt beverage to any person;

(2) offer or serve to any person a drink at a price that is less than the acquisition cost of the drink to the licensee;

(3) sell, offer to sell or serve to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the general public;

~~(4) sell, offer to sell or serve any drink to any person at any time at a price less than that charged the general public on that day, except at private functions not open to the general public;~~

~~(5) increase the size of a drink of cereal malt beverage without increasing proportionately the price regularly charged for the drink on that day;~~

~~(6) encourage or permit, on the licensed premises, any game or contest which involves drinking cereal malt beverage or the awarding of drinks as prizes; or~~

~~(7)(5)~~ advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through ~~(6)(4)~~.

~~(b) Nothing in subsection (a) shall be construed to prohibit A retailer from offering may:~~

~~(1) Offer free food or entertainment at any time;~~

~~(2) sell, offer to sell and serve individual drinks at different prices throughout any day; or~~

~~(3) sell or serve cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces.~~

(c) Violation of any provisions of this section is a misdemeanor punishable as provided by K.S.A. 41-2711, and amendments thereto.

(d) Violation of any provision of this act shall be grounds for suspension or revocation of the retailer's license as provided by K.S.A. 41-2708, and amendments thereto.

(e) Every licensee subject to the provisions of this section shall make available at any time upon request a price list showing the licensee's current prices for all cereal malt beverages.

~~(f) As used in this section, "drink" means an individual serving of cereal malt beverage.~~

~~(g)~~ This section shall be part of and supplemental to K.S.A. 41-2701 through 41-2721, and amendments thereto.

Sec. 30. K.S.A. 79-4101 is hereby amended to read as follows: 79-4101. (a) For the

purpose of providing revenue which may be used by the state, counties and cities in the enforcement of the provisions of this act, from and after the effective date of this act, for the privilege of engaging in the business of selling alcoholic liquor by retailers or farm wineries to consumers in this state or selling alcoholic liquor or cereal malt beverage by distributors to clubs, drinking establishments, public venues or caterers in this state, there is hereby levied and there shall be collected and paid a tax at the rate of 8% upon the gross receipts received from: (1) The sale of alcoholic liquor by retailers, microbreweries or farm wineries to consumers within this state; and (2) the sale of alcoholic liquor or cereal malt beverage by distributors to clubs, drinking establishments, public venues or caterers in this state.

(b) The tax imposed by this section shall be in addition to the license fee imposed on distributors, retailers, microbreweries and farm wineries by K.S.A. 41-310, and amendments thereto.

Sec. 31. K.S.A. 79-4102 is hereby amended to read as follows: 79-4102. The tax levied under K.S.A. 79-4101, and amendments thereto, shall be paid by the consumer or user to the retailer, microbrewery or farm winery or by the club, drinking establishment, public venue or caterer to the distributor. It shall be the duty of each retailer, microbrewery, farm winery or distributor in this state to collect from the purchaser the full amount of the tax imposed by this act, or an amount equal as nearly as possible or practicable, to the average equivalent thereof.

Sec. 32. K.S.A. 79-4103 is hereby amended to read as follows: 79-4103. On or before the 25<sup>th</sup> day of each calendar month, every person engaged in the business of selling alcoholic liquor at retail, every microbrewery selling beer to consumers, every farm winery selling wine to consumers in this state and every distributor selling alcoholic liquor or cereal malt beverage to clubs, drinking establishments, public venues or caterers in this state during the preceding calendar month shall make a return to the director of taxation upon forms prescribed and furnished by the director, stating: (a) The name and address of the seller; (b) the total amount of gross sales subject to the tax imposed by K.S.A. 79-4101, and amendments thereto, during the preceding calendar month; and (c) any other pertinent information the director requires. The person making the return shall, at the time of making the return, pay to the director of taxation the amount of tax imposed by K.S.A. 79-4101, and amendments thereto. The director of taxation may extend the time for making returns and paying the tax for any period not to exceed 60 days, under rules and regulations adopted by the secretary of revenue.";

And renumbering sections accordingly;

Also on page 3, in line 12, after "establishment,"" by inserting ""public venue,""; following line 19, by inserting:

"Sec. 34. K.S.A. 79-41a02 is hereby amended to read as follows: 79-41a02. (a) There is hereby imposed, for the privilege of selling alcoholic liquor, a tax at the rate of 10% upon the gross receipts derived from the sale of alcoholic liquor by any club, caterer, drinking establishment, public venue or temporary permit holder.

(b) The tax imposed by this section shall be paid by the consumer to the club, caterer, drinking establishment, public venue or temporary permit holder and it shall be the duty of each and every club, caterer, drinking establishment, public venue or temporary permit holder subject to this section to collect from the consumer the full amount of such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each club, caterer, drinking establishment, public venue or

temporary permit holder collecting the tax imposed hereunder shall be responsible for paying over the same to the state department of revenue in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the collection of such tax.

Sec. 35. K.S.A. 2011 Supp. 79-41a03 is hereby amended to read as follows: 79-41a03. (a) The tax levied and collected pursuant to K.S.A. 79-41a02, and amendments thereto, shall become due and payable by the club, caterer, drinking establishment, public venue or temporary permit holder monthly, or on or before the 25<sup>th</sup> day of the month immediately succeeding the month in which it is collected, but any club, caterer, drinking establishment, public venue or temporary permit holder filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time the club, caterer, drinking establishment, public venue or temporary permit holder pays such retailers' sales tax. Each club, caterer, drinking establishment, public venue or temporary permit holder shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of alcoholic liquor by the club, caterer, drinking establishment, public venue or temporary permit holder for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of alcoholic liquor shall be kept separate and apart from the records of other retail sales made by a club, caterer, drinking establishment, public venue or temporary permit holder in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a club, caterer, drinking establishment, public venue or temporary permit holder as may be necessary to determine the accuracy of such reports required hereunder.

(c) The secretary of revenue is hereby authorized to administer and collect the tax imposed hereunder and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any club, caterer, drinking establishment, public venue or temporary permit holder liable to pay the tax imposed hereunder refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto.

(d) The secretary of revenue shall remit all revenue collected under the provisions of this act 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. Subject to the maintenance requirements of the local alcoholic liquor refund fund created under K.S.A. 79-41a09, and amendments thereto, 25% of the remittance shall be credited to the state general fund, 5% shall be credited to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and the balance shall be credited to the local alcoholic liquor fund created by K.S.A. 79-41a04, and amendments thereto.

(e) Whenever, in the judgment of the secretary of revenue, it is necessary, in order

to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this act, the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

(f) The amount of tax imposed by this act shall be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall be begun after the expiration of such period except in the cases of fraud. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may be begun at any time, within two years from the discovery of such fraud. No refund or credit shall be allowed by the director after three years from the date of payment of the tax as provided in this act unless before the expiration of such period a claim therefor is filed by the taxpayer, and no suit or action to recover on any claim for refund shall be commenced until after the expiration of six months from the date of filing a claim therefor with the director. Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the periods of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.";

And renumbering sections accordingly;

Also on page 3, in line 29, after "clubs" by inserting ", public venues"; in line 35, after "clubs" by inserting ", public venues"; in line 41, after "clubs" by inserting ", public venues";

On page 4, in line 3, after "clubs" by inserting ", public venues";

On page 6, following line 21, by inserting:

"Sec. 37. K.S.A. 79-41a06 is hereby amended to read as follows: 79-41a06. No club, drinking establishment, caterer, public venue or temporary permit holder shall sell any alcoholic liquor without a registration certificate from the secretary of revenue. Application for such certificate shall be made to the secretary upon forms provided by the secretary and shall contain such information as the secretary deems necessary for the purposes of administering the provisions of this act. The registration certificate shall be conspicuously displayed in the licensed premises or permitted for which it is issued.

Upon violation of any of the provisions of K.S.A. 79-41a01 *et seq.*, and amendments thereto, or any of the terms of this act, and upon due notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the secretary may revoke such registration certificate.

Sec. 38. K.S.A. 79-41a07 is hereby amended to read as follows: 79-41a07. (a) The director of taxation or the director of alcoholic beverage control may enjoin any person from engaging in business as a club, drinking establishment, caterer, public venue or temporary permit holder when the club, drinking establishment, caterer, public venue or temporary permit holder is in violation of any of the provisions of K.S.A. 79-41a01 *et seq.*, and amendments thereto, or any of the terms of this act and shall be entitled in any proceeding brought for that purpose to have an order restraining the person from engaging in business as a club, drinking establishment, caterer, public venue or

temporary permit holder. No bond shall be required for any such restraining order or for any temporary or permanent injunction issued in that proceeding.

(b) If a club, drinking establishment, public venue or caterer licensed by the director of alcoholic beverage control or a temporary permit holder violates any of the provisions of K.S.A. 79-41a01 *et seq.*, and amendments thereto, or any of the terms of this act, the director of alcoholic beverage control may suspend or revoke the license of such club, drinking establishment, public venue or caterer in accordance with K.S.A. 41-2609, and amendments thereto, or may impose a civil fine on the licensee or permit holder in the manner provided by K.S.A. 41-2633a, and amendments thereto.

Sec. 39. K.S.A. 79-41a08 is hereby amended to read as follows: 79-41a08. The tax imposed by this act shall be a lien upon the business and any property of the club, drinking establishment, caterer, public venue or permit holder which may be sold. The person acquiring such business or property shall withhold a sufficient amount of the purchase price thereof to cover the amount of any taxes due and unpaid by the seller, until the seller shall furnish the purchaser with a receipt from the secretary of revenue, as herein provided, showing that such taxes have been paid. The purchaser shall be personally liable for the payment of any unpaid taxes of the seller, to the extent of the value of the business or property received by the purchaser, and if a receipt is not furnished by such seller within 20 days from the date of sale of such business or property, the purchaser shall remit the amount of such unpaid taxes to the secretary on or before the 20<sup>th</sup> day of the month succeeding that in which such purchaser acquired such business or property.

Sec. 40. From and after January 1, 2013, K.S.A. 2011 Supp. 41-719 is hereby repealed.";

And renumbering sections accordingly;

Also on page 6, in line 22, by striking all after "K.S.A."; in line 23 by striking "Supp. 41-2601" and inserting "41-304, 41-306, 41-306a, 41-307, 41-308, 41-316, 41-320, 41-333, 41-334, 41-335, 41-336, 41-337, 41-338, 41-339, 41-340, 41-341, 41-701, 41-2608, 41-2610, 41-2612, 41-2613, 41-2614, 41-2640, 41-2722, 79-4101, 79-4102, 79-4103, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08 and K.S.A. 2011 Supp. 41-102, 41-305, 41-308a, 41-310, 41-317, 41-319, 41-2601, 41-2622, 41-2629, 41-2645 and 79-41a03"; in line 25, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, by striking "41-2612, 79-"; in line 2, by striking "41a01 and 79-41a04 and K.S.A. 2011 Supp. 41-2601" and inserting "41-304, 41-306, 41-306a, 41-307, 41-308, 41-316, 41-320, 41-701, 41-2608, 41-2610, 41-2612, 41-2613, 41-2614, 41-2640, 41-2722, 79-4101, 79-4102, 79-4103, 79-41a01, 79-41a02, 79-41a04, 79-41a06, 79-41a07 and 79-41a08, and K.S.A. 2011 Supp. 41-102, 41-305, 41-308a, 41-310, 41-317, 41-319, 41-719, 41-2601, 41-2622, 41-2629, 41-2645 and 79-41a03"; in line 3, after "sections" by inserting "; also repealing K.S.A. 41-333, 41-334, 41-335, 41-336, 41-337, 41-338, 41-339, 41-340 and 41-341"; and the bill be passed as amended.

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

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1843—

A RESOLUTION encouraging cities in this state to organize local chapters of the African American Council of Elders.

WHEREAS, The African American Council of Elders for Wichita/Sedgwick county was officially established in the year 2001 in the city of Wichita, Kansas; and

WHEREAS, The African American Council of Elders represents over 2,000 years of knowledge and experience held by the 33 elders; and

WHEREAS, The African American Council of Elders protects, promotes and incorporates the wisdom of our ancestors in order to help the entire community grow stronger; and

WHEREAS, The African American Council of Elders acts as an advisory board offering guidance and leadership on issues affecting the community and members of the council instruct and advise, guide, assist and correct when needed; and

WHEREAS, The African American Council of Elders acknowledges the deep and painful struggle of our ancestors and the necessity to take steps to remember, embrace and include all who suffered; and

WHEREAS, The African American Council of Elders believes that it is important to create substantial relationships with many cultural traditions in order to further learn and share ancestral wisdom for the benefit of the present and next generations: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the senate encourages other cities in the state of Kansas to organize local chapters of the African American Council of Elders; and

*Be it further resolved:* That the Secretary of the Senate shall provide an enrolled copy of this resolution to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1843** was adopted unanimously.

Senator Faust-Goudeau welcomed and recognized the following members of the African American Council of Elders: Elder Geneva Holloway, Elder Beverly Mason, Elder Mark Criner, Elder Dea Sears, Elder Frances Jackson Calloway, Elder Janet Diggs, Elder Frances Jackson, Elder Eula Ward, Elder Edith Knox, Elder Wakeelah Mutazammil-Martinez, Elder Askia Muhammad Toure, Elder Dr. Elvies Cranford, Scribe Tasleem Muqtasid. Also in attendance were the following guests: Dr. Jessie Williams, Dr. Mildred Edwards and Maren Turner. The Senate acknowledged the guests with a standing ovation.

## COMMITTEE OF THE WHOLE

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

Recommended:

**HB 2318** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt, on page 78, following line 9, by inserting:

"Sec. 32. K.S.A. 2011 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;  
(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a, and amendments thereto.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

~~(d)(e)~~ "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

~~(e)(f)~~ "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed.

~~(f)(g)~~ "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

~~(g)(h)~~ "Chain pharmacy warehouse" means a permanent physical location for drugs or devices, or both, that acts as a central warehouse and performs intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.

~~(h)(i)~~ "Co-licensee" means a pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a prescription drug and the national drug code on the drug product label shall be used to determine the identity of the drug manufacturer.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

~~(j)(k)~~ "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

~~(j)(l)~~ "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

~~(k)~~(m) "Dispense" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

~~(h)~~(n) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication.

~~(m)~~(o) "Distribute" means to deliver, other than by administering or dispensing, any drug.

~~(n)~~(p) "Distributor" means a person who distributes a drug.

~~(o)~~(q) "Drop shipment" means the sale, by a manufacturer, that manufacturer's co-licensuree, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of the manufacturer's prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug, and the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensuree, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the "normal distribution channel."

~~(p)~~(r) "Drug" means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

~~(q)~~(s) "Durable medical equipment" means technologically sophisticated medical devices that may be used in a residence, including the following: (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; or (16) other similar equipment determined by the board in rules and regulations adopted by the board.

(t) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(u) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers

and servers where access and records are controlled by the prescriber.

(v) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identified a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(w) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(x) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(y) "Exclusive distributor" means any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record.

(s) "Electronic transmission" means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

(z) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(aa) "Generic name" means the established chemical name or official name of a drug or drug product.

(bb)(1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:

- (A) Inmates of a jail or correctional institution or facility;
- (B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;
- (C) students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;
- (D) employees of a business or other employer; or
- (E) persons receiving inpatient hospice services.

(2) "Institutional drug room" does not include:

- (A) Any registered pharmacy;
- (B) any office of a practitioner; or
- (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

~~(v)~~(cc) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

~~(d)~~(dd) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensees of a co-licensed product.

~~(w)~~(ee) "Medical care facility" shall have the meaning provided in K.S.A. 65-425, and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b, and amendments thereto, except community mental health centers and facilities for the mentally retarded.

~~(s)~~(ff) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

~~(v)~~(gg) "Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs and devices.

~~(z)~~(hh) "Mid-level practitioner" means an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

~~(i)~~(ii) "Normal distribution channel" means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer's co-licensed partner, from that manufacturer to that manufacturer's third-party logistics provider, or from that manufacturer to that manufacturer's exclusive distributor, directly or by drop shipment, to:

(1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;

(2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized

by law to dispense or administer such drug to a patient; or

(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.

~~(aa)~~(jj) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(bb)~~(kk) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

~~(cc)~~(ll) "Pharmacist-in-charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(mm) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who has successfully passed equivalency examinations approved by the board.

~~(dd)~~(nn) "Pharmacy," "drug store" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(ee) "Pharmacy student" means an individual, registered with the board of pharmacy, enrolled in a accredited school of pharmacy.

(oo) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers, and is controlled by the pharmacy.

(ff)(pp) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy related duties, but who does not perform duties restricted to a pharmacist.

~~(gg)~~(qq) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

~~(hh)~~(rr) "Preceptor" means a licensed pharmacist who possesses at least two years'

experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

(ii) "Prescription" means, according to the context, either a prescription order or a prescription medication.

(ss) "Prescriber" means a practitioner or a mid-level practitioner.

~~(jj)~~(tt) "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

(uu) "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.

~~(kk)~~(vv) "Prescription-only drug" means any drug whether intended for use by man or animal, required by federal or state law (including 21 U.S.C. § 353, ~~as amended~~), to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(ll) "Prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner or a mid-level practitioner in the authorized course of professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner or mid-level practitioner.

~~(mm)~~(ww) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

~~(nn)~~(xx) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(oo)~~(yy) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(zz) "Retail dealer" means a person selling at retail nonprescription drugs which are repackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and

cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

~~(pp)~~(aaa) "Secretary" means the executive secretary of the board.

~~(qq)~~(bbb) "Third party logistics provider" means an entity that: (1) Provides or coordinates warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record.

~~(rr)~~(ccc) "Unprofessional conduct" means:

- (1) Fraud in securing a registration or permit;
- (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
- (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
- (4) intentionally falsifying or altering records or prescriptions;
- (5) unlawful possession of drugs and unlawful diversion of drugs to others;
- (6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;
- (7) conduct likely to deceive, defraud or harm the public;
- (8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;
- (9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or
- (10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

(ss) "Mid-level practitioner" means an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

~~(tt)~~(ddd) "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, which establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

(ee) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

~~(uu)~~(ffi) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of

or administration to a nonhuman.

~~(vv)~~(ggg) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs or devices in or into the state, including, but not limited to, manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, co-licensees, exclusive distributors, third party logistics providers, chain pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distributions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients.

~~(www)~~(hhh) "Wholesale distribution" means the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients, and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period. Wholesale distribution does not include:

(1) The sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the dispensing of a prescription drug or device pursuant to a prescription;

(2) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device for emergency medical reasons;

(3) intracompany transactions, as defined in this section, unless in violation of own use provisions;

(4) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device among hospitals, chain pharmacy warehouses, pharmacies or other health care entities that are under common control;

(5) the sale, purchase or trade of a prescription drug or device or the offer to sell, purchase or trade a prescription drug or device by a charitable organization described in 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the purchase or other acquisition by a hospital or other similar health care entity that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations;

(7) the transfer of prescription drugs or devices between pharmacies pursuant to a centralized prescription processing agreement;

(8) the sale, purchase or trade of blood and blood components intended for transfusion;

(9) the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution in accordance with the board's rules and regulations;

(10) the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board's rules and regulations;

(11) the distribution of drug samples by manufacturers' and authorized distributors' representatives;

(12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use; or

(13) the sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third party returns processor in accordance with the board's rules and regulations.

Sec. 33. K.S.A. 2011 Supp. 65-1637 is hereby amended to read as follows: 65-1637. (a) In every store, shop or other place defined in this act as a "pharmacy" there shall be a pharmacist-in-charge and, except as otherwise provided by law, the compounding and dispensing of prescriptions shall be limited to pharmacists only. ~~Except as otherwise provided by the pharmacy act of this state, when a pharmacist is not in attendance at a pharmacy, the premises shall be enclosed and secured. Prescription orders may be written, oral, telephonic or by electronic transmission unless prohibited by law. Blank forms for written prescription orders may have two signature lines. If there are two lines, one signature line shall state: "Dispense as written" and the other signature line shall state: "Brand exchange permissible." Prescriptions shall only be filled or refilled in accordance with the following requirements:~~

(a) All prescriptions shall be filled in strict conformity with any directions of the prescriber, except that a pharmacist who receives a prescription order for a brand name drug product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

(1) The prescriber, in the case of a prescription signed by the prescriber and written on a blank form containing two signature lines, signs the signature line following the statement "dispense as written," or

(2) the prescriber, in the case of a prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription, or

(3) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated, or

(4) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication.

