

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 27, 2003, 9:45 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Goico and Sawyer were excused on legislative business.

Prayer by Chaplain Chamberlain:

Lord of providence and plenty, you have given us