(b) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the physician shall bear the name of the person so telephoning. Nothing in this paragraph shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.

(c) (1) Except as provided in paragraph (2), no prescription shall be refilled unless authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filled by the pharmacist.

(2) A pharmacist may refill a prescription order issued on or after the effective date of this act for any prescription drug except a drug listed on schedule II of the uniform controlled substances act or a narcotic drug listed on any schedule of the uniform controlled substances act without the prescriber's authorization when all reasonable efforts to contact the prescriber have failed and when, in the pharmacist's professional judgment, continuation of the medication is necessary for the patient's health, safety and

welfare. Such prescription refill shall only be in an amount judged by the pharmacist to be sufficient to maintain the patient until the prescriber can be contacted, but in no event shall a refill under this paragraph be more than a seven day supply or one package of the drug. However, if the prescriber states on a prescription that there shall be no emergency refilling of that prescription, then the pharmacist shall not dispense any emergency medication pursuant to that prescription. A pharmacist who refills a prescription order under this subsection (c)(2) shall contact the prescriber of the prescription order on the next business day subsequent to the refill or as soon thereafter as possible. No pharmacist shall be required to refill any prescription order under this subsection (c)(2). A prescriber shall not be subject to liability for any damages resulting from the refilling of a prescription order by a pharmacist under this subsection (c)(2) unless such damages are occasioned by the gross negligence or willful or wanton acts or omissions by the prescriber.

(d) If any prescription order contains a provision that the prescription may be refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.

(e) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled except that it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued, whichever occurs first.

(f) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.

Nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if in the pharmacist's professional judgment and discretion such pharmacist is of the opinion that it should not be filled or refilled

(b) Except as otherwise provided by the pharmacy act of this state, when a pharmacist is not in attendance at a pharmacy, the premises shall be enclosed and secured.

New Sec. 34. (a) The pharmacist shall exercise professional judgment regarding the accuracy, validity and authenticity of any prescription order consistent with federal and state laws and rules and regulations. A pharmacist shall not dispense a prescription drug if the pharmacist, in the exercise of professional judgment, determines that the prescription is not a valid prescription order.

(b) The prescriber may authorize an agent to transmit to the pharmacy a prescription order orally, by facsimile transmission or by electronic transmission provided that the first and last names of the transmitting agent are included in the order.

(c) (1) A new written or electronically prepared and transmitted prescription order shall be manually or electronically signed by the prescriber. If transmitted by the prescriber's agent, the first and last names of the transmitting agent shall be included in the order.

(2) If the prescription is for a controlled substance and is written or printed from an electronic prescription application, the prescription shall be manually signed by the prescriber prior to delivery of the prescription to the patient or prior to facsimile transmission of the prescription to the pharmacy.

(3) An electronically prepared prescription shall not be electronically transmitted to

the pharmacy if the prescription has been printed prior to electronic transmission. An electronically prepared and transmitted prescription which is printed following electronic transmission shall be clearly labeled as a copy, not valid for dispensing.

(4) The state board of pharmacy shall conduct a study on the issues of electronic transmission of prior authorizations and step therapy protocols. The report on the results of such study shall be completed and submitted to the legislature no later than January 15, 2013. The board is hereby authorized to conduct pilot projects related to any new technology implementation when deemed necessary and practicable.

(d) An authorization to refill a prescription order or to renew or continue an existing drug therapy may be transmitted to a pharmacist through oral communication, in writing, by facsimile transmission or by electronic transmission initiated by or directed by the prescriber.

(1) If the transmission is completed by the prescriber's agent, and the first and last names of the transmitting agent are included in the order, the prescriber's signature is not required on the fax or alternate electronic transmission.

(2) If the refill order or renewal order differs in a manner from the original order, such as a change of the drug strength, dosage form or directions for use, the prescriber shall sign the order as provided by paragraph (1).

(e) Regardless of the means of transmission to a pharmacy, only a pharmacist or a pharmacist intern shall be authorized to receive a new prescription order from a prescriber or transmitting agent. A pharmacist, a pharmacist intern or a registered pharmacy technician may receive a refill or renewal order from a prescriber or transmitting agent if such registered pharmacy technician's supervising pharmacist has authorized that function.

(f) A refill is one or more dispensings of a prescription drug or device that results in the patient's receipt of the quantity authorized by the prescriber for a single fill as indicated on the prescription order.

(1) A prescription for a prescription drug or device that is not a controlled substance may authorize no more than 12 refills within 18 months following the date on which the prescription is issued.

(2) A prescription for a schedule III, IV or V controlled substance may authorize no more than five refills within six months following the date on which the prescription is issued.

(g) Prescriptions shall only be filled or refilled in accordance with the following requirements:

(1) All prescriptions shall be filled in strict conformity with any directions of the prescriber, except that a pharmacist who receives a prescription order for a brand name drug product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

(A) The prescriber, in the case of a prescription manually or electronically signed by the prescriber and prepared on a form containing two signature lines, signs the signature line following the statement "dispense as written";

(B) the prescriber, in the case of a written prescription signed by the prescriber, writes in the prescriber's own handwriting "dispense as written" on the prescription;

(C) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated;

or

(D) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication.

(h) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled except that it may not be refilled after the expiration of the time specified or one year after the prescription was originally issued, whichever occurs first.

(i) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the prescriber, shall bear the name of the person so telephoning. Nothing in this section shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.

(j) (1) Except as provided in paragraph (2), no prescription shall be refilled unless authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filled by the pharmacist.

(2) A pharmacist may refill a prescription order issued on or after the effective date of this act for any prescription drug except a drug listed on schedule II of the uniform controlled substances act or a narcotic drug listed on any schedule of the uniform controlled substances act without the prescriber's authorization when all reasonable efforts to contact the prescriber have failed and when, in the pharmacist's professional judgment, continuation of the medication is necessary for the patient's health, safety and welfare. Such prescription refill shall only be in an amount judged by the pharmacist to be sufficient to maintain the patient until the prescriber can be contacted, but in no event shall a refill under this paragraph be more than a seven day supply or one package of the drug. However, if the prescriber states on a prescription that there shall be no emergency refilling of that prescription, then the pharmacist shall not dispense any emergency medication pursuant to that prescription. A pharmacist who refills a prescription order under this subsection (j)(2) shall contact the prescriber of the prescription order on the next business day subsequent to the refill or as soon thereafter as possible. No pharmacist shall be required to refill any prescription order under this subsection (j)(2). A prescriber shall not be subject to liability for any damages resulting from the refilling of a prescription order by a pharmacist under this subsection (j)(2) unless such damages are occasioned by the gross negligence or willful or wanton acts or omissions by the prescriber.

(k) If any prescription order contains a provision that the prescription may be refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.

(l) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.

(m) Nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if in the pharmacist's professional judgment and discretion such pharmacist is of the opinion that it should not be filled or refilled.

Sec. 35. K.S.A. 2011 Supp. 65-1683 is hereby amended to read as follows: 65-

1683. (a) The board shall establish and maintain a prescription monitoring program for the monitoring of scheduled substances and drugs of concern dispensed in this state or dispensed to an address in this state.

(b) Each dispenser shall submit to the board by electronic means information required by the board regarding each prescription dispensed for a substance included under subsection (a). The board shall promulgate rules and regulations specifying the nationally recognized telecommunications format to be used for submission of information that each dispenser shall submit to the board. Such information may include, but not be limited to:

- (1) The dispenser identification number;
- (2) the date the prescription is filled;
- (3) the prescription number;
- (4) whether the prescription is new or is a refill;
- (5) the national drug code for the drug dispensed;
- (6) the quantity dispensed;
- (7) the number of days supply of the drug;
- (8) the patient identification number;
- (9) the patient's name;
- (10) the patient's address;
- (11) the patient's date of birth;
- (12) the prescriber identification number;
- (13) the date the prescription was issued by the prescriber; and
- (14) the source of payment for the prescription.

(c) The board shall promulgate rules and regulations specifying the transmission methods and frequency of the dispenser submissions required under subsection (b).

(d) The board may issue a waiver to a dispenser that is unable to submit prescription information by electronic means. Such waiver may permit the dispenser to submit prescription information by paper form or other means, provided that all information required by rules and regulations is submitted in this alternative format.

(e) The board is hereby authorized to apply for and to accept grants and may accept any donation, gift or bequest made to the board for furthering any phase of the prescription monitoring program.

(f) The board shall remit all moneys received by it under subsection (e) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund. All 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 president of the board or a person designated by the president.

Sec. 36. K.S.A. 2011 Supp. 65-1685 is hereby amended to read as follows: 65-1685. (a) The prescription monitoring program database, all information contained therein and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, shall be privileged and confidential, shall not be subject to subpoena or discovery in civil proceedings and may only be used for investigatory or evidentiary purposes related to violations of state or federal law and regulatory activities of entities charged with administrative oversight of those persons engaged in the prescribing or dispensing of scheduled substances and

drugs of concern, shall not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 *et seq.*, and amendments thereto, except as provided in subsections (c) and (d).

(b) The board shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted and maintained is not disclosed to persons except as provided in subsections (c) and (d).

(c) The board is hereby authorized to provide data in the prescription monitoring program to the following persons:

(1) Persons authorized to prescribe or dispense scheduled substances and drugs of concern, for the purpose of providing medical or pharmaceutical care for their patients;

(2) an individual who requests the individual's own prescription monitoring information in accordance with procedures established by the board;

(3) designated representatives from the professional licensing, certification or regulatory agencies charged with administrative oversight of those persons engaged in the prescribing or dispensing of scheduled substances and drugs of concern;

(4) local, state and federal law enforcement or prosecutorial officials engaged in the administration, investigation or enforcement of the laws governing scheduled substances and drugs of concern subject to the requirements in K.S.A. 22-2502, and amendments thereto;

(5) designated representatives from the Kansas health policy authority department of health and environment regarding authorized medicaid program recipients;

(6) persons authorized by a grand jury subpoena, inquisition subpoena or court order in a criminal action;

(7) personnel of the prescription monitoring program advisory committee for the purpose of operation of the program; ~~and~~

(8) personnel of the board for purposes of administration and enforcement of this act or the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto;

(9) persons authorized to prescribe or dispense scheduled substances and drugs of concern, when an individual is obtaining prescriptions in a manner that appears to be misuse, abuse or diversion of scheduled substances or drugs of concern; and

(10) medical examiners, coroners or other persons authorized under law to investigate or determine causes of death.

(d) The prescription monitoring program advisory committee established pursuant to K.S.A. 65-1689, and amendments thereto, is authorized to review and analyze the data for purposes of identifying patterns and activity of concern.

(1) If a review of information appears to indicate a person may be obtaining prescriptions in a manner that may represent misuse or abuse of controlled substances and drugs of concern, the advisory committee is authorized to notify the prescribers and dispensers who prescribed or dispensed the prescriptions. If the review identifies patterns or other evidence sufficient to create a reasonable suspicion of criminal activity, the advisory committee is authorized to notify the appropriate law enforcement agency.

(2) If a review of information appears to indicate that a violation of state or federal law relating to prescribing controlled substances and drugs of concern may have occurred, or that a prescriber or dispenser has knowingly prescribed, dispensed or obtained controlled substances and drugs of concern in a manner that is inconsistent

with recognized standards of care for the profession, the advisory committee shall determine whether a report to the professional licensing, certification or regulatory agencies charged with administrative oversight of those persons engaged in prescribing or dispensing of controlled substances and drugs of concern or to the appropriate law enforcement agency is warranted.

(A) For purposes of such determination the advisory committee may, in consultation with the appropriate regulatory agencies and professional organizations, establish criteria regarding appropriate standards and utilize volunteer peer review committees of professionals with expertise in the particular practice to create such standards and review individual cases.

(B) The peer review committee or committees appointed herein shall have authority to request and receive information in the prescription monitoring program database from the director of the prescription monitoring program.

(C) If the determination is made that a referral to a regulatory or law enforcement agency is not warranted but educational or professional advising might be appropriate, the advisory committee may refer the prescribers or dispensers to other such resources.

(e) The board is hereby authorized to provide data in the prescription monitoring program to public or private entities for statistical, research or educational purposes after removing information that could be used to identify individual practitioners, dispensers, patients or persons who received prescriptions from dispensers.

Sec. 37. K.S.A. 2011 Supp. 65-1693 is hereby amended to read as follows: 65-1693. (a) A dispenser who knowingly fails to submit prescription monitoring information to the board as required by this act or knowingly submits incorrect prescription monitoring information shall be guilty of a severity level 10, nonperson felony.

(b) A person authorized to have prescription monitoring information pursuant to this act who knowingly discloses such information in violation of this act shall be guilty of a severity level 10, nonperson felony.

(c) A person authorized to have prescription monitoring information pursuant to this act who knowingly uses such information in a manner or for a purpose in violation of this act shall be guilty of a severity level 10, nonperson felony.

(d) A person who knowingly and without authorization, obtains or attempts to obtain prescription monitoring information shall be guilty of a severity level 10, nonperson felony.

(e) It shall not be a violation of this act for a practitioner or dispenser to disclose or use information obtained pursuant to this act when such information is disclosed or used solely in the course of such practitioner's or dispenser's care of the patient who is the subject of the information.

Sec. 38. K.S.A. 2011 Supp. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or (2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

~~(e)~~(d) "Board" means the state board of pharmacy.

~~(d)~~(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

~~(e)~~(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which such individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

~~(f)~~(h) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

~~(g)~~(i) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(j) "DEA" mean the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

~~(h)~~(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

~~(i)~~(m) "Dispenser" means a practitioner or pharmacist who dispenses.

~~(j)~~(n) "Distribute" means to deliver other than by administering or dispensing a

controlled substance.

~~(e)~~(o) "Distributor" means a person who distributes.

~~(f)~~(p) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

(3) substances, (other than food), intended to affect the structure or any function of the body of man or animals; and

(4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

~~(h)~~(q) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

~~(i)~~(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions which identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Manufacture" means the production, preparation, propagation, compounding,

conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

~~(e)~~(aa) "Marijuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

~~(f)~~(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

~~(g)~~(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

~~(h)~~(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto,

the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(~~+~~)(ff) "Opium poppy" means the plant of the species *Papaver somniferum l.* except its seeds.

(~~+~~)(gg) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(~~+~~)(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 *et seq.* to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(~~+~~)(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(~~+~~)(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(~~+~~)(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(aa) "Cultivate" means the planting or promotion of growth of five or more plants which contain or can produce controlled substances.

(bb) (1) "Controlled substance analog" means a substance that is intended for human consumption, and:

(A) The chemical structure of which is substantially similar to the chemical

structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) which has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, which the individual represents or intends to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act (21 U.S.C. § 355) to the extent conduct with respect to the substance is permitted by the exemption.

~~(cc) "Mid-level practitioner" means an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.~~

Sec. 39. K.S.A. 65-4123 is hereby amended to read as follows: 65-4123. (a) Except as otherwise provided in K.S.A. 65-4117, and amendments thereto, or in this subsection (a), no schedule I controlled substance may be dispensed. The board by rules and regulations may designate in accordance with the provisions of this subsection (a) a schedule I controlled substance as a schedule I designated prescription substance. ~~A schedule I controlled substance designated as a schedule I designated prescription substance may be dispensed only upon the written prescription of a practitioner. Prior to designating a schedule I controlled substance as a schedule I designated prescription substance, the board shall find: (1) That the schedule I controlled substance has an accepted medical use in treatment in the United States; (2) that the public health will benefit by the designation of the substance as a schedule I designated prescription substance; and (3) that the substance may be sold lawfully under federal law pursuant to a prescription. No prescription for a schedule I designated prescription substance may be refilled.~~

(b) Except when dispensed by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without the written or electronic prescription of a practitioner or a mid-level practitioner prescriber. In emergency situations, as defined by rules and regulations of the board, schedule II drugs may be dispensed upon oral prescription of a practitioner or a mid-level practitioner prescriber reduced promptly to writing or transmitted electronically and filed by the pharmacy. No prescription for a schedule II substance may be refilled.

(c) Except when dispensed by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III, ~~or~~ IV or V which is a prescription

drug shall not be dispensed without ~~a written or oral prescription of a practitioner or a mid-level practitioner~~ either a paper prescription manually signed by a prescriber, a facsimile of a manually signed paper prescription transmitted by the prescriber or the prescriber's agent to the pharmacy, an electronic prescription that has been digitally signed by a prescriber with a digital certificate, or an oral prescription made by an individual prescriber and promptly reduced to writing. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times.

(d) ~~A controlled substance shall not be distributed or dispensed other than for a medical purpose. Prescriptions shall be retained in conformity with the requirements of K.S.A. 65-4121 and amendments thereto, except by a valid prescription order as defined in K.S.A. 65-1626, and amendments thereto. Electronic prescriptions shall be retained electronically for five years from the date of their creation or receipt. The records must be readily retrievable from all other records and easily rendered into a format a person can read. Paper, oral and facsimile prescriptions shall be maintained as a hard copy for five years at the registered location.~~";

And by renumbering sections accordingly;

Also on page 78, in line 10, before "K.S.A." by inserting "K.S.A. 65-4123 and"; in line 14, after "38-2376" by inserting "65-1626, 65-1637, 65-1683, 65-1685, 65-1693, 65-4101,";

On page 1, in the title, in line 1, by striking "crimes, punishment and criminal procedure"; and inserting "drugs"; in line 3, after "offenders" by inserting "; electronic prescription and prescription monitoring program"; in line 4, after "amending" by inserting "K.S.A. 65-4123 and"; in line 8, after "38-2376," by inserting "65-1626, 65-1637, 65-1683, 65-1685, 65-1693, 65-4101,"

**S Sub for HB 2318** be further amended by motion of Senator King, on page 1, following line 12, by inserting:

"New Section 1. (a) Endangerment is recklessly exposing another person to a danger of great bodily harm or death.

(b) Endangerment is a class A person misdemeanor.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 2011 Supp. 21-5109 is hereby amended to read as follows: 21-5109.

(a) When the same conduct of a defendant may establish the commission of more than one crime under the laws of this state, the defendant may be prosecuted for each of such crimes. Each of such crimes may be alleged as a separate count in a single complaint, information or indictment.

(b) Upon prosecution for a crime, the defendant may be convicted of either the crime charged or a lesser included crime, but not both. A lesser included crime is:

(1) A lesser degree of the same crime;

(2) a crime where all elements of the lesser crime are identical to some of the elements of the crime charged;

(3) an attempt to commit the crime charged; or

(4) an attempt to commit a crime defined under paragraph (1) or (2).

(c) Whenever charges are filed against a person, accusing the person of a crime which includes another crime of which the person has been convicted, the conviction of the lesser included crime shall not bar prosecution or conviction of the crime charged if the crime charged was not consummated at the time of conviction of the lesser included

crime, but the conviction of the lesser included crime shall be annulled upon the filing of such charges. Evidence of the person's plea or any admission or statement made by the person in connection therewith in any of the proceedings which resulted in the person's conviction of the lesser included crime shall not be admissible at the trial of the crime charged. If the person is convicted of the crime charged, or of a lesser included crime, the person so convicted shall receive credit against any prison sentence imposed or fine to be paid for the period of confinement actually served or the amount of any fine actually paid under the sentence imposed for the annulled conviction.

(d) Unless otherwise provided by law, when crimes differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct, the defendant:

- (1) May not be convicted of the two crimes based upon the same conduct; and
- (2) shall be sentenced according to the terms of the more specific crime.

(e) A defendant may not be convicted of identical offenses based upon the same conduct. The prosecution may choose which such offense to charge and, upon conviction, the defendant shall be sentenced according to the terms of that offense.

Sec. 3. K.S.A. 2011 Supp. 21-5302 is hereby amended to read as follows: 21-5302.

(a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It is immaterial to the criminal liability of a person charged with conspiracy that any other person with whom the defendant conspired lacked the actual intent to commit the underlying crime provided that the defendant believed the other person did have the actual intent to commit the underlying crime.

~~(b)~~ (c) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

~~(e)~~ (d) (1) Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of:

(A) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5426, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism as defined in K.S.A. 2011 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction as defined in K.S.A. 2011 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in subsection (a)(3) of K.S.A. 2011 Supp. 21-5503, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, if the offender is 18 years of age or older;

(G) promoting prostitution, as defined in K.S.A. 2011 Supp. 21-6420, and amendments thereto, if the offender is 18 years of age or older and the prostitute is less than 14 years of age; or

(H) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2011 Supp. 21-5510, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age.

~~(e)~~ (e) Conspiracy to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

~~(f)~~ (f) A conspiracy to commit a misdemeanor is a class C misdemeanor.

Sec. 4. K.S.A. 2011 Supp. 21-5402 is hereby amended to read as follows: 21-5402. (a) Murder in the first degree is the killing of a human being committed:

(1) Intentionally, and with premeditation; or  
 (2) in the commission of, attempt to commit, or flight from any inherently dangerous felony.

(b) Murder in the first degree is an off-grid person felony.

(c) As used in this section, an "inherently dangerous felony" means:

(1) Any of the following felonies, whether such felony is so distinct from the homicide alleged to be a violation of subsection (a)(2) as not to be an ingredient of the homicide alleged to be a violation of subsection (a)(2):

(A) Kidnapping, as defined in subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

(B) aggravated kidnapping, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

(C) robbery, as defined in subsection (a) of K.S.A. 2011 Supp. 21-5420, and amendments thereto;

(D) aggravated robbery, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5420, and amendments thereto;

(E) rape, as defined in K.S.A. 2011 Supp. 21-5503, and amendments thereto;

(F) aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto;

(G) abuse of a child, as defined in K.S.A. 2011 Supp. 21-5602, and amendments thereto;

(H) felony theft of property as defined in subsection (a)(1) or (a)(3) of K.S.A. 2011 Supp. 21-5801, and amendments thereto;

(I) burglary, as defined in subsection (a) of K.S.A. 2011 Supp. 21-5807, and amendments thereto;

(J) aggravated burglary, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5807, and amendments thereto;

(K) arson, as defined in subsection (a) of K.S.A. 2011 Supp. 21-5812, and amendments thereto;

(L) aggravated arson, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5812, and amendments thereto;

(M) treason, as defined in K.S.A. 2011 Supp. 21-5901, and amendments thereto;

(N) any felony offense as provided in K.S.A. 2011 Supp. 21-5703, 21-5705 or 21-5706, and amendments thereto;

(O) any felony offense as provided in subsection (a) or (b) of K.S.A. 2011 Supp. 21-6308, and amendments thereto;

(P) endangering the food supply, as defined in subsection (a) of K.S.A. 2011 Supp. 21-6317, and amendments thereto;

(Q) aggravated endangering the food supply, as defined in subsection (b) of K.S.A. 2011 Supp. 21-6317, and amendments thereto;

(R) fleeing or attempting to elude a police officer, as defined in subsection (b) of K.S.A. 8-1568, and amendments thereto; ~~or~~

(S) aggravated endangering a child, as defined in subsection (b)(1) of K.S.A. 2011 Supp. 21-5601, and amendments thereto;

(T) abandonment of a child, as defined in subsection (a) of K.S.A. 2011 Supp. 21-5605, and amendments thereto; or

(U) aggravated abandonment of a child, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5605, and amendments thereto; and

(2) any of the following felonies, only when such felony is so distinct from the homicide alleged to be a violation of subsection (a)(2) as to not be an ingredient of the homicide alleged to be a violation of subsection (a)(2):

(A) Murder in the first degree, as defined in subsection (a)(1);

(B) murder in the second degree, as defined in subsection (a)(1) of K.S.A. 2011 Supp. 21-5403, and amendments thereto;

(C) voluntary manslaughter, as defined in subsection (a)(1) of K.S.A. 2011 Supp. 21-5404, and amendments thereto;

(D) aggravated assault, as defined in subsection (b) of K.S.A. 2011 Supp. 21-5412, and amendments thereto;

(E) aggravated assault of a law enforcement officer, as defined in subsection (d) of K.S.A. 2011 Supp. 21-5412, and amendments thereto;

(F) aggravated battery, as defined in subsection (b)(1) of K.S.A. 2011 Supp. 21-5413, and amendments thereto; or

(G) aggravated battery against a law enforcement officer, as defined in subsection (d) of K.S.A. 2011 Supp. 21-5413, and amendments thereto.

Sec. 5. K.S.A. 2011 Supp. 21-5426 is hereby amended to read as follows: 21-5426.

(a) Human trafficking is:

(1) The intentional recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor;

(2) intentionally benefitting financially or by receiving anything of value from participation in a venture that the person has reason to know has engaged in acts set forth in subsection (a)(1);

(3) knowingly coercing employment by obtaining or maintaining labor or services that are performed or provided by another person through any of the following:

(A) Causing or threatening to cause physical injury to any person;

(B) physically restraining or threatening to physically restrain another person;

(C) abusing or threatening to abuse the law or legal process;

(D) threatening to withhold food, lodging or clothing; or

(E) knowingly destroying, concealing, removing, confiscating or possessing any

actual or purported government identification document of another person; or

(4) knowingly holding another person in a condition of peonage in satisfaction of a debt owed the person who is holding such other person.

(b) Aggravated human trafficking is:

(+) human trafficking, as defined in subsection (a):

~~(A)~~ (1) Involving the commission or attempted commission of kidnapping, as defined in subsection (a) of K.S.A. 2011 Supp. 21-5408, and amendments thereto;

~~(B)~~ (2) committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or

~~(C)~~ (3) resulting in a death; or

~~(2)~~ (4) involving recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat or coercion, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.

(c) (1) Human trafficking is a severity level 2, person felony.

(2) Aggravated human trafficking is a severity level 1, person felony, except as provided in subsection (c)(3).

(3) Aggravated human trafficking or attempt, conspiracy or criminal solicitation to commit aggravated human trafficking is an off-grid person felony, when the offender is 18 years of age or older and the victim is less than 14 years of age.

(d) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:

(1) Subsection (c) of K.S.A. 2011 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of aggravated human trafficking pursuant to this section;

(2) subsection (c) of K.S.A. 2011 Supp. 21-5302, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of aggravated human trafficking pursuant to this section; and

(3) subsection (d) of K.S.A. 2011 Supp. 21-5303, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of aggravated human trafficking pursuant to this section.

(e) The provisions of this section shall not apply to the use of the labor of any person incarcerated in a state or county correctional facility or city jail.

(f) As used in this section, "peonage" means a condition of involuntary servitude in which the victim is forced to work for another person by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.

Sec. 6. K.S.A. 2011 Supp. 21-5604 is hereby amended to read as follows: 21-5604.

(a) Incest is marriage to or engaging in otherwise lawful sexual intercourse or sodomy, as defined in K.S.A. 2011 Supp. 21-5501, and amendments thereto, with a person who is 18 or more years of age and who is known to the offender to be related to the offender as any of the following biological relatives: Parent, child, grandparent of any degree, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece.

(b) Aggravated incest is:

(1) Marriage to a person who is under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive

relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece; or

(2) engaging in the following acts with a person who is 16 or more years of age but under 18 years of age and who is known to the offender to be related to the offender as any of the following biological, step or adoptive relatives: Child, grandchild of any degree, brother, sister, half-brother, half-sister, uncle, aunt, nephew or niece:

(A) Otherwise lawful sexual intercourse or sodomy as defined by K.S.A. 2011 Supp. 21-5501, and amendments thereto; or

(B) any lewd fondling, as described in subsection (a)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto.

(c) (1) Incest is a severity level 10, person felony.

(2) Aggravated incest as defined in:

(A) Subsection (b)(2)(A) is a:

(i) Severity level 5, person felony, except as provided in subsection (c)(2)(A)(ii); and

(ii) severity level 3, person felony if the victim is the offender's biological, step or adoptive child; and

(B) subsection (b)(1) or (b)(2)(B) is a severity level 7, person felony.";

And by renumbering sections accordingly;

On page 16, following line 36, by inserting:

"Sec. 17. K.S.A. 2011 Supp. 21-5806 is hereby amended to read as follows: 21-5806. (a) Unlawful use of recordings is:

(1) Knowingly, and without the consent of the owner, duplicating or causing to be duplicated any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, or recording or causing to be recorded any live performance, with the intent to sell, rent or cause to be sold or rented, any such duplicated sounds or any such recorded performance, or to give away such duplicated sounds or recorded performance as part of a promotion for any product or service;

(2) distributing or possessing with the intent to distribute, any article produced in violation of subsection (a)(1) knowing or having reasonable grounds to know that such article was produced in violation of law; ~~or~~

(3) possessing any article produced in violation of subsection (a)(1) knowing or having reasonable grounds to know that such article was produced in violation of law; or

~~(3)(4)~~ knowingly selling, renting, offering for sale or rental, or possessing, transporting or manufacturing with intent to sell or rent, any phonograph record, audio or video disc, wire, audio or video tape, film or other article now known or later developed on which sounds, images, or both sounds and images are recorded or otherwise stored, unless the outside cover, box or jacket clearly and conspicuously discloses the name and address of the manufacturer of such recorded article.

(b) Unlawful use of recordings:

(1) Is a severity level 9, nonperson felony, except as provided in subsections (b)(2) and (b)(3); and

(2) as defined in subsection (a)(2) or ~~(a)(3)~~ (a)(4), is a class A nonperson misdemeanor if the offense involves fewer than seven audio visual recordings, or fewer than 100 sound recordings during a 180-day period; and

(3) as defined in subsection (a)(3), is a class B nonperson misdemeanor.

(c) The provisions of subsection (a)(1) shall not apply to:

(1) Any broadcaster who, in connection with or as part of a radio or television broadcast or cable transmission, or for the purpose of archival preservation, duplicates any such sounds recorded on a sound recording;

(2) any person who duplicates such sounds or such performance for personal use, and without compensation for such duplication; or

(3) any sounds initially fixed in a tangible medium of expression after February 15, 1972.

(d) The provisions of subsections (a)(1) and (a)(3) shall not apply to any computer program or any audio or visual recording that is part of any computer program or to any article or device on which is exclusively recorded any such computer program.

(e) As used in this section:

(1) "Owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master wire, master tape, master film or other device used for reproducing sounds on phonograph records, discs, wires, tapes, films or other articles now known or later developed upon which sound is recorded or otherwise stored, and from which the duplicated recorded sounds are directly or indirectly derived, or the person who owns the right to record such live performance; and

(2) "computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

(f) It shall be the duty of all law enforcement officers, upon discovery, to confiscate all recorded devices that do not conform to the provisions of this section and that are possessed for the purpose of selling or renting such recorded devices, and all equipment and components used or intended to be used to knowingly manufacture recorded devices that do not conform to the provisions of such section for the purpose of selling or renting such recorded devices. The nonconforming recorded devices that are possessed for the purpose of selling or renting such recorded devices are contraband and shall be delivered to the district attorney for the county in which the confiscation was made, by court order, and shall be destroyed or otherwise disposed of, if the court finds that the person claiming title to such recorded devices possessed such recorded devices for the purpose of selling or renting such recorded devices. The equipment and components confiscated shall be delivered to the district attorney for the county in which the confiscation was made, by court order upon conviction, and may be given to a charitable or educational organization.

Sec. 18. K.S.A. 2011 Supp. 21-5807 is hereby amended to read as follows: 21-5807. (a) Burglary is, without authority, entering into or remaining within any:

(1) Dwelling, with intent to commit a felony, theft or ~~sexual battery~~ sexually motivated crime therein;

(2) building, manufactured home, mobile home, tent or other structure which is not a dwelling, with intent to commit a felony, theft or ~~sexual battery~~ sexually motivated crime therein; or

(3) vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property, with intent to commit a felony, theft or ~~sexual battery~~ sexually motivated crime therein.

(b) Aggravated burglary is, without authority, entering into or remaining within any building, manufactured home, mobile home, tent or other structure, or any vehicle,

aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being with intent to commit a felony, theft or ~~sexual battery~~ sexually motivated crime therein.

(c) (1) Burglary as defined in:

- (A) Subsection (a)(1) is a severity level 7, person felony;
- (B) subsection (a)(2) is a severity level 7, nonperson felony; and
- (C) subsection (a)(3) is a severity level 9, nonperson felony.

(2) Aggravated burglary is a severity level 5, person felony.

(d) As used in this section, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

Sec. 19. K.S.A. 2011 Supp. 21-5904 is hereby amended to read as follows: 21-5904. (a) Interference with law enforcement is:

(1) Falsely reporting to a law enforcement officer or state investigative agency ~~that a crime has been committed, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or~~

(A) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or

(B) any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty;

(2) concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or

~~(2)(3)~~ knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

(b) (1) Interference with law enforcement as defined in subsection (a)(1) or (a)(2) is a class A nonperson misdemeanor, except as provided in subsection (b)(2).

(2) Interference with law enforcement as defined in:

(A) Subsection (a)(1)(A) or (a)(2) is a severity level 8, nonperson felony in the case of a felony; and

(B) subsection (a)(1)(B) is a severity level 9, nonperson felony in the case of a felony.

~~(2)(3)~~ Interference with law enforcement as defined in subsection ~~(a)(2)~~ (a)(3) is a:

(A) Severity level 9, nonperson felony in the case of a felony, or resulting from parole or any authorized disposition for a felony; and

(B) class A nonperson misdemeanor in the case of a misdemeanor, or resulting from any authorized disposition for a misdemeanor, or a civil case.

Sec. 20. K.S.A. 2011 Supp. 21-5905 is hereby amended to read as follows: 21-5905. (a) Interference with the judicial process is:

(1) Communicating with any judicial officer in relation to any matter which is or may be brought before such judge, magistrate, master or juror with intent improperly to influence such officer;

(2) committing any of the following acts, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor:

(A) Communicating in any manner a threat of violence to any judicial officer or

any prosecutor;

(B) harassing a judicial officer or a prosecutor by repeated vituperative communication; or

(C) picketing, parading or demonstrating near such officer's or prosecutor's residence or place of abode;

(3) picketing, parading or demonstrating in or near a building housing a judicial officer or a prosecutor with intent to impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor;

(4) knowingly accepting or agreeing to accept anything of value as consideration for a promise:

(A) Not to initiate or aid in the prosecution of a person who has committed a crime; or

(B) to conceal, ~~or~~ destroy or materially alter evidence of a crime; ~~or~~

(5) concealing, destroying or materially altering evidence with the intent to influence, impede or obstruct any proceeding, civil or criminal; or

~~(5)(6)~~ when performed by a person summoned or sworn as a juror in any case:

(A) Intentionally soliciting, accepting or agreeing to accept from another any benefit as consideration to wrongfully give a verdict for or against any party in any proceeding, civil or criminal;

(B) intentionally promising or agreeing to wrongfully give a verdict for or against any party in any proceeding, civil or criminal; or

(C) knowingly receiving any evidence or information from anyone in relation to any matter or cause for the trial of which such juror has been or will be sworn, without the authority of the court or officer before whom such juror has been summoned, and without immediately disclosing the same to such court or officer.

(b) Interference with the judicial process as defined in:

(1) Subsection (a)(1) is a severity level 9, nonperson felony;

(2) subsection (a)(2) and (a)(3) is a class A nonperson misdemeanor;

(3) subsection (a)(4) is a:

(A) Severity level 8, nonperson felony if the crime is a felony; ~~or~~ and

(B) class A nonperson misdemeanor if the crime is a misdemeanor;

(4) subsection (a)(5) is a:

(A) Severity level 8, nonperson felony if the proceeding is a felony prosecution;

and

(B) class A nonperson misdemeanor if the proceeding is any proceeding other than a felony prosecution;

~~(4)(5)~~ subsection ~~(a)(5)(A)~~ (a)(6)(A) is a severity level 7, nonperson felony; and

~~(5)(6)~~ subsection ~~(a)(5)(B) or (a)(5)(C)~~ (a)(6)(B) or (a)(6)(C) is a severity level 9, nonperson felony.

(c) Nothing in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt.

Sec. 21. K.S.A. 2011 Supp. 21-5907 is hereby amended to read as follows: 21-5907. (a) Simulating legal process is:

(1) Distributing to another any document which simulates or purports to be, or is designed to cause others to believe it to be, a summons, petition, complaint or other judicial process, with intent thereby to induce payment of a claim ~~legal process, with the~~

intent to mislead the recipient and cause the recipient to take action in reliance thereon;  
or

(2) printing or distributing any such document, knowing that it shall be so used.

(b) Simulating legal process is a class A nonperson misdemeanor.

(c) This section shall not apply to the printing or distribution of blank forms of legal documents intended for actual use in judicial proceedings.

Sec. 22. K.S.A. 2011 Supp. 21-5911 is hereby amended to read as follows: 21-5911. (a) Escape from custody is escaping while held in custody on a: (1) Charge-~~or~~, conviction of or arrest for a misdemeanor;

(2) charge-~~or~~, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a misdemeanor; or

(3) commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a misdemeanor or by a person 18 years of age or over who is being held in custody on a adjudication of a misdemeanor.

(b) Aggravated escape from custody is:

(1) Escaping while held in custody:

(A) Upon a charge-~~or~~, conviction of or arrest for a felony;

(B) upon a charge-~~or~~, adjudication or arrest as a juvenile offender where the act, if committed by an adult, would constitute a felony;

(C) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05, and amendments thereto;

(D) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 *et seq.*, and amendments thereto;

(E) upon a commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a felony;

(F) by a person 18 years of age or over who is being held on an adjudication of a felony; or

(G) upon incarceration at a state correctional institution while in the custody of the secretary of corrections.

(2) Escaping effected or facilitated by the use of violence or the threat of violence against any person while held in custody:

(A) On a charge or conviction of any crime;

(B) on a charge or adjudication as a juvenile offender where the act, if committed by an adult, would constitute a felony;

(C) prior to or upon a finding of probable cause for evaluation as a sexually violent predator as provided in K.S.A. 59-29a05, and amendments thereto;

(D) upon commitment to a treatment facility as a sexually violent predator as provided in K.S.A. 59-29a01 *et seq.*, and amendments thereto;

(E) upon a commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting any crime;

(F) by a person 18 years of age or over who is being held on a charge or adjudication of a misdemeanor or felony; or

(G) upon incarceration at a state correctional institution while in the custody of the secretary of corrections.

- (c) (1) Escape from custody is a class A nonperson misdemeanor.
- (2) Aggravated escape from custody as defined in:
- (A) Subsection (b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(E) or (b)(1)(F) is a severity level 8, nonperson felony;
- (B) subsection (b)(1)(B) or (b)(1)(G) is a severity level 5, nonperson felony;
- (C) subsection (b)(2)(A), (b)(2)(C), (b)(2)(D), (b)(2)(E) or (b)(2)(F) is a severity level 6, person felony; and
- (D) subsection (b)(2)(B) or (b)(2)(G) is a severity level 5, person felony.
- (d) As used in this section and K.S.A. 2011 Supp. 21-5912, and amendments thereto:
- (1) "Custody" means arrest; detention in a facility for holding persons charged with or convicted of crimes or charged or adjudicated as a juvenile offender; detention for extradition or deportation; detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program; commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. "Custody" does not include general supervision of a person on probation or parole or constraint incidental to release on bail;
- (2) "escape" means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court;
- (3) "juvenile offender" means the same as in K.S.A. 2011 Supp. 38-2302, and amendments thereto; and
- (4) "state correctional institution" means the same as in K.S.A. 75-5202, and amendments thereto.
- (e) As used in this section, the term "charge" shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender's escape from custody.
- Sec. 23. K.S.A. 2011 Supp. 21-6001 is hereby amended to read as follows: 21-6001. (a) Bribery is:
- (1) Offering, giving or promising to give, directly or indirectly, to any person who is a public officer, candidate for public office or public employee any benefit, reward or consideration to which the person is not legally entitled with intent thereby to influence the person with respect to the performance of the person's powers or duties as a public officer or employee; or
- (2) the act of a person who is a public officer, candidate for public office or public employee, in requesting, receiving or agreeing to receive, directly or indirectly, any benefit, reward or consideration given with intent that the person will be so influenced.
- (1) With the intent to improperly influence a public official, offering, giving or promising to give, directly or indirectly, to any public official any benefit, reward or consideration which the public official is not permitted by law to accept, in exchange for the performance or omission of performance of the public official's powers or duties or a promise to perform or omit performance of such powers or duties; or
- (2) the act of a public official intentionally requesting, receiving or agreeing to receive, directly or indirectly, any benefit, reward or consideration, which the public official is not permitted by law to accept, with the intent to improperly influence such public official and in exchange for the performance or omission of performance of the

public official's powers or duties or a promise to perform or omit performance of such powers or duties.

(b) Bribery is a severity level 7, nonperson felony. Upon conviction of bribery, ~~a public officer or public employee~~ a public official shall forfeit the person's office or employment. Notwithstanding an expungement of the conviction pursuant to K.S.A. 2011 Supp. 21-6614, and amendments thereto, any person convicted of bribery under the provisions of this section shall be forever disqualified from holding public office or public employment in this state.

(c) As used in this section, "public official" means any person who is a public officer, candidate for public office or public employee.

Sec. 24. K.S.A. 2011 Supp. 21-6110 is hereby amended to read as follows: 21-6110. (a) ~~No person shall~~ It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

- (1) Public places;
- (2) taxicabs and limousines;
- (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
- (4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;
- (5) access points of all buildings and facilities not exempted pursuant to subsection (d); and
- (6) any place of employment.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this section, K.S.A. 2011 Supp. 21-6111 or 21-6112, and amendments thereto, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

- (1) The outdoor areas of any building or facility beyond the access points of such building or facility;
- (2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;
- (3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;
- (4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;
- (5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is

fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a class A or class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 et seq., and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of health and environment in writing, not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises;

(9) a private club in designated areas where minors are prohibited; and

(10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that:

(A) Is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(B) is conducted no more than once per calendar year by such organization; and

(C) has been held during each of the previous three years prior to January 1, 2011.

Sec. 25. K.S.A. 2011 Supp. 21-6112 is hereby amended to read as follows: 21-6112. (a) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, to fail to comply with all or any of the provisions of K.S.A. 2011 Supp. 21-6109 through 21-6116, and amendments thereto.

(b) It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, to allow smoking to occur where prohibited by law. Any such person shall be deemed to allow smoking to occur under this subsection if such person: (1) Has knowledge that smoking is occurring; and (2) ~~acquiesces to the~~ recklessly permits smoking under the totality of the circumstances.

(c) It shall be unlawful for any person, with no requirement of a culpable mental state, to smoke in any area where smoking is prohibited by the provisions of K.S.A. 2011 Supp. 21-6110, and amendments thereto.

(d) Any person who violates any provision of K.S.A. 2011 Supp. 21-6109 through 21-6116, and amendments thereto, shall be guilty of a cigarette or tobacco infraction punishable by a fine:

(1) Not exceeding \$100 for the first violation;

(2) Not exceeding \$200 for a second violation within a one year period after the first violation; or

(3) not exceeding \$500 for a third or subsequent violation within a one year period after the first violation.

For purposes of this subsection, the number of violations within a year shall be measured by the date the smoking violations occur.

(e) Each individual allowed to smoke by a person who owns, manages, operates or otherwise controls the use of any public place, or other area where smoking is prohibited, in violation of subsection (b) shall be considered a separate violation for purposes of determining the number of violations under subsection (d).

(f) No employer shall discharge, refuse to hire or ~~in any manner retaliate~~ take any other adverse action against an employee, applicant for employment or customer ~~because with the intent to retaliate against~~ that employee, applicant or customer ~~reports or attempts for reporting or attempting~~ to prosecute a violation of any of the provisions of K.S.A. 2011 Supp. 21-6109 through 21-6116, and amendments thereto.

Sec. 26. K.S.A. 2011 Supp. 21-6312 is hereby amended to read as follows: 21-6312. (a) Criminal possession of explosives is the possession of any explosive or detonating substance by a person who, within five years preceding such possession, has been convicted of a felony under the laws of this or any other jurisdiction or has been released from imprisonment for a felony.

(b) Criminal disposal of explosives is knowingly and without lawful authority distributing any explosive or detonating substance to a person:

(1) Under 21 years of age, regardless of whether the seller, donor or transferor knows the age of such person;

(2) who is both addicted to and an unlawful user of a controlled substance; or

(3) who, within the preceding five years, has been convicted of a felony under the laws of this or any other jurisdiction or has been released from imprisonment for a felony.

(c) Carrying concealed explosives is carrying any explosive or detonating substance on the person in a wholly or partly concealed manner.

(d) (1) Criminal possession of explosives is a severity level 7, person felony.

(2) Criminal disposal of explosives is a severity level 10, person felony.

(3) Carrying concealed explosives is a class C A person misdemeanor.

(e) As used in subsections (a) and (b), "explosives" means any chemical compound, mixture or device, of which the primary purpose is to function by explosion, and includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

Sec. 27. K.S.A. 2011 Supp. 21-6412 is hereby amended to read as follows: 21-6412. (a) Cruelty to animals is:

(1) Knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;

(2) knowingly abandoning any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and knowingly failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(5) knowingly but not maliciously killing or injuring any animal; or

(6) knowingly and maliciously administering any poison to any domestic animal.

(b) Cruelty to animals as defined in:

(1) Subsection (a)(1) or (a)(6) is a nonperson felony. Upon conviction of subsection (a)(1) or (a)(6), a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than \$500 nor more than \$5,000. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as

provided herein. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program; and

(2) subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a:

(A) Class A nonperson misdemeanor, except as provided in subsection (b)(2)(B); and

(B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment and be fined not less than \$500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

(c) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) *bona fide* experiments carried on by commonly recognized research facilities;

(3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated, and amendments thereto;

(4) rodeo practices accepted by the rodeo cowboys' association;

(5) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in subsection (x) of K.S.A. 2-2438a, and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(d) The provisions of subsection (a)(6) shall not apply to any person exposing

poison upon their premises for the purpose of destroying wolves, coyotes or other predatory animals.

(e) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. If the animal is placed in the care of an animal shelter, the animal shelter shall notify the owner or custodian, if known or reasonably ascertainable. If the owner or custodian is charged with a violation of this section, the board of county commissioners in the county where the animal was taken into custody shall establish and approve procedures whereby the animal shelter may petition the district court to be allowed to place the animal for adoption or euthanize the animal at any time after 21 days after the owner or custodian is notified or, if the owner or custodian is not known or reasonably ascertainable after 21 days after the animal is taken into custody, unless the owner or custodian of the animal files a renewable cash or performance bond with the county clerk of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for 30 days. Upon receiving such petition, the court shall determine whether the animal may be placed for adoption or euthanized. The board of county commissioners in the county where the animal was taken into custody shall review the cost of care and treatment being charged by the animal shelter maintaining the animal.

(f) The owner or custodian of an animal placed for adoption or killed pursuant to subsection (e) shall not be entitled to recover damages for the placement or killing of such animal unless the owner proves that such placement or killing was unwarranted.

(g) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (e), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

~~(h) Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility alleging the commission of cruelty to animals, the county or district attorney shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.~~

~~(h)~~ (h) If a person is adjudicated guilty of the crime of cruelty to animals, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

~~(i)~~ (i) As used in this section:

- (1) "Equine" means a horse, pony, mule, jenny, donkey or hinny; and
- (2) "maliciously" means a state of mind characterized by actual evil-mindedness or

specific intent to do a harmful act without a reasonable justification or excuse.";

Sec. 28. K.S.A. 2011 Supp. 21-6413 is hereby amended to read as follows: 21-6413 (a) Unlawful disposition of animals is knowingly raffling, ~~or~~ giving as a prize or premium ~~or using as an advertising device or promotional display~~ living rabbits or chickens, ducklings or goslings.

(b) Unlawful disposition of animals is a class C misdemeanor.

(c) The provisions of this section shall not apply to a person giving such animals to minors for use in agricultural projects under the supervision of commonly recognized youth farm organizations.";

And by renumbering sections accordingly;

On page 42, following line 5, by inserting:

"Sec. 36. K.S.A. 2011 Supp. 21-6819 is hereby amended to read as follows: 21-6819. (a) The provisions of subsections (a), (b), (c), (d), (e) and (h) of K.S.A. 2011 Supp. 21-6606, and amendments thereto, regarding multiple sentences shall apply to the sentencing of offenders pursuant to the sentencing guidelines. The mandatory consecutive sentence requirements contained in subsections (c), (d) and (e) of K.S.A. 2011 Supp. 21-6606, and amendments thereto, shall not apply if such application would result in a manifest injustice.

(b) The sentencing judge shall otherwise have discretion to impose concurrent or consecutive sentences in multiple conviction cases. The sentencing judge may consider the need to impose an overall sentence that is proportionate to the harm and culpability and shall state on the record if the sentence is to be served concurrently or consecutively. In cases where consecutive sentences may be imposed by the sentencing judge, the following shall apply:

(1) When the sentencing judge imposes multiple sentences consecutively, the consecutive sentences shall consist of an imprisonment term which ~~is~~ may not exceed the sum of the consecutive imprisonment terms, and a supervision term. The sentencing judge shall have the discretion to impose a consecutive term of imprisonment for a crime other than the primary crime of any term of months not to exceed the nonbase sentence as determined under subsection (b)(5). The postrelease supervision term will be based on the longest supervision term imposed for any of the crimes.

(2) The sentencing judge shall establish a base sentence for the primary crime. The primary crime is the crime with the highest crime severity ranking. An off-grid crime shall not be used as the primary crime in determining the base sentence when imposing multiple sentences. If sentences for off-grid and on-grid convictions are ordered to run consecutively, the offender shall not begin to serve the on-grid sentence until paroled from the off-grid sentence, and the postrelease supervision term will be based on the off-grid crime. If more than one crime of conviction is classified in the same crime category, the sentencing judge shall designate which crime will serve as the primary crime. In the instance of sentencing with both the drug grid and the nondrug grid and simultaneously having a presumption of imprisonment and probation, the sentencing judge shall use the crime which presumes imprisonment as the primary crime. In the instance of sentencing with both the drug grid and the nondrug grid and simultaneously having a presumption of either both probation or both imprisonment, the sentencing judge shall use the crime with the longest sentence term as the primary crime.

(3) The base sentence is set using the total criminal history score assigned.

(4) The total prison sentence imposed in a case involving multiple convictions

arising from multiple counts within an information, complaint or indictment cannot exceed twice the base sentence. This limit shall apply only to the total sentence, and it shall not be necessary to reduce the duration of any of the nonbase sentences imposed to be served consecutively to the base sentence. The postrelease supervision term will reflect only the longest such term assigned to any of the crimes for which consecutive sentences are imposed. Supervision periods shall not be aggregated.

(5) Nonbase sentences shall not have criminal history scores applied, as calculated in the criminal history I column of the grid, but base sentences shall have the full criminal history score assigned. In the event a conviction designated as the primary crime in a multiple conviction case is reversed on appeal, the appellate court shall remand the multiple conviction case for resentencing. Upon resentencing, if the case remains a multiple conviction case the court shall follow all of the provisions of this section concerning the sentencing of multiple conviction cases.

(6) If the sentence for the primary crime is a prison term, the entire imprisonment term of the consecutive sentences will be served in prison.

(7) If the sentence for the consecutive sentences is a prison term, the postrelease supervision term is a term of postrelease supervision as established for the primary crime.

(8) If the sentence for the primary crime is a nonprison sentence, a nonprison term will be imposed for each crime conviction, but the nonprison terms shall not be aggregated or served consecutively even though the underlying prison sentences have been ordered to be served consecutively. Upon revocation of the nonprison sentence, the offender shall serve the prison sentences consecutively as provided in this section.

(c) The following shall apply for a departure from the presumptive sentence based on aggravating factors within the context of consecutive sentences:

(1) The court may depart from the presumptive limits for consecutive sentences only if the judge finds substantial and compelling reasons to impose a departure sentence for any of the individual crimes being sentenced consecutively.

(2) When a departure sentence is imposed for any of the individual crimes sentenced consecutively, the imprisonment term of that departure sentence shall not exceed twice the maximum presumptive imprisonment term that may be imposed for that crime.

(3) The total imprisonment term of the consecutive sentences, including the imprisonment term for the departure crime, shall not exceed twice the maximum presumptive imprisonment term of the departure sentence following aggravation.";

And by renumbering sections accordingly;

On page 78, in line 10, after "Supp." by inserting "21-5109, 21-5302, 21-5402, 21-5426, 21-5604,"; in line 11, after "21-5716," by inserting "21-5806, 21-5807, 21-5904, 21-5905, 21-5907, 21-5911, 21-6001, 21-6110, 21-6112, 21-6312, 21-6412, 21-6413,"; in line 13, after "6810," by inserting "21-6819,";

On page 1, in the title, in line 1, following "procedure;" by inserting "creating the crime of armed criminal action;" in line 2, following "to" by inserting "further amendments to the Kansas criminal code;" in line 4, following "Supp." by inserting "21-5109, 21-5302, 21-5402, 21-5426, 21-5604,"; in line 5, following "21-5716," by inserting "21-5806, 21-5807, 21-5904, 21-5905, 21-5907, 21-5911, 21-6001, 21-6110, 21-6112, 21-6312, 21-6412, 21-6413,"; in line 6, following "21-6810," by inserting "21-6819,"

and **S Sub for HB 2318** be passed as amended.

Senator Owens moved to adopt the committee report on **HB 2606**.

Senator Abrams offered an amendment on **HB 2606**.

On motion of Senator Emler the senate recessed until 3:50 p.m.

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The senate met pursuant to recess with Senator Brungardt in the chair.

The senate returned to the Committee of the Whole.

A motion by Senator Abrams to amend **HB 2606** failed and the following amendment was rejected:

On page 157, by striking all in lines 6 through 43;

By striking all on pages 158 through 244;

On page 245, by striking all in lines 1 through 20 and inserting the following:

"Sec. 134. Senatorial district 1 shall consist of all of Atchison county; and all of Brown county; and all of Doniphan county; and all of Jackson county; and all of Pottawatomie county.

Sec. 135. Senatorial district 2 shall consist of the following blocks in voting district (000030), tract 0008.01, block group 1, in Douglas county: block 006, block 007, block 009, block 010, block 046; and the following blocks in voting district (000030), tract 0014.00, block group 1, in Douglas county: block 009, block 092; and the following blocks in voting district (00006A), tract 0006.03, block group 1, in Douglas county: block 060, block 065, block 066; and the following blocks in voting district (00006A), tract 0016.00, block group 2, in Douglas county: block 012, block 013, block 044, block 046, block 047, block 048, block 049, block 056; and the following voting districts in Douglas county: (00007A), (000080), (000090), (00010A), (000110), (00012A), (000130), (000140), (000150), (000160), (000170), (000180), (000190), (000200), (000210), (000220), (000230), (000240), (000250), (000260), (000270), (000280), (000290), (000300), (000310), (000320), (000330), (000340), (000350), (000360), (000370), (000380), (000400), (000410), (000420), (000430), (00044A), (000450), (000460), (000470), (00050A), (00050C), (00052A), (00053A), (000560); and the following blocks in voting district (00061A), tract 0005.01, block group 1, in Douglas county: block 001, block 003, block 005, block 037; and the following blocks in voting district (00061A), tract 0006.03, block group 1, in Douglas county: block 001, block 006, block 007, block 011, block 012, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 028, block 029, block 038; and the following blocks in voting district (00061A), tract 0006.03, block group 2, in Douglas county: block 000, block 001, block 002, block 003, block 009, block 010, block 014, block 015, block 026, block 027, block 085; and the following blocks in voting district (00061A), tract 0006.04, block group 1, in Douglas county: block 007; and the following blocks in voting district (00061A), tract 0015.00, block group 1, in Douglas county: block 053, block 054, block 055, block 056, block 057, block 060, block 061, block 063, block 069, block 076; and the following blocks in voting district (00067A), tract 0008.01, block group 1, in Douglas county: block 017, block 028, block 029, block 038, block 039, block 040, block 041, block 042, block 048, block 049; and the following blocks in voting district (00067A), tract 0008.01, block group 2, in Douglas

county: block 032, block 033, block 038, block 039, block 040, block 041, block 043, block 045; and the following blocks in voting district (00067A), tract 0008.02, block group 2, in Douglas county: block 004, block 005, block 006, block 007, block 016, block 017, block 018, block 019, block 020, block 021, block 022; and the following blocks in voting district (00067A), tract 0009.02, block group 1, in Douglas county: block 031, block 032, block 037, block 038, block 039; and the following blocks in voting district (00067A), tract 0012.01, block group 1, in Douglas county: block 073, block 074; and the following blocks in voting district (00067A), tract 0014.00, block group 1, in Douglas county: block 000, block 001, block 002, block 003, block 004, block 005; and the following voting districts in Douglas county: (00067B); and the following blocks in voting district (200010), tract 0010.01, block group 2, in Douglas county: block 028, block 038; and the following blocks in voting district (200010), tract 0010.02, block group 2, in Douglas county: block 050, block 052; and the following blocks in voting district (200010), tract 0012.01, block group 1, in Douglas county: block 067, block 069; and the following blocks in voting district (200020), tract 0001.00, block group 3, in Douglas county: block 005; and the following blocks in voting district (200020), tract 0002.00, block group 1, in Douglas county: block 000, block 001, block 002, block 009, block 025; and the following blocks in voting district (200020), tract 0002.00, block group 6, in Douglas county: block 003, block 018, block 025, block 034; and the following blocks in voting district (200020), tract 0012.01, block group 1, in Douglas county: block 003, block 004, block 005, block 006, block 007, block 012, block 013; and the following voting districts in Douglas county: (400010), (400020), (400030), (400040), (400060); and the following blocks in voting district (400070), tract 0002.00, block group 6, in Douglas county: block 000, block 001, block 028, block 030, block 032; and the following blocks in voting district (400070), tract 0012.01, block group 1, in Douglas county: block 014, block 015; and the following voting districts in Douglas county: (900110), (900010), (900040), (900050), (900060), (900070), (900080), (900090), (900100); and the following blocks in voting district (900110), tract 0002.00, block group 6, in Douglas county: block 033; and the following blocks in voting district (900110), tract 0010.02, block group 2, in Douglas county: block 036, block 058; and the following blocks in voting district (900110), tract 0012.01, block group 1, in Douglas county: block 016; and the following voting districts in Douglas county: (900120), (900130), (900140), (900150), (900160).

Sec. 136. Senatorial district 3 shall consist of the following voting districts in Douglas county: (000020), (000600); and the following blocks in voting district (000650), tract 0012.01, block group 1, in Douglas county: block 020, block 028, block 029, block 030, block 031, block 032, block 033, block 041, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057; and the following blocks in voting district (000650), tract 0012.02, block group 1, in Douglas county: block 033, block 034, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block

096, block 097, block 110; and the following blocks in voting district (000650), tract 0012.02, block group 2, in Douglas county: block 012, block 013, block 014, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 096, block 097, block 098, block 099, block 100, block 101, block 102, block 103, block 104, block 105, block 106, block 107, block 108, block 109, block 110, block 111, block 112, block 113, block 114, block 115, block 116, block 117, block 118, block 119, block 120, block 121, block 122, block 132, block 133, block 134, block 147; and the following blocks in voting district (000650), tract 0012.02, block group 3, in Douglas county: block 047; and the following blocks in voting district (200010), tract 0010.02, block group 2, in Douglas county: block 028, block 040, block 067, block 068, block 069; and the following blocks in voting district (200010), tract 0012.01, block group 1, in Douglas county: block 038, block 039, block 040, block 043, block 044, block 048, block 049, block 058, block 059, block 060, block 061, block 062, block 064, block 065, block 066, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 096, block 100, block 101, block 102, block 103, block 104, block 107, block 140; and the following blocks in voting district (200020), tract 0002.00, block group 6, in Douglas county: block 026; and the following blocks in voting district (200020), tract 0010.02, block group 2, in Douglas county: block 004, block 012; and the following voting districts in Douglas county: (400050); and the following blocks in voting district (400070), tract 0002.00, block group 6, in Douglas county: block 004, block 005, block 027, block 029; and the following blocks in voting district (400070), tract 0010.02, block group 2, in Douglas county: block 001, block 002, block 003, block 005, block 006, block 007, block 008, block 009, block 010, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 032, block 033, block 060, block 061, block 062, block 070; and the following blocks in voting district (400070), tract 0010.02, block group 3, in Douglas county: block 000, block 003, block 004, block 005, block 006; and the following voting districts in Douglas county: (400090), (400100), (900020); and the following blocks in voting district (900110), tract 0010.02, block group 2, in Douglas county: block 000, block 023, block 029, block 030, block 031; and the following blocks in voting district (900110), tract 0012.01, block group 1, in Douglas county: block 022, block 023; and the following blocks in voting district (000080), tract 0527.00, block group 2, in Johnson county: block 168; and the following voting districts in Johnson county: (000090), (00014C), (000160), (001000), (001010), (001090), (001130); and the following blocks in voting district (001150), tract 0535.55, block group 2, in Johnson county: block 003, block 006; and the following voting districts in Johnson county: (001200), (001210), (001220); and the following blocks in voting district (001280), tract 0535.55, block group 2, in Johnson county: block 002, block 007; and the following voting districts in Johnson county: (00153J), (00153K), (00153P), (004030), (004040); and the following blocks in voting district (004080), tract 0527.00, block group 2, in Johnson county: block 158, block 160, block 463; and the following voting districts in Johnson county: (004090), (004100); and the following blocks in voting district (004180), tract 0528.01, block group 3, in Johnson county: block 000, block 001; and the following blocks in voting district (004180), tract 0528.02, block group 1, in Johnson county: block 009; and the following voting

districts in Johnson county: (100030); and the following blocks in voting district (900040), tract 0527.00, block group 2, in Johnson county: block 157, block 162, block 165, block 171, block 174, block 438, block 440, block 442, block 443, block 461; and the following voting districts in Johnson county: (900050), (900080); and the following blocks in voting district (900090), tract 0537.09, block group 5, in Johnson county: block 015; and the following voting districts in Johnson county: (900120), (900130), (900150), (900640), (900680), (901510), (901550), (901560); and the following blocks in voting district (901720), tract 0528.01, block group 3, in Johnson county: block 011; and the following blocks in voting district (901720), tract 0528.01, block group 4, in Johnson county: block 002, block 003, block 004, block 008, block 009, block 010, block 011; and the following blocks in voting district (901720), tract 0528.01, block group 5, in Johnson county: block 017, block 021, block 038; and the following voting districts in Johnson county: (901750), (901760), (901800); and the following blocks in voting district (901810), tract 0536.02, block group 1, in Johnson county: block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 036, block 038, block 039, block 040, block 057, block 058, block 059, block 060, block 061, block 071, block 073, block 078, block 079; and the following blocks in voting district (901810), tract 0536.02, block group 4, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 006, block 007, block 008, block 009, block 010, block 015, block 016, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 035, block 036; and the following blocks in voting district (901810), tract 0537.11, block group 1, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023; and the following voting districts in Johnson county: (901820), (901830); and the following blocks in voting district (901840), tract 0537.01, block group 1, in Johnson county: block 001, block 033, block 038, block 039, block 041, block 043; and the following blocks in voting district (901840), tract 0537.01, block group 2, in Johnson county: block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 035, block 036, block 037, block 039, block 040, block 041, block 042, block 043, block 044, block 047, block 049, block 050, block 051, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 063, block 064, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 075, block 077, block 078, block 079, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 094, block 095, block 096, block 097, block 099, block 100, block 101, block 102, block 103, block 107, block 109; and the following blocks in voting district (901840), tract 0537.12, block group 3, in Johnson county: block 045, block 046, block 076, block 086, block 087; and the following voting districts in Johnson county: (901900), (901930); and the following blocks in voting district (901940), tract 0527.00, block group 1, in Johnson county: block 005; and the following blocks in voting district (901940), tract 0527.00, block group 2, in Johnson



454, block 455, block 456, block 457, block 458, block 459, block 460, block 462, block 464, block 465, block 476; and the following voting districts in Leavenworth county: (000020); and the following blocks in voting district (000030), tract 0712.03, block group 1, in Leavenworth county: block 047, block 048, block 049, block 050, block 057; and the following blocks in voting district (000030), tract 0712.03, block group 2, in Leavenworth county: block 054, block 055, block 056, block 057, block 061, block 062, block 063, block 066, block 067, block 068, block 069, block 070, block 075, block 077, block 085, block 086; and the following blocks in voting district (000030), tract 0712.03, block group 3, in Leavenworth county: block 000, block 008, block 009, block 010, block 011, block 012, block 013, block 016, block 022; and the following blocks in voting district (000030), tract 0712.03, block group 4, in Leavenworth county: block 001, block 015, block 041; and the following voting districts in Leavenworth county: (000050), (000310); and the following blocks in voting district (000320), tract 0714.00, block group 1, in Leavenworth county: block 099; and the following blocks in voting district (000320), tract 0714.00, block group 2, in Leavenworth county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block

023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084; and the following blocks in voting district (000320), tract 0714.00, block group 3, in Leavenworth county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 052, block 057, block 059, block 060, block 061, block 062, block 063, block 064, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 089, block 093; and the following blocks in voting district (000320), tract 0718.00, block group 2, in Leavenworth county: block 055, block 056; and the following voting districts in Leavenworth county: (900020), (900030); and the following blocks in voting district (600550), tract 0440.01, block group 1, in Wyandotte county: block 002, block 003; and the following blocks in voting district (600550), tract 0447.04, block group 2, in Wyandotte county: block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 055; and the following voting districts in

Wyandotte county: (600750), (600760), (601060), (601070), (601080), (601090); and the following blocks in voting district (601100), tract 0448.03, block group 1, in Wyandotte county: block 027, block 028, block 029, block 030, block 031, block 032, block 039, block 040, block 041, block 042, block 043.

Sec. 137. Senatorial district 4 shall consist of the following voting districts in Wyandotte county: (600090), (600100); and the following blocks in voting district (600110), tract 0400.01, block group 1, in Wyandotte county: block 126; and the following blocks in voting district (600110), tract 0400.02, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 015, block 016, block 017; and the following blocks in voting district (600110), tract 0419.00, block group 2, in Wyandotte county: block 002; and the following voting districts in Wyandotte county: (600120), (600130), (600140), (600150), (600160), (600170), (600180), (600190), (600200), (600210), (600220), (600230), (600240); and the following blocks in voting district (600250), tract 0419.00, block group 2, in Wyandotte county: block 010, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 035, block 036, block 037, block 038, block 039, block 040, block 041; and the following blocks in voting district (600250), tract 0420.02, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005; and the following blocks in voting district (600250), tract 0424.00, block group 2, in Wyandotte county: block 001; and the following blocks in voting district (600260), tract 0420.02, block group 1, in Wyandotte county: block 006, block 007, block 008, block 009, block 010; and the following blocks in voting district (600260), tract 0420.02, block group 2, in Wyandotte county: block 000, block 001, block 002; and the following voting districts in Wyandotte county: (600450); and the following blocks in voting district (600460), tract 0416.00, block group 3, in Wyandotte county: block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023; and the following voting districts in Wyandotte county: (600470); and the following blocks in voting district (600480), tract 0415.00, block group 1, in Wyandotte county: block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 036, block 038; and the following blocks in voting district (600480), tract 0415.00, block group 2, in Wyandotte county: block 017, block 018, block 019, block 020, block 023, block 024; and the following blocks in voting district (600480), tract 0425.02, block group 1, in Wyandotte county: block 095; and the following blocks in voting district (600480), tract 0439.05, block group 2, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 038, block 039, block 063, block 065; and the following voting districts in Wyandotte county: (600500); and the following blocks in voting district (600520), tract 0439.05, block group 1, in Wyandotte county: block 014, block 017, block 018, block 022; and the following blocks in voting district (600520), tract 0440.01, block group 2, in Wyandotte county: block 000, block 001, block 002, block 004, block 005, block 006; and the following blocks in voting district (600520), tract 0441.01, block group 1, in Wyandotte county:

block 000, block 001, block 002, block 003, block 004, block 005, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031; and the following voting districts in Wyandotte county: (600530); and the following blocks in voting district (600540), tract 0441.02, block group 3, in Wyandotte county: block 000, block 001, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018; and the following blocks in voting district (600550), tract 0441.02, block group 1, in Wyandotte county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 012, block 013, block 014, block 015, block 016, block 018, block 019, block 020; and the following voting districts in Wyandotte county: (600590), (600600), (600610), (600620), (600630), (600640), (600650), (600660), (600670), (600680), (600690), (600700), (600710), (600720), (600730), (600740), (600870), (600880), (600890), (600900), (600910), (600920), (600930), (600940), (600950), (600970), (600980), (600990), (601000), (601010), (601020); and the following blocks in voting district (601030), tract 0442.01, block group 1, in Wyandotte county: block 000, block 001, block 002; and the following blocks in voting district (601030), tract 0442.01, block group 4, in Wyandotte county: block 014, block 016, block 017, block 019.

Sec. 138. Senatorial district 5 shall consist of the following voting districts in Leavenworth county: (000010); and the following blocks in voting district (000030), tract 0712.03, block group 1, in Leavenworth county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 041; and the following blocks in voting district (000030), tract 0712.03, block group 2, in Leavenworth county: block 000, block 001, block 017, block 018, block 039, block 040, block 047; and the following voting districts in Leavenworth county: (000040), (000060), (000070), (000080), (000090), (000100), (000110), (000120), (000130), (000140), (000150), (000160), (00017A), (00017B), (000180), (00019A), (00019B), (000200), (000210), (000220), (000230), (000240), (000250), (000260), (00027A), (000280), (00029A), (00029C), (00029D), (000300), (000330), (000340), (000350), (000360), (000370), (000380), (000390), (300010), (800010), (900010), (900040), (900050), (900060), (900080); and the following voting districts in Wyandotte county: (600960); and the following blocks in voting district (601030), tract 0442.01, block group 1, in Wyandotte county: block 003; and the following blocks in voting district (601030), tract 0446.01, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060; and the following blocks in voting district (601030), tract 0446.02,

block group 1, in Wyandotte county: block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 028, block 029, block 030, block 031, block 032, block 033; and the following blocks in voting district (601030), tract 0448.04, block group 2, in Wyandotte county: block 000, block 002, block 003, block 004; and the following voting districts in Wyandotte county: (601040), (601050); and the following blocks in voting district (601100), tract 0448.03, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 033, block 034, block 035, block 036, block 037, block 038, block 044, block 045, block 046, block 047, block 048, block 049.

Sec. 139. Senatorial district 6 shall consist of the following blocks in voting district (000920), tract 0503.01, block group 1, in Johnson county: block 009, block 010, block 011, block 012, block 016; and the following blocks in voting district (000920), tract 0522.01, block group 1, in Johnson county: block 000, block 025; and the following blocks in voting district (001540), tract 0504.00, block group 2, in Johnson county: block 000, block 001, block 002; and the following blocks in voting district (001540), tract 0522.01, block group 1, in Johnson county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 023, block 024, block 030, block 031; and the following voting districts in Johnson county: (002770), (900490), (900500); and the following blocks in voting district (900510), tract 0522.01, block group 2, in Johnson county: block 013, block 019, block 020; and the following blocks in voting district (900510), tract 0522.01, block group 3, in Johnson county: block 013, block 014, block 015, block 016, block 018, block 019, block 020, block 021; and the following blocks in voting district (900520), tract 0522.01, block group 2, in Johnson county: block 014, block 017, block 018; and the following voting districts in Wyandotte county: (600010), (600020), (600030), (600040), (600050), (600060), (600070), (600080); and the following blocks in voting district (600110), tract 0400.02, block group 1, in Wyandotte county: block 012, block 013, block 014, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063; and the following blocks in voting district (600110), tract 0418.00, block group 1, in Wyandotte county: block 017, block 031; and the following blocks in voting district (600110), tract 0419.00, block group 1, in Wyandotte county: block 000, block 006, block 007; and the following blocks in voting district (600110), tract 0419.00, block group 2, in Wyandotte county: block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 034; and the following blocks in voting district (600110), tract 0425.01, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 016, block 017, block 018, block 019, block 020, block 021, block 022; and the following blocks in voting district (600250), tract 0424.00, block group 2, in Wyandotte

county: block 000, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027; and the following blocks in voting district (600250), tract 0424.00, block group 3, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008; and the following blocks in voting district (600250), tract 0425.01, block group 1, in Wyandotte county: block 014, block 015, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 120, block 121, block 122, block 123, block 124, block 125; and the following blocks in voting district (600260), tract 0420.02, block group 2, in Wyandotte county: block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013; and the following blocks in voting district (600260), tract 0424.00, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 006; and the following voting districts in Wyandotte county: (600270), (600280), (600290), (600300), (600310), (600320), (600330), (600340), (600350), (600360), (600370), (600380), (600390), (600400), (600410), (600420), (600430), (600440); and the following blocks in voting district (600460), tract 0416.00, block group 4, in Wyandotte county: block 020; and the following blocks in voting district (600460), tract 0422.00, block group 1, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018; and the following blocks in voting district (600460), tract 0422.00, block group 2, in Wyandotte county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 028, block 029; and the following blocks in voting district (600460), tract 0425.02, block group 1, in Wyandotte county: block 102; and the following blocks in voting district (600480), tract 0425.02, block group 1, in Wyandotte county: block 015; and the following blocks in voting district (600480), tract 0439.05, block group 2, in Wyandotte county: block 032, block 033, block 034, block 036, block 037, block 040, block 041, block 042, block 043, block 044, block 045, block 050, block 051, block 052, block 053, block 054, block 055, block 061, block 062; and the following voting districts in Wyandotte county: (600490), (600510); and the following blocks in voting district (600520), tract 0440.01, block group 2, in Wyandotte county: block 003; and the following blocks in voting district (600520), tract 0440.01, block group 3, in Wyandotte county: block 026, block 028; and the following blocks in voting district (600540), tract 0440.01, block group 1, in Wyandotte county: block 000, block 001, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 024, block 025, block 026; and the following blocks in voting district (600540), tract 0441.02, block group 3, in Wyandotte county: block 002; and the following voting districts in Wyandotte county: (600560), (600570), (600580), (600770), (600780), (600790), (600800), (600810), (600820), (600830), (600840), (600850), (600860).

Sec. 140. Senatorial district 7 shall consist of the following voting districts in Johnson county: (000100), (000110), (000120), (000130), (000200), (000210), (000220), (000230), (000840), (000850), (000860), (000870), (000880), (000890), (000900), (000910); and the following blocks in voting district (000920), tract 0503.01, block group 1, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 013, block 014, block 015, block 017, block 018; and the following blocks in voting district (000920), tract 0503.01, block group 2, in Johnson county: block 000, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017; and the following voting districts in Johnson county: (000930), (000940), (000950), (000960), (000970); and the following blocks in voting district (001540), tract 0504.00, block group 2, in Johnson county: block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 014, block 015; and the following blocks in voting district (001540), tract 0504.00, block group 3, in Johnson county: block 001, block 002, block 003, block 021; and the following voting districts in Johnson county: (001550), (001560), (001590), (002310), (002320), (002500), (002510), (002520), (002530), (002550), (002560), (002570), (002580), (002590), (002600), (002610), (002620), (002630), (002640), (002650), (002660), (002670), (002680), (002690), (002700), (002710), (002720), (002730), (002740), (002750), (002870), (002920), (003050); and the following blocks in voting district (003070), tract 0520.03, block group 5, in Johnson county: block 000, block 001, block 002, block 003, block 008, block 009; and the following blocks in voting district (003070), tract 0520.03, block group 6, in Johnson county: block 010, block 011, block 012, block 013; and the following voting districts in Johnson county: (003080), (003130), (003140), (003150); and the following blocks in voting district (900510), tract 0521.01, block group 1, in Johnson county: block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 043, block 047; and the following blocks in voting district (900520), tract 0521.01, block group 1, in Johnson county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 041, block 042, block 044, block 045, block 046, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066; and the following voting districts in Johnson county: (900530), (900540), (900550), (900560), (901320).

Sec. 141. Senatorial district 8 shall consist of the following voting districts in Johnson county: (000620), (000630), (000640), (000650), (000660), (001570), (001580), (001600), (001610), (001620), (001630), (001640), (001650), (001660), (001670), (001680), (001690), (001700), (001710), (001720), (001730), (001740), (001750), (001760), (001770), (001780), (001790), (001800), (001810), (001820), (001830), (001840), (001850), (001860), (001870), (001880), (001890), (001920), (001930), (001940), (001960), (001970), (001980), (001990), (002000), (002010), (002040), (002050), (002120), (002280), (002290), (002300), (002540); and the following blocks in voting district (900460), tract 0524.05, block group 3, in Johnson county: block 009; and the following blocks in voting district (900460), tract 0524.17,

block group 2, in Johnson county: block 015, block 018, block 019; and the following voting districts in Johnson county: (900990).

Sec. 142. Senatorial district 9 shall consist of the following voting districts in Johnson county: (000070); and the following blocks in voting district (000080), tract 0527.00, block group 1, in Johnson county: block 100; and the following blocks in voting district (000080), tract 0527.00, block group 2, in Johnson county: block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 028, block 029, block 030, block 031, block 032, block 034, block 035, block 036, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 078, block 079, block 080, block 466; and the following blocks in voting district (000080), tract 0527.00, block group 3, in Johnson county: block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 044; and the following voting districts in Johnson county: (000510), (000520), (000530), (000540), (000550), (000560); and the following blocks in voting district (001150), tract 0529.06, block group 3, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 010, block 011, block 012, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 036, block 037, block 038, block 039, block 042, block 043; and the following voting districts in Johnson county: (001160), (00117A), (00117B), (001240), (001250), (001260); and the following blocks in voting district (001280), tract 0529.06, block group 1, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008; and the following blocks in voting district (001280), tract 0535.55, block group 2, in Johnson county: block 000, block 001, block 008; and the following voting districts in Johnson county: (001290), (001420), (001450), (001490), (001500), (001510), (001520), (004070); and the following blocks in voting district (004080), tract 0527.00, block group 2, in Johnson county: block 159; and the following voting districts in Johnson county: (004140); and the following blocks in voting district (004180), tract 0528.02, block group 1, in Johnson county: block 006, block 007, block 008, block 010; and the following blocks in voting district (900040), tract 0527.00, block group 1, in Johnson county: block 002, block 009, block 010, block 011, block 012, block 013, block 016, block 017, block 018, block 021, block 022, block 119; and the following blocks in voting district (900040), tract 0527.00, block group 2, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 176; and the following blocks in voting district (900040), tract 0527.00, block group 3, in Johnson county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 028, block 029, block 030, block 031, block 032, block 033, block 041, block 042, block 043, block 045; and the following voting districts in Johnson county: (900060), (900370), (900380), (900390), (900400), (900410), (900420), (900450); and the following blocks in voting district (900460), tract 0529.10, block group 2, in Johnson county: block 000; and the following blocks in voting district (900460), tract 0530.05, block group 1, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block

022, block 023, block 024, block 025, block 026, block 027, block 028; and the following blocks in voting district (900460), tract 9800.01, block group 1, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 095, block 096, block 097, block 098, block 099; and the following voting districts in Johnson county: (900470), (900480), (900660), (900670), (900700), (900710), (900720), (900730), (900740), (900750), (900760), (900870), (900880), (900890), (901430), (901650), (901660), (901670), (901700), (901710); and the following blocks in voting district (901720), tract 0528.01, block group 5, in Johnson county: block 002, block 012, block 016, block 032, block 033, block 034; and the following voting districts in Johnson county: (901850), (901910); and the following blocks in voting district (901940), tract 0527.00, block group 1, in Johnson county: block 000, block 004, block 006, block 007, block 008, block 027, block 028, block 029, block 031, block 032, block 033, block 035, block 036, block 037, block 038, block 039, block 068, block 092, block 093, block 095, block 096, block 097, block 098, block 099, block 103, block 104, block 105, block 106, block 107, block 108, block 109, block 110, block 111, block 112, block 113, block 114, block 117, block 118, block 121, block 122; and the following blocks in voting district (901940), tract 0527.00, block group 2, in Johnson county: block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 037, block 038, block 076, block 077, block 101, block 102, block 103; and the following blocks in voting district (000320), tract 0714.00, block group 3, in Leavenworth county: block 058, block 065, block 094, block 095.

Sec. 143. Senatorial district 10 shall consist of the following voting districts in Johnson county: (000190), (000430), (000440), (000450), (000460), (000580), (000590), (000600), (000610), (002760), (002780), (002790), (002800), (002810), (002820), (002830), (002850), (002860), (002880), (002890), (002900), (002910), (002930), (002940), (002960), (002980), (002990), (003000), (003010), (003020), (003030), (003040), (003060); and the following blocks in voting district (003070), tract 0523.04, block group 3, in Johnson county: block 012, block 013, block 014, block 021, block 022, block 023, block 024; and the following voting districts in Johnson county: (003090), (900030), (900360), (900430), (900440), (901330), (901340), (901350), (901360), (901370), (901380), (901390), (901400), (901410), (901420); and the following voting districts in Wyandotte county: (601110).

Sec. 144. Senatorial district 11 shall consist of the following voting districts in Johnson county: (000240), (000270), (000350), (000370), (001900), (001910), (001950), (002020), (002030), (002060), (002070), (002080), (002090), (002130),

(002140), (002150), (002180), (002190), (002200), (002210), (002330), (002340), (002350), (002370), (002380), (002390), (002400), (002410), (00242A), (00242B), (00244B), (00249C), (900190), (900200), (900210), (900220), (900230), (900240), (900250), (900260), (900270), (900280), (900290), (900300), (900310), (900320), (900330), (900340), (900350); and the following blocks in voting district (901060), tract 0534.14, block group 1, in Johnson county: block 017, block 024; and the following voting districts in Johnson county: (901070), (901080), (901200).

Sec. 145. Senatorial district 12 shall consist of the following voting districts in Franklin county: (000010), (000020), (000030), (000040), (000050), (000060), (000070), (000080), (000100), (000110), (00012A), (00013A), (00013B), (00013C), (000140), (000150), (000160), (000170), (000180), (000190), (00020A), (000210), (000220), (000230), (000240), (900010); and all of Linn county; and all of Miami county.

Sec. 146. Senatorial district 13 shall consist of the following voting districts in Allen county: (000020), (000030), (000040), (000140), (000150), (000170), (000180), (000190), (000210); and all of Bourbon county; and the following voting districts in Cherokee county: (000050), (00010B), (000110), (000120), (00013A), (00013B), (00013C), (00013D), (000140), (00015A), (00015B), (000160), (000170), (00018A), (00018B), (00018C), (000200), (000220), (000250), (000260), (000270), (000280), (000290), (000310), (000320), (000330), (000340), (000350), (00039A), (000400), (000410), (00042A), (00042B); and all of Crawford county.

Sec. 147. Senatorial district 14 shall consist of the following voting districts in Cherokee county: (000010), (000020), (000030), (00004A), (00004B), (000060), (000070), (000080), (000090), (00010A), (000190), (000210), (000230), (000240), (00030A), (00030B), (000360), (00037A), (00037B), (00037C), (000380); and all of Labette county; and the following voting districts in Montgomery county: (00001A), (00001B), (00001C), (000020), (000030), (000040), (000050), (000060), (000070), (000080), (000090), (000100), (000110), (000120), (000130), (000140), (000150), (000160), (000170), (000180), (000190), (000200), (000210), (000220), (000230), (000250), (000260), (000430), (00044A), (00044B), (00044C), (000470), (900010), (900020), (900030), (900040); and all of Neosho county.

Sec. 148. Senatorial district 15 shall consist of the following voting districts in Allen county: (000010), (000050), (00006A), (00006B), (00006C), (000070), (000080), (000090), (00010A), (00010B), (000110), (000120), (000130), (00016A), (00016B), (00016C), (00020A), (00020B); and all of Anderson county; and all of Chautauqua county; and all of Coffey county; and all of Elk county; and the following voting districts in Franklin county: (000090), (000250); and all of Greenwood county; and the following voting districts in Montgomery county: (000240), (000270), (000280), (000290), (000300), (000310), (00032A), (00032B), (000330), (000340), (000350), (000360), (000370), (000380), (000390), (00040A), (00040B), (00040C), (000410), (000420), (000450), (000460), (900050), (900060); and all of Wilson county; and all of Woodson county.

Sec. 149. Senatorial district 16 shall consist of all of Butler county; and the following blocks in voting district (500590), tract 0100.01, block group 1, in Sedgwick county: block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 018, block 019, block 020, block 024, block 025, block 026, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040,

block 041, block 042, block 045, block 046, block 053, block 054, block 056, block 057, block 058, block 060, block 061, block 062, block 063, block 064, block 065, block 068, block 071, block 072, block 073, block 074, block 075, block 076, block 077; and the following blocks in voting district (500590), tract 0100.02, block group 1, in Sedgwick county: block 001, block 002, block 003, block 006, block 008, block 010, block 011, block 012, block 013, block 014, block 015, block 017, block 018, block 019, block 020, block 021, block 022, block 025, block 026, block 027, block 028, block 029, block 033, block 036; and the following blocks in voting district (503040), tract 0100.01, block group 1, in Sedgwick county: block 027, block 028, block 029, block 030, block 031, block 032, block 066, block 067, block 069, block 078, block 079, block 080; and the following blocks in voting district (503040), tract 0100.02, block group 1, in Sedgwick county: block 016, block 030, block 031, block 032, block 034, block 035; and the following voting districts in Sedgwick county: (600420); and the following blocks in voting district (600430), tract 0100.01, block group 1, in Sedgwick county: block 004, block 006, block 015, block 016, block 017, block 021, block 022, block 023, block 043, block 044, block 047, block 048, block 049, block 050, block 051, block 052, block 055, block 059; and the following blocks in voting district (600430), tract 0100.02, block group 1, in Sedgwick county: block 004, block 005, block 037; and the following voting districts in Sedgwick county: (700800).

Sec. 150. Senatorial district 17 shall consist of all of Chase county; and all of Lyon county; and all of Marion county; and the following voting districts in Morris county: (000010), (000020), (000030), (000060), (000070), (000080), (000090), (000100), (000110), (000120), (000130), (000140), (000150), (000160), (000170), (900010), (900020); and all of Osage county.

Sec. 151. Senatorial district 18 shall consist of the following voting districts in Shawnee county: (000090), (000150); and the following blocks in voting district (000250), tract 0008.00, block group 1, in Shawnee county: block 076, block 082, block 083; and the following blocks in voting district (000260), tract 0008.00, block group 1, in Shawnee county: block 081, block 091; and the following voting districts in Shawnee county: (000330), (000350), (000410), (000420), (000430), (000440); and the following blocks in voting district (000480), tract 0008.00, block group 1, in Shawnee county: block 085, block 096; and the following voting districts in Shawnee county: (000540), (000550), (000570); and the following blocks in voting district (000580), tract 0040.00, block group 1, in Shawnee county: block 000, block 001, block 002, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 105, block 106, block 107, block 108, block 109, block 110, block 111, block 112, block 113, block 117; and the following blocks in voting district (000580), tract 0040.00, block

group 2, in Shawnee county: block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051; and the following blocks in voting district (000580), tract 0040.00, block group 3, in Shawnee county: block 005, block 006; and the following voting districts in Shawnee county: (000590), (000600), (000610), (000630), (000640), (000650), (000660), (000710), (000740), (000790), (001040), (001050), (001060), (001070), (001080), (001090), (001100), (001120), (001130), (001140), (001150), (001160), (001170), (001180), (001190), (001200), (001210), (001220), (001230), (001240), (001360), (001370), (001380), (001410), (001460), (001760), (001850), (001880), (100050), (200010), (200020), (400100), (400110), (600010), (600020), (600030), (600050), (600060), (600130), (600140), (600220), (600230), (600240), (600340), (600350), (600360), (600370), (600380), (600390), (600570), (600580), (900030), (900040), (900050); and all of Wabausee county.

Sec. 152. Senatorial district 19 shall consist of the following voting districts in Douglas county: (000010); and the following blocks in voting district (000030), tract 0008.01, block group 1, in Douglas county: block 012; and the following blocks in voting district (000030), tract 0014.00, block group 1, in Douglas county: block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 029, block 030, block 031, block 032, block 034, block 035, block 036, block 038, block 039, block 040, block 062, block 093, block 094; and the following blocks in voting district (000030), tract 0014.00, block group 2, in Douglas county: block 136, block 145, block 146, block 175, block 176, block 177, block 178, block 179, block 180, block 181, block 182, block 193, block 194, block 195, block 196, block 197, block 200, block 201, block 202, block 203, block 204, block 205, block 206, block 207, block 208, block 209, block 210, block 211, block 212, block 213, block 214, block 215, block 216, block 217, block 218, block 219, block 220, block 221, block 222, block 223, block 224, block 228; and the following blocks in voting district (000030), tract 0014.00, block group 3, in Douglas county: block 000, block 001, block 002, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 055, block 070, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 220, block 221, block 224, block 225; and the following voting districts in Douglas county: (000050); and the following blocks in voting district (00006A), tract 0006.03, block group 1, in Douglas county: block 002, block 003, block 004, block 005, block 013, block 014, block 016, block 017, block 018, block 035, block 036, block 040, block 058, block 059, block 061, block 062, block 063, block 064, block 098; and the following blocks in voting district (00006A), tract 0014.00, block group 2, in Douglas county: block 000, block 001, block 002, block 003, block 004, block 005, block 023, block 024, block 025, block 026, block 027, block 028,

block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 042, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 096, block 097, block 098, block 099, block 100, block 101, block 102, block 103, block 104, block 105, block 106, block 107, block 108, block 109, block 110, block 111, block 112, block 113, block 114, block 115, block 116, block 117, block 118, block 119, block 120, block 121, block 122, block 123, block 124, block 125, block 126, block 127, block 128, block 129, block 130, block 131, block 132, block 133, block 134, block 135, block 137, block 138, block 139, block 140, block 141, block 142, block 143, block 144, block 147, block 148, block 149, block 150, block 151, block 152, block 153, block 154, block 155, block 156, block 157, block 158, block 159, block 160, block 161, block 162, block 163, block 164, block 165, block 166, block 167, block 168, block 169, block 170, block 171, block 172, block 173, block 174, block 183, block 184, block 185, block 186, block 187, block 188, block 189, block 190, block 191, block 192, block 198, block 199, block 225, block 226, block 227, block 229, block 230, block 231, block 232, block 233, block 234, block 235, block 236, block 237; and the following blocks in voting district (00006A), tract 0014.00, block group 3, in Douglas county: block 003, block 004, block 005, block 006, block 007, block 008, block 222; and the following blocks in voting district (00006A), tract 0015.00, block group 1, in Douglas county: block 080, block 081, block 093, block 094, block 095, block 097; and the following blocks in voting district (00006A), tract 0015.00, block group 2, in Douglas county: block 072, block 073, block 074; and the following voting districts in Douglas county: (00048A), (00048B), (00048C), (00048D), (000580), (000590); and the following blocks in voting district (00061A), tract 0006.03, block group 1, in Douglas county: block 000; and the following blocks in voting district (00061A), tract 0015.00, block group 1, in Douglas county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 043, block 044, block 045, block 046, block 047, block 048, block 077, block 078, block 079, block 089, block 100, block 101; and the following voting districts in Douglas county: (000620), (000630), (000640); and the following blocks in voting district (000650), tract 0012.02, block group 1, in Douglas county: block 093, block 094, block 095, block 099, block 100, block 101, block 102, block 103, block 108; and the following blocks in voting district (000650), tract 0012.02, block group 2, in Douglas county: block 123, block 124, block 125, block 126, block 127, block 128, block 129, block 130, block 131; and the following voting districts in Douglas county: (000660); and the following blocks in voting district (00067A), tract 0009.02, block group 1, in Douglas county: block 043; and the following blocks in voting district (00067A), tract 0012.01, block group 1, in Douglas county: block 070, block 071, block 072, block 075, block 076, block 077, block 081, block 082, block 083; and the following blocks in voting district (00067A), tract 0014.00, block group 1, in Douglas county: block 010, block 011, block 012, block

013, block 014, block 015, block 025, block 026, block 027, block 028, block 037, block 045, block 046, block 047; and the following voting districts in Douglas county: (000680); and the following blocks in voting district (200010), tract 0012.01, block group 1, in Douglas county: block 068, block 079, block 080, block 093, block 094, block 095, block 109, block 134; and the following voting districts in Douglas county: (400080), (900170); and all of Jefferson county; and the following voting districts in Shawnee county: (000080), (000180), (000190); and the following blocks in voting district (000250), tract 0008.00, block group 1, in Shawnee county: block 089; and the following blocks in voting district (000250), tract 0009.00, block group 4, in Shawnee county: block 012, block 013; and the following blocks in voting district (000260), tract 0008.00, block group 1, in Shawnee county: block 090; and the following blocks in voting district (000260), tract 0009.00, block group 4, in Shawnee county: block 000, block 001, block 002, block 004, block 006, block 007, block 008, block 009, block 010, block 011, block 015, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 026, block 030, block 041, block 045, block 046, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 063, block 064, block 076, block 078, block 079, block 080; and the following blocks in voting district (000260), tract 0031.00, block group 1, in Shawnee county: block 002, block 003, block 004; and the following blocks in voting district (000260), tract 0039.01, block group 1, in Shawnee county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 018, block 019, block 021, block 022; and the following blocks in voting district (000260), tract 0039.01, block group 3, in Shawnee county: block 000, block 001, block 002, block 003, block 004, block 011; and the following voting districts in Shawnee county: (000270), (000290), (000300), (000310); and the following blocks in voting district (000480), tract 0008.00, block group 1, in Shawnee county: block 086; and the following blocks in voting district (000480), tract 0009.00, block group 1, in Shawnee county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024; and the following blocks in voting district (000480), tract 0009.00, block group 2, in Shawnee county: block 000, block 001, block 002, block 003; and the following blocks in voting district (000480), tract 0009.00, block group 3, in Shawnee county: block 000, block 001, block 002, block 003; and the following blocks in voting district (000480), tract 0009.00, block group 4, in Shawnee county: block 003, block 005, block 014, block 016, block 017, block 025, block 027, block 028, block 029, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 042, block 043, block 044, block 077; and the following voting districts in Shawnee county: (000490), (000500), (000510), (000520), (000530), (000560); and the following blocks in voting district (000580), tract 0010.00, block group 4, in Shawnee county: block 010, block 012; and the following voting districts in Shawnee county: (000690), (000700), (000750), (000760), (000770), (000780), (000800), (000820), (000830), (000840), (000850), (000860), (000870), (000880), (000890), (000910), (000920), (000930), (000940), (000950), (001010), (001910), (100060), (200090), (500070), (500080), (500120), (500130), (600420), (600430); and the following blocks in voting district (900020), tract 0030.02, block group 2, in Shawnee county: block 038,

block 045, block 049, block 050, block 051, block 052.

Sec. 153. Senatorial district 20 shall consist of the following voting districts in Shawnee county: (000210), (000240), (000280), (000340), (000370), (000960), (000970), (000980), (000990), (001000), (001030), (001250), (001260), (001270), (001280), (001290), (001300), (001310), (001320), (001330), (001340), (001350), (001400), (001420), (001430), (001440), (001450), (001470), (001480), (001490), (001500), (001510), (001520), (001530), (001540), (001550), (001560), (001570), (001590), (001600), (001610), (001620), (001630), (001640), (001650), (001670), (001680), (001710), (001720), (001780), (001890), (100030), (100040), (200050), (200070), (200080), (200120), (200130), (200140), (200150), (200160), (300090), (400070), (500010), (500110), (500140), (500160), (600040), (600080), (600090), (600110), (600150), (600160), (600170), (600180), (600190), (600210), (600250), (600260), (600270), (600280), (600290), (600300), (600310), (600330), (600440), (600470), (600490), (600500), (600510), (600530), (700010), (700020), (800010), (800020), (800030), (800040), (800060), (800070), (900010); and the following blocks in voting district (900020), tract 0030.02, block group 2, in Shawnee county: block 040; and the following blocks in voting district (900020), tract 0030.02, block group 3, in Shawnee county: block 049, block 050; and the following blocks in voting district (900020), tract 0037.00, block group 1, in Shawnee county: block 007, block 013, block 076, block 093, block 094, block 105, block 110; and the following blocks in voting district (900020), tract 0037.00, block group 3, in Shawnee county: block 000, block 013, block 022, block 025, block 026, block 027, block 028, block 029; and the following blocks in voting district (900020), tract 0037.00, block group 4, in Shawnee county: block 000, block 001, block 002, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 024, block 025, block 026, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 076, block 082, block 083, block 084, block 148, block 149; and the following voting districts in Shawnee county: (900060), (900070), (900080), (900090).

Sec. 154. Senatorial district 21 shall consist of all of Clay county; and the following voting districts in Cloud county: (000010), (000020), (000030), (000040), (000050), (00006A), (00006B), (000070), (00008A), (00008B), (000090), (000100), (00011A), (00011B), (000120), (000130), (000150), (000160), (000170), (000180), (000190), (000200), (000220), (000230), (000250), (000260); and the following voting districts in Dickinson county: (000060), (000070), (000080), (000090), (000100), (000110), (000120), (000140), (000150), (000160), (000170), (000180), (000190), (000200), (000210), (000230), (000240), (000250), (000260), (000270), (000280), (000290), (000300), (000310), (000320); and the following blocks in voting district (00002A), tract 0006.00, block group 2, in Geary county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 020, block 023, block 039, block 056, block 057, block 058, block 059, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 073, block 074, block 075, block 091, block 092, block 095, block 096, block 097, block 098, block 099, block 100,

block 107, block 108, block 109, block 110, block 111, block 112, block 117; and the following blocks in voting district (00002B), tract 0006.00, block group 2, in Geary county: block 021; and the following blocks in voting district (00002B), tract 0006.00, block group 3, in Geary county: block 009, block 010, block 011, block 012, block 047, block 061, block 062; and the following voting districts in Geary county: (00002C); and the following blocks in voting district (00002D), tract 0006.00, block group 3, in Geary county: block 028, block 030, block 031, block 033, block 034, block 038; and the following blocks in voting district (00002E), tract 0006.00, block group 3, in Geary county: block 015, block 016, block 017, block 018, block 019, block 020, block 039; and the following blocks in voting district (00002F), tract 0006.00, block group 3, in Geary county: block 013, block 014, block 060; and the following blocks in voting district (00002K), tract 0006.00, block group 2, in Geary county: block 033, block 034, block 035, block 036, block 037, block 083, block 084, block 085, block 086, block 087, block 114; and the following blocks in voting district (00002L), tract 0006.00, block group 2, in Geary county: block 018, block 024, block 038; and the following voting districts in Geary county: (00002M), (00002O), (00002P), (00002Q), (00002R), (00022B), (000270); and the following blocks in voting district (900010), tract 0007.00, block group 1, in Geary county: block 184, block 185, block 220, block 221, block 222, block 236, block 239; and the following blocks in voting district (900010), tract 0008.00, block group 1, in Geary county: block 214, block 215, block 216, block 217, block 218, block 219, block 220, block 221, block 222, block 223, block 224, block 225, block 226, block 234, block 265, block 266, block 267, block 268, block 269, block 270, block 271, block 272, block 273, block 274, block 275, block 276, block 277, block 278, block 279, block 280, block 281, block 282, block 283, block 284, block 286, block 287, block 288, block 289, block 290, block 291, block 292, block 293, block 294, block 295, block 296, block 297, block 299, block 301, block 302, block 312, block 313, block 315, block 316, block 334, block 335, block 336, block 337, block 338, block 340; and the following blocks in voting district (900010), tract 0008.00, block group 2, in Geary county: block 000, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 047, block 048, block 049, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 090, block 091, block 099, block 102, block 185, block 187, block 188, block 190, block 191, block 192, block 193, block 194, block 195, block 196, block 197, block 198, block 199, block 200, block 211, block 212, block 213, block 217, block 218, block 219, block 222, block 225, block 228, block 229, block 230, block 231, block 232, block 233, block 234, block 235, block 236, block 237, block 238, block 239, block 240, block 241, block 242, block 243, block 244, block 245, block 246, block 247, block 248, block 249, block 250, block 251, block 252, block 253, block 254, block 255, block 256, block 257, block 258, block 259, block 260, block 261, block 262, block 263, block 264, block 265, block 266, block 267, block 268, block 269, block 270, block 271, block 272, block 273, block 274,

block 275, block 276, block 277, block 278, block 279, block 280, block 281, block 282, block 283, block 284, block 285, block 286, block 287, block 288, block 289, block 290, block 291, block 292, block 293, block 294, block 295, block 296, block 304, block 312, block 313, block 325, block 330, block 332, block 333, block 401, block 402, block 403, block 404; and all of Marshall county; and the following voting districts in Morris county: (000040), (000050); and all of Nemaha county; and the following voting districts in Riley county: (000020), (000030), (000040), (00005A), (00005B), (000060), (000070), (000080); and the following blocks in voting district (000140), tract 0002.00, block group 2, in Riley county: block 009; and the following blocks in voting district (000370), tract 0002.00, block group 4, in Riley county: block 048; and the following blocks in voting district (000370), tract 0011.00, block group 1, in Riley county: block 008, block 010; and the following blocks in voting district (00039A), tract 0002.00, block group 4, in Riley county: block 042, block 043, block 044, block 045, block 046, block 047, block 051, block 052, block 054, block 064, block 070; and the following blocks in voting district (00039A), tract 0011.00, block group 1, in Riley county: block 000, block 009; and the following blocks in voting district (00039A), tract 0013.01, block group 2, in Riley county: block 000, block 025, block 026; and the following blocks in voting district (00039A), tract 0013.02, block group 1, in Riley county: block 138, block 139, block 140, block 141, block 142, block 143, block 144, block 145, block 146, block 147, block 148, block 149, block 168, block 182; and the following blocks in voting district (00039A), tract 0013.02, block group 3, in Riley county: block 000, block 001, block 002, block 024, block 025, block 027, block 028, block 042, block 043; and the following blocks in voting district (000420), tract 0002.00, block group 2, in Riley county: block 008; and the following blocks in voting district (000420), tract 0002.00, block group 4, in Riley county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 027, block 028, block 029, block 030, block 031, block 038, block 039, block 040, block 041, block 050, block 053, block 056, block 057, block 058, block 060, block 061, block 062, block 063, block 068, block 069, block 071; and the following blocks in voting district (000420), tract 0002.00, block group 5, in Riley county: block 004, block 007, block 009, block 014, block 018; and the following blocks in voting district (000420), tract 0011.00, block group 3, in Riley county: block 000, block 001, block 003, block 004; and the following voting districts in Riley county: (000430), (000450), (000460), (300020), (300030), (300040); and the following blocks in voting district (300050), tract 0002.00, block group 4, in Riley county: block 049, block 055, block 065, block 066, block 067; and the following blocks in voting district (300050), tract 0011.00, block group 1, in Riley county: block 002, block 003, block 011, block 012; and the following blocks in voting district (800001), tract 0013.01, block group 2, in Riley county: block 027, block 028; and all of Washington county.

Sec. 155. Senatorial district 22 shall consist of the following voting districts in Geary county: (000010); and the following blocks in voting district (00002A), tract 0006.00, block group 2, in Geary county: block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 060, block 071, block 072, block 076, block 113, block 118,

block 119, block 120; and the following blocks in voting district (00002B), tract 0006.00, block group 1, in Geary county: block 095, block 096, block 098, block 099; and the following blocks in voting district (00002B), tract 0006.00, block group 2, in Geary county: block 013, block 015, block 016, block 017, block 019; and the following blocks in voting district (00002B), tract 0006.00, block group 3, in Geary county: block 045, block 046, block 048, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 065, block 066; and the following blocks in voting district (00002D), tract 0006.00, block group 3, in Geary county: block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 029, block 042; and the following blocks in voting district (00002E), tract 0006.00, block group 3, in Geary county: block 040, block 041; and the following blocks in voting district (00002F), tract 0006.00, block group 3, in Geary county: block 043, block 044; and the following voting districts in Geary county: (00002G), (00002H), (00002I), (00002J); and the following blocks in voting district (00002K), tract 0001.00, block group 1, in Geary county: block 000, block 001, block 002, block 009, block 019; and the following blocks in voting district (00002K), tract 0006.00, block group 2, in Geary county: block 030, block 031, block 032, block 040, block 041, block 042, block 077, block 078, block 079, block 080, block 081, block 082, block 122, block 123, block 124, block 125, block 126; and the following blocks in voting district (00002K), tract 0006.00, block group 3, in Geary county: block 064; and the following blocks in voting district (00002L), tract 0006.00, block group 2, in Geary county: block 014, block 025, block 026, block 027, block 028, block 029, block 121; and the following blocks in voting district (00002L), tract 0006.00, block group 3, in Geary county: block 063; and the following voting districts in Geary county: (00002N), (000040), (000050), (000060), (00007A), (000080), (000090), (000100), (000110), (00013A), (000140), (000150), (00016A), (000180), (000190), (00022A), (000230), (000240), (000250), (000260); and the following blocks in voting district (900010), tract 0002.00, block group 1, in Geary county: block 000, block 001, block 002, block 003, block 008, block 016; and the following blocks in voting district (900010), tract 0002.00, block group 2, in Geary county: block 003, block 004, block 021; and the following blocks in voting district (900010), tract 0003.00, block group 2, in Geary county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 015, block 016, block 017, block 018, block 021, block 022; and the following voting districts in Geary county: (900020), (900030), (900040), (900050), (900060), (900070), (900080), (900090), (900100), (900120), (900130), (900140), (900150), (900160), (900170), (900180), (900190), (900200), (900210), (900220); and the following voting districts in Riley county: (000010), (000120); and the following blocks in voting district (000140), tract 0002.00, block group 2, in Riley county: block 010, block 018, block 019, block 020, block 021, block 023, block 024, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057; and the following blocks in voting district (000140), tract 0005.00, block group 4, in Riley county: block 000; and the following blocks in voting district (000140), tract 0011.00, block group 3, in Riley county: block 006, block 007, block 008; and the following voting districts in Riley county: (000170), (00022A),

(00022B), (000230), (00025A), (00025B), (000310), (000320), (000330), (000340), (000350), (00036A); and the following blocks in voting district (000370), tract 0011.00, block group 1, in Riley county: block 004, block 005, block 006, block 007, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 022, block 023, block 024, block 025, block 027; and the following blocks in voting district (000370), tract 0011.00, block group 2, in Riley county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029; and the following voting districts in Riley county: (000380); and the following blocks in voting district (00039A), tract 0013.01, block group 2, in Riley county: block 018, block 024; and the following voting districts in Riley county: (00039B), (00039C), (00039E), (00039G), (00039H), (000400), (000410); and the following blocks in voting district (000420), tract 0002.00, block group 2, in Riley county: block 007, block 025, block 041; and the following blocks in voting district (000420), tract 0002.00, block group 3, in Riley county: block 000, block 001, block 012, block 013, block 014, block 015, block 016, block 017, block 019; and the following blocks in voting district (000420), tract 0002.00, block group 4, in Riley county: block 032, block 033, block 034, block 035, block 036, block 037; and the following blocks in voting district (000420), tract 0002.00, block group 5, in Riley county: block 000, block 001, block 002, block 003, block 005, block 015; and the following blocks in voting district (000420), tract 0011.00, block group 3, in Riley county: block 005; and the following voting districts in Riley county: (00044A), (00047A), (00047B), (00047C), (00047D), (000480), (300010); and the following blocks in voting district (300050), tract 0011.00, block group 1, in Riley county: block 001; and the following voting districts in Riley county: (300060), (300070), (300090), (300100), (400010), (400020), (400030), (400040), (400050), (400060), (400070), (400080), (400090), (500010), (500030), (600001); and the following blocks in voting district (800001), tract 0013.01, block group 2, in Riley county: block 003, block 029; and the following voting districts in Riley county: (900010), (900020), (900030), (900040), (900050), (900060).

Sec. 156. Senatorial district 23 shall consist of the following blocks in voting district (000030), tract 0538.04, block group 1, in Johnson county: block 044, block 045, block 046, block 051, block 052, block 053, block 054, block 063, block 064, block 065, block 066; and the following voting districts in Johnson county: (00014A), (001030), (001040), (001050), (001060), (001070), (001100), (001270), (001300), (001310), (001320), (001330), (001350), (001360), (001370), (001380), (001390), (001410), (00147A), (00147B), (001480), (00311A), (00311B), (00311D), (003120), (004190); and the following blocks in voting district (900090), tract 0537.09, block group 3, in Johnson county: block 000, block 001, block 002, block 003, block 006, block 007, block 008, block 010, block 011, block 012, block 013, block 014, block 015; and the following blocks in voting district (900090), tract 0537.09, block group 5, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013; and the following blocks in voting district (900090), tract 0537.11, block group 2, in Johnson county: block 005, block 006, block 007, block 008, block 009, block 011, block 016, block 018, block 019, block 022, block 023, block 025; and the following

voting districts in Johnson county: (900100), (900110), (900160), (900170), (900180), (900570), (900580), (900600), (900610), (900620), (900650), (900820); and the following blocks in voting district (900830), tract 0534.03, block group 1, in Johnson county: block 000, block 004, block 005, block 006, block 007; and the following blocks in voting district (900830), tract 0534.03, block group 2, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006; and the following voting districts in Johnson county: (900850), (900860), (900910), (900920), (900930), (900940), (900980), (901440), (901460), (901470), (901570), (901610), (901620), (901630), (901680), (901730), (901780); and the following blocks in voting district (901810), tract 0536.02, block group 1, in Johnson county: block 069, block 070; and the following blocks in voting district (901840), tract 0537.01, block group 2, in Johnson county: block 000, block 001, block 034; and the following blocks in voting district (901840), tract 0537.11, block group 2, in Johnson county: block 010, block 026, block 027; and the following voting districts in Johnson county: (901860), (901870), (901880), (901890), (901950), (901970).

Sec. 157. Senatorial district 24 shall consist of the following voting districts in Dickinson county: (000010), (00002A), (00002B), (000030), (000040), (000050), (000130), (000220), (900010), (900020), (900030); and all of Ottawa county; and all of Saline county.

Sec. 158. Senatorial district 25 shall consist of the following blocks in voting district (500030), tract 0026.00, block group 2, in Sedgwick county: block 024, block 025, block 032, block 033, block 034, block 035; and the following voting districts in Sedgwick county: (500740), (500750), (500760), (500950), (500990), (501000), (501010), (501020), (501340), (501380), (501460), (501470), (501480), (501490), (501500), (501520), (501530), (501680), (501830), (501840), (501850), (501860), (501870), (501880), (501900), (501910), (501920), (501930), (501940); and the following blocks in voting district (502010), tract 0083.00, block group 1, in Sedgwick county: block 033, block 034, block 035, block 036, block 037, block 038, block 040, block 041; and the following blocks in voting district (502010), tract 0083.00, block group 2, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012; and the following blocks in voting district (502010), tract 0083.00, block group 3, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024; and the following blocks in voting district (502010), tract 0083.00, block group 4, in Sedgwick county: block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 023; and the following blocks in voting district (502010), tract 0095.03, block group 1, in Sedgwick county: block 000, block 001; and the following blocks in voting district (502010), tract 0103.00, block group 4, in Sedgwick county: block 118, block 119; and the following blocks in voting district (502020), tract 0081.00, block group 3, in Sedgwick county: block 040, block 041, block 042, block 043, block 046; and the following blocks in voting district (502020), tract 0083.00, block group 4, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 021, block 022; and the following blocks in voting district (502020), tract 0103.00, block group 4, in Sedgwick

county: block 065, block 067, block 068, block 069, block 070, block 071, block 072, block 077, block 086, block 087, block 088, block 096, block 097, block 098, block 099, block 100, block 101, block 102, block 105, block 106, block 107, block 114, block 117; and the following voting districts in Sedgwick county: (502030), (502040), (502050); and the following blocks in voting district (502070), tract 0103.00, block group 4, in Sedgwick county: block 022, block 023, block 025, block 026, block 027, block 030, block 031, block 032, block 043, block 044, block 047; and the following voting districts in Sedgwick county: (502420), (502460), (503290), (503300), (503310), (503320), (600030), (600470), (700210), (700220), (700230), (700250), (700260), (700290), (700300); and the following blocks in voting district (700390), tract 0103.00, block group 4, in Sedgwick county: block 000, block 005, block 007; and the following voting districts in Sedgwick county: (700400), (700410), (700430), (700640); and the following blocks in voting district (700780), tract 0103.00, block group 4, in Sedgwick county: block 009; and the following voting districts in Sedgwick county: (700930), (700940), (700960), (900090), (900100).

Sec. 159. Senatorial district 26 shall consist of the following voting districts in Sedgwick county: (500940), (501030); and the following blocks in voting district (501050), tract 0092.00, block group 2, in Sedgwick county: block 055, block 149, block 152; and the following voting districts in Sedgwick county: (501060), (501070), (501080), (501090), (501100), (501110); and the following blocks in voting district (501120), tract 0092.00, block group 2, in Sedgwick county: block 150; and the following blocks in voting district (501130), tract 0096.05, block group 2, in Sedgwick county: block 044, block 045, block 051, block 052, block 053, block 054, block 055, block 057, block 058, block 061, block 062, block 065; and the following voting districts in Sedgwick county: (501140), (501150), (501160), (501220), (501230), (501240), (501260), (501290), (501300), (501310), (501690), (501700), (501710), (501760), (501770), (501780), (501790), (502120), (502130), (502140), (502150), (502180), (502200), (502210), (502320), (502340), (502350), (502360), (502370), (502380), (502400), (502450); and the following blocks in voting district (502490), tract 0107.00, block group 1, in Sedgwick county: block 038, block 039, block 040, block 041, block 042, block 050, block 051, block 052, block 053, block 118, block 119, block 139, block 142, block 143, block 146, block 147, block 148, block 156; and the following voting districts in Sedgwick county: (502500), (502510); and the following blocks in voting district (502630), tract 0054.00, block group 1, in Sedgwick county: block 115, block 123, block 125; and the following blocks in voting district (502630), tract 0055.01, block group 1, in Sedgwick county: block 006; and the following blocks in voting district (502630), tract 0055.01, block group 2, in Sedgwick county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016; and the following blocks in voting district (502630), tract 0055.01, block group 3, in Sedgwick county: block 002, block 003, block 004, block 005, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018; and the following blocks in voting district (502630), tract 0055.01, block group 4, in Sedgwick county: block 020; and the following blocks in voting district (502630), tract 0096.05, block group 2, in Sedgwick county: block 126; and the following voting districts in Sedgwick county: (502640), (502700), (502710), (502720), (502730), (502740), (502750), (502760), (502770),

(502780), (502790), (502800), (502810), (502820), (503170); and the following blocks in voting district (503250), tract 0096.04, block group 1, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014; and the following blocks in voting district (503250), tract 0096.05, block group 1, in Sedgwick county: block 081, block 082, block 083, block 084, block 087, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 096, block 097, block 098, block 099, block 100, block 101, block 102, block 103, block 104, block 107, block 108, block 109, block 110, block 111, block 112, block 113, block 114, block 115, block 116, block 117, block 118, block 119, block 120, block 123; and the following voting districts in Sedgwick county: (503260), (503270), (503280); and the following blocks in voting district (503590), tract 0054.00, block group 1, in Sedgwick county: block 113, block 116, block 117; and the following blocks in voting district (503590), tract 0055.01, block group 3, in Sedgwick county: block 006; and the following voting districts in Sedgwick county: (503670), (503710); and the following blocks in voting district (503760), tract 0055.02, block group 1, in Sedgwick county: block 008, block 010, block 017, block 025, block 026, block 035, block 036; and the following blocks in voting district (503760), tract 0055.02, block group 2, in Sedgwick county: block 009, block 018, block 022, block 024, block 025, block 032, block 039, block 041; and the following blocks in voting district (503760), tract 0097.00, block group 1, in Sedgwick county: block 011, block 012, block 013, block 025, block 026, block 038, block 047, block 048, block 049, block 050, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 102, block 103, block 104, block 107; and the following blocks in voting district (503760), tract 0097.00, block group 2, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047; and the following voting districts in Sedgwick county: (503770); and the following blocks in voting district (503920), tract 0107.00, block group 1, in Sedgwick county: block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 077, block 078, block 079, block 080, block 081, block 086, block 087, block 088, block 089, block 090, block 094, block 095, block 096, block 097, block 098, block 099, block 100, block 101, block 102, block 103, block 104, block 105, block 106, block 107, block 108, block 109, block 110, block 111, block 112, block 113, block 114, block 115, block 116, block 117, block 120, block 121, block 122, block 123, block 124, block 125, block 131, block 204; and the following voting districts in Sedgwick county: (503930), (503940), (503950), (503960), (503970), (503990), (504000), (504010), (504020), (600190), (600440), (600460), (600780), (700510), (700630), (700650), (700690), (700840), (700890), (700950), (900020), (900030), (900040), (900080), (900110), (900120).

Sec. 160. Senatorial district 27 shall consist of the following voting districts in

Sedgwick county: (500960), (500970), (500980), (501040); and the following blocks in voting district (501050), tract 0092.00, block group 2, in Sedgwick county: block 009, block 010, block 013, block 014, block 016, block 017, block 018, block 019, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 041, block 042, block 043, block 044, block 045, block 051, block 052, block 053, block 054, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 064, block 065, block 066, block 132, block 133, block 134, block 135, block 136, block 137, block 138, block 139, block 143; and the following blocks in voting district (501050), tract 0096.05, block group 2, in Sedgwick county: block 020, block 021; and the following blocks in voting district (501120), tract 0092.00, block group 2, in Sedgwick county: block 151; and the following blocks in voting district (501130), tract 0092.00, block group 2, in Sedgwick county: block 153; and the following voting districts in Sedgwick county: (501390), (501400), (501410), (501420), (501430), (501440), (501450), (501540), (501550), (501560), (501570), (501580), (501590), (501600), (501610), (501620), (501630), (501640), (501650), (501660), (501670), (501720), (501730), (501740), (501750), (501810), (502160), (502170), (502410), (502430), (502440), (502470), (600250), (600390).

Sec. 161. Senatorial district 28 shall consist of the following voting districts in Sedgwick county: (500390), (500830), (500840), (500850), (500870), (500880), (500890), (500900), (500910), (501170), (501180), (501190), (501200), (501210), (501320), (501330), (502260), (502270), (502280), (502290), (502300), (502570), (502580), (502590), (502600), (502610); and the following blocks in voting district (502630), tract 0055.01, block group 3, in Sedgwick county: block 001; and the following voting districts in Sedgwick county: (502650), (502660), (502670), (502680), (502690); and the following blocks in voting district (503590), tract 0054.00, block group 1, in Sedgwick county: block 102, block 107, block 108, block 109, block 110, block 111, block 112, block 114; and the following blocks in voting district (503590), tract 0055.01, block group 3, in Sedgwick county: block 000; and the following blocks in voting district (503590), tract 0056.00, block group 3, in Sedgwick county: block 043, block 044; and the following voting districts in Sedgwick county: (503600), (503610), (503630), (503640), (503650), (503660), (503700), (600010), (600020), (600130), (600140), (600330), (600350), (600380), (700500), (700580), (700590), (700700), (700810), (700820), (700850), (700880).

Sec. 162. Senatorial district 29 shall consist of the following voting districts in Sedgwick county: (500010), (500020); and the following blocks in voting district (500030), tract 0024.00, block group 2, in Sedgwick county: block 019, block 020, block 021, block 024, block 025, block 026, block 036, block 037, block 038; and the following blocks in voting district (500030), tract 0026.00, block group 1, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051; and the following blocks in voting district (500030), tract 0026.00, block group 2, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005,

block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 026, block 027, block 028, block 029, block 030, block 031, block 036, block 037; and the following blocks in voting district (500030), tract 0034.00, block group 3, in Sedgwick county: block 004, block 005, block 014, block 015, block 016, block 023, block 024, block 025, block 026, block 027, block 028; and the following blocks in voting district (500030), tract 0043.00, block group 2, in Sedgwick county: block 041, block 042, block 043, block 044, block 045, block 046, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073; and the following blocks in voting district (500030), tract 0043.00, block group 3, in Sedgwick county: block 054, block 055, block 056, block 057, block 059; and the following voting districts in Sedgwick county: (500040), (500050), (500060), (500070), (500080), (500090), (500110), (500120), (500130), (500140), (500150), (500160), (500770), (500780), (500790), (500800), (501820), (501890), (501950), (501960); and the following blocks in voting district (501990), tract 0001.00, block group 1, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017; and the following blocks in voting district (501990), tract 0001.00, block group 2, in Sedgwick county: block 000, block 001, block 002, block 012, block 013; and the following blocks in voting district (501990), tract 0082.00, block group 2, in Sedgwick county: block 021, block 022, block 025; and the following blocks in voting district (502000), tract 0082.00, block group 3, in Sedgwick county: block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020; and the following blocks in voting district (502010), tract 0083.00, block group 1, in Sedgwick county: block 027, block 039.

Sec. 163. Senatorial district 30 shall consist of the following voting districts in Sedgwick county: (500100), (500320), (500330), (500340), (500350), (500360), (500370), (500380), (500400), (500410), (500420), (500430), (500440), (500450), (500460), (500530), (500540), (500560), (500570), (500580); and the following blocks in voting district (500590), tract 0072.04, block group 1, in Sedgwick county: block 024, block 025; and the following blocks in voting district (500590), tract 0100.02, block group 2, in Sedgwick county: block 081; and the following voting districts in Sedgwick county: (500650), (500660), (500670), (500690), (500710), (500810), (500820), (503020), (503030); and the following blocks in voting district (503040), tract 0072.04, block group 1, in Sedgwick county: block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039; and the following blocks in voting district (503040), tract 0072.04, block group 3, in Sedgwick county: block 018; and the following voting districts in Sedgwick county: (503050), (503060), (503070), (503080), (503090), (503100), (503110), (503120), (503130), (503140), (503150), (503160); and the following blocks in voting district (600430), tract 0100.01, block group 1, in Sedgwick county: block 000, block 001, block 002, block 003, block 005; and the following blocks in voting district (600430), tract 0100.02, block group 1, in Sedgwick county: block 000; and the following blocks

in voting district (600430), tract 0100.02, block group 2, in Sedgwick county: block 062, block 063, block 078; and the following voting districts in Sedgwick county: (700490), (700530), (900060).

Sec. 164. Senatorial district 31 shall consist of the following voting districts in Harvey county: (000020), (000030), (000060), (000070), (000080), (000120), (000130), (000300), (000310), (900010), (900020), (900040); and the following voting districts in Sedgwick county: (500170), (500180), (500190), (500200), (500210), (500220), (500230), (500240), (500250), (500260), (500270), (500280), (500310), (500470), (500480), (500490), (500500), (500510), (500520), (500720), (500730), (501970), (501980); and the following blocks in voting district (501990), tract 0081.00, block group 2, in Sedgwick county: block 074, block 081, block 082, block 083, block 084, block 088, block 140, block 141, block 142, block 143, block 144, block 145, block 146, block 147, block 150, block 151, block 152, block 153, block 154, block 155, block 156, block 157, block 158, block 159, block 162, block 163, block 172, block 193, block 194, block 195, block 197, block 198, block 207, block 212, block 213, block 234, block 235, block 236, block 242, block 243, block 244, block 245, block 247; and the following blocks in voting district (501990), tract 0082.00, block group 1, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037; and the following blocks in voting district (501990), tract 0082.00, block group 2, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005; and the following blocks in voting district (502000), tract 0081.00, block group 1, in Sedgwick county: block 029, block 030, block 031, block 032, block 035, block 036, block 037, block 038, block 039, block 040, block 043, block 044; and the following blocks in voting district (502000), tract 0081.00, block group 2, in Sedgwick county: block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 075, block 076, block 077, block 148, block 149, block 248, block 249; and the following blocks in voting district (502000), tract 0082.00, block group 3, in Sedgwick county: block 000, block 001, block 002, block 003, block 004; and the following blocks in voting district (502010), tract 0083.00, block group 1, in Sedgwick county: block 028; and the following blocks in voting district (502020), tract 0081.00, block group 2, in Sedgwick county: block 079, block 080; and the following blocks in voting district (502020), tract 0081.00, block group 3, in Sedgwick county: block 033, block 034, block 035, block 036, block 037, block 049; and the following blocks in voting district (502020), tract 0083.00, block group 1, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 029, block 030, block 031, block 032; and the following blocks in voting district (502070), tract 0081.00, block group 1, in Sedgwick county: block 011, block 012, block 013, block 014, block

015, block 016, block 017, block 018, block 019, block 023, block 024, block 025, block 026, block 027, block 028, block 033; and the following blocks in voting district (502070), tract 0081.00, block group 3, in Sedgwick county: block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 009, block 010, block 011, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 039, block 044, block 045; and the following blocks in voting district (502070), tract 0103.00, block group 4, in Sedgwick county: block 046; and the following voting districts in Sedgwick county: (502080), (502220), (502230), (502240), (502250), (502830), (502840), (502850), (502860), (502870), (502880), (502890), (502900), (502910), (502930), (502940), (502950), (502960), (502970), (502980), (502990), (503000), (503010), (503370), (503380), (503390), (503400), (503410), (503450), (503460), (503470), (503480), (503490), (503500), (503510), (503520), (503530), (503550), (503560), (503580), (503800), (530540), (600090), (600150), (600360), (600400), (700010), (700020), (700030), (700040), (700050), (700060), (700070), (700080), (700090), (700110), (700120), (700130), (700140), (700150), (700160), (700170), (700180), (700200), (700310), (700320), (700330), (700350), (700380); and the following blocks in voting district (700390), tract 0081.00, block group 1, in Sedgwick county: block 002, block 003, block 004, block 006, block 007, block 008, block 009, block 020; and the following blocks in voting district (700390), tract 0101.13, block group 2, in Sedgwick county: block 187, block 188, block 189, block 190; and the following blocks in voting district (700390), tract 0102.00, block group 1, in Sedgwick county: block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 027, block 028, block 029, block 045, block 046, block 047; and the following blocks in voting district (700390), tract 0102.00, block group 3, in Sedgwick county: block 017, block 018, block 019, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038; and the following blocks in voting district (700390), tract 0102.00, block group 4, in Sedgwick county: block 065, block 066, block 067, block 068, block 069, block 073, block 083, block 084, block 085, block 086, block 087, block 091, block 092, block 094, block 097, block 098, block 099, block 101; and the following voting districts in Sedgwick county: (700460), (700470), (700540), (700550), (700560), (700570), (700600), (700620), (700660), (700670), (700710); and the following blocks in voting district (700780), tract 0103.00, block group 4, in Sedgwick county: block 008; and the following voting districts in Sedgwick county: (700790), (700830), (700860), (700900), (700910), (700920), (900010), (900050).

Sec. 165. Senatorial district 32 shall consist of all of Cowley county; and the following blocks in voting district (502490), tract 0107.00, block group 1, in Sedgwick county: block 138, block 140, block 141, block 144, block 145, block 149, block 150, block 151, block 152, block 153, block 154, block 155, block 175, block 176, block 177, block 178, block 180, block 181, block 182, block 183, block 184, block 185, block 186, block 187, block 188, block 202, block 203; and the following voting districts in Sedgwick county: (503180), (503190), (503210), (503220), (503230); and the following blocks in voting district (503250), tract 0096.04, block group 1, in Sedgwick county: block 015, block 016, block 017, block 018, block 019, block 020,

block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049, block 050, block 051, block 052, block 053, block 054, block 055, block 056, block 057, block 058, block 059, block 060, block 061, block 062, block 063; and the following blocks in voting district (503250), tract 0096.04, block group 2, in Sedgwick county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 017, block 018, block 019, block 020, block 021, block 022, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 036, block 037, block 038, block 039, block 040, block 041, block 042, block 043, block 044, block 045, block 046, block 047, block 048, block 049; and the following blocks in voting district (503250), tract 0096.05, block group 1, in Sedgwick county: block 121, block 122, block 124, block 125, block 126, block 127, block 128, block 129, block 130, block 131, block 132, block 133, block 134, block 135, block 136, block 137, block 138, block 139, block 140, block 141, block 142, block 143, block 144, block 148, block 149, block 150, block 152; and the following voting districts in Sedgwick county: (503740), (503750); and the following blocks in voting district (503760), tract 0097.00, block group 1, in Sedgwick county: block 063, block 064, block 065, block 066, block 067, block 068, block 069, block 070, block 071, block 072, block 073, block 074, block 075, block 076, block 077, block 078, block 079, block 080, block 081, block 082, block 083, block 084, block 085, block 086, block 087, block 088, block 089, block 090, block 091, block 092, block 093, block 094, block 095, block 096, block 097, block 098, block 099, block 100, block 101, block 105, block 106, block 108, block 109, block 110, block 111, block 112; and the following blocks in voting district (503920), tract 0107.00, block group 1, in Sedgwick county: block 076, block 082, block 083, block 084, block 085, block 091, block 092, block 093, block 126, block 127, block 128, block 129, block 130, block 132, block 133, block 134, block 135, block 136, block 137, block 157, block 158, block 159, block 160, block 161, block 162, block 163, block 164, block 165, block 166, block 167, block 168, block 169, block 170, block 171, block 172, block 173, block 174, block 189, block 190, block 191, block 192, block 193, block 194, block 195, block 196, block 197, block 198, block 199, block 200, block 201, block 205, block 206, block 207, block 209; and the following voting districts in Sedgwick county: (600340), (600370); and all of Sumner county.

Sec. 166. Senatorial district 33 shall consist of all of Barber county; and all of Barton county; and all of Comanche county; and all of Edwards county; and all of Harper county; and all of Kingman county; and all of Kiowa county; and all of Pratt county; and all of Stafford county.

Sec. 167. Senatorial district 34 shall consist of all of Reno county; and the following voting districts in Sedgwick county: (502480), (502560), (503780).

Sec. 168. Senatorial district 35 shall consist of all of Ellsworth county; and the following voting districts in Harvey county: (000010), (000040), (000050), (000090), (00010A), (000110), (000140), (000150), (000160), (000170), (000180), (00019A), (000200), (000210), (00022A), (000230), (000240), (000250), (000260), (00027A),

(00027B), (00027C), (00027D), (000280), (000290), (000320), (800010), (900030), (900050), (900060), (900070), (900080);

and all of McPherson county; and all of Rice county.

Sec. 169. Senatorial district 36 shall consist of the following voting districts in Cloud county: (000140), (000210), (000240); and all of Ellis county; and all of Jewell county; and all of Lincoln county; and all of Mitchell county; and all of Osborne county; and all of Pawnee county; and all of Republic county; and all of Rush county; and all of Russell county; and all of Smith county.

Sec. 170. Senatorial district 37 shall consist of the following voting districts in Johnson county: (000010), (000020); and the following blocks in voting district (000030), tract 0538.03, block group 1, in Johnson county: block 017, block 018, block 019, block 020, block 023, block 024, block 025, block 026, block 027, block 028, block 029, block 030, block 031, block 032, block 033, block 034, block 035, block 050, block 051; and the following blocks in voting district (000030), tract 0538.04, block group 1, in Johnson county: block 024, block 025, block 047, block 050, block 055, block 056, block 057, block 058, block 074, block 075, block 076; and the following voting districts in Johnson county: (000040), (001340), (00140B), (002160), (00217A), (00217B), (00222A), (00222B), (002230), (002240), (00226A), (00226B), (002360), (00244A), (002460), (002470), (00249A), (00249E), (00249F), (004300), (900010), (900020), (900790), (900800), (900810); and the following blocks in voting district (900830), tract 0534.03, block group 1, in Johnson county: block 018; and the following blocks in voting district (900830), tract 0534.03, block group 2, in Johnson county: block 007, block 008, block 009, block 010, block 011, block 012; and the following voting districts in Johnson county: (900840), (901000), (901010), (901020), (901030), (901040), (901050); and the following blocks in voting district (901060), tract 0534.14, block group 1, in Johnson county: block 000, block 001, block 002, block 003, block 004, block 005, block 006, block 007, block 008, block 009, block 010, block 011, block 012, block 013, block 014, block 015, block 016, block 018, block 019, block 020, block 021, block 022, block 023; and the following voting districts in Johnson county: (901090), (901100), (901110), (901120), (901130), (901140), (901150), (901160), (901170), (901180), (901190), (901210), (901220), (901230), (901240), (901250), (901260), (901270), (901290), (901300), (901310), (901690).

Sec. 171. Senatorial district 38 shall consist of all of Clark county; and all of Ford county; and all of Gray county; and all of Meade county; and all of Seward county.

Sec. 172. Senatorial district 39 shall consist of all of Finney county; and all of Grant county; and all of Hamilton county; and all of Haskell county; and all of Hodgeman county; and all of Kearny county; and all of Morton county; and all of Stanton county; and all of Stevens county.

Sec. 173. Senatorial district 40 shall consist of all of Cheyenne county; and all of Decatur county; and all of Gove county; and all of Graham county; and all of Greeley county; and all of Lane county; and all of Logan county; and all of Ness county; and all of Norton county; and all of Phillips county; and all of Rawlins county; and all of Rooks county; and all of Scott county; and all of Sheridan county; and all of Sherman county; and all of Thomas county; and all of Trego county; and all of Wallace county; and all of Wichita county."

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

On roll call, the vote was: Yeas 19; Nays 21; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Bruce, Donovan, Kelsey, King, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, A. Schmidt, Steineger, Taddiken, Wagle.

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

The motion failed and the amendment was rejected.

Senator Ostmeyer offered a motion to return **HB 2606** to the Committee on Reapportionment. The motion was withdrawn.

Senator Apple offered a motion to return **HB 2606** to the Committee on Ways and Means. The motion failed.

Senator Owens moved to report **HB 2606** favorably for passage. The motion carried.

Senator Emler moved to rise and report.

Having voted on the prevailing side, Senator Vratil moved the Senate reconsider its action to rise and report. The motion carried.

The Senate returned to the Committee of the Whole.

Senator Vratil moved the senate reconsider its action to report **HB 2606** favorably. The motion carried and the bill remained on General Orders.

**HB 2606** was passed over and retained a place on the calendar.

The Committee rose and reported.

On motion of Senator Brungardt the above report was adopted:

#### **FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **S Sub for HB 2318** was advanced to Final Action and roll call.

**S Sub for HB 2318**, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; sentencing guidelines grid for drug crimes; drug treatment programs; disposition and supervision of offenders; amending K.S.A. 2011 Supp. 21-5701, 21-5703, 21-5705, 21-5706, 21-5708, 21-5709, 21-5710, 21-5713, 21-5714, 21-5716, 21-6604, 21-6608, 21-6611, 21-6614, 21-6805, 21-6808, 21-6810, 21-6821, 21-6824, 22-2802, 22-2908, 22-3412, 22-3604, 22-3717, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376, 75-5291 and 75-52,144 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-6614c and 75-5291b.

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

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

Nays: Faust-Goudeau, Francisco, Haley, Steineger.

Present and Passing: Marshall.

The substitute bill passed, as amended.

#### **REPORT ON ENGROSSED BILLS**

**SB 290, SB 310** reported correctly engrossed March 20, 2012.

**SB 252, SB 280; Sub SB 282; SB 316, SB 353** reported correctly engrossed March 21, 2012.

## REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 459** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL NO. 459," as follows:

"Substitute for SENATE BILL NO. 459

By Committee on Ways and Means

"AN ACT creating the joint committee on KanCare oversight; amending K.S.A. 2011 Supp. 39-7,161 and 39-7,162 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 39-7,160 and 46-3501.";

And the substitute bill be passed.

Also, **SB 427** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2011 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of

investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or \$140,000,000 of the state moneys shall be invested.

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2011 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2011 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 2011 Supp. 75-4279, and amendments thereto.

(h) Investments in securities under paragraph (1) of subsection (a) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under paragraph (3) of subsection (a), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.;

And by renumbering sections accordingly;

On page 3, in line 2, after "Supp." by inserting "75-4209,";

On page 1, in the title, in line 3, after "Supp." by inserting "75-4209,"; and the bill be passed as amended.

**MESSAGE FROM THE HOUSE**

Announcing passage of **SB 322, SB 330, SB 345, SB 417, SB 422.**

Also, passage of **SB 114**, as amended by **House Substitute for SB 114; SB 28**, as amended by **House Substitute for SB 28; SB 159**, as amended by **House Substitute for Substitute SB 159; SB 160**, as amended by **House Substitute for SB 160; SB 287**, as amended by **House Substitute for SB 287; SB 315**, as amended by **House Substitute for SB 315; SB 341**, as amended by **House Substitute for SB 341.**

Also, passage of **SB 155**, as amended; **SB 207**, as amended; **SB 250**, as amended; **SB 257**, as amended; **SB 262**, as amended; **SB 273**, as amended; **SB 304**, as amended; **SB 320**, as amended; **SB 366**, as amended; **SB 367**, as amended.

Announcing rejection of **House Substitute for SB 344.**

The House accedes to the request of the Senate for a conference on **SB 258** and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 300** and has appointed Representatives Hayzlett, Prescott and Wetta as conferees on the part of the House.

Announcing passage of **HB 2766, HB 2773.**

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2766, HB 2773** was thereupon introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **H Sub SB 28** and requested a conference committee be appointed.

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

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 155** and requested a conference committee be appointed.

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

On motion of Senator Owens the Senate nonconcurred in the House amendments to **H Sub for SB 160** and requested a conference committee be appointed.

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

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **H Sub for SB 177** and requested a conference committee be appointed.

The President appointed Senators Donovan, Apple and Holland as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 250** and requested a conference committee be appointed.

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

On motion of Senator Schodorf the Senate nonconcurred in the House amendments to **SB 257** and requested a conference committee be appointed.

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

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **SB 262** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 273** and requested a conference committee be appointed.

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

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **H Sub for SB 287** and requested a conference committee be appointed.

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

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 304** and requested a conference committee be appointed.

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

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **H Sub for SB 315** and requested a conference committee be appointed.

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

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 366** and requested a conference committee be appointed.

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

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SB 367** and requested a conference committee be appointed.

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

#### **CHANGE OF REFERENCE**

On motion of Senator Morris **HB 2606** was removed from the calendar under the heading of General Orders and referred to the committee on **Ways and Means**.

On motion of Senator Emler, the Senate adjourned until 10:00 a.m., Monday, March 26, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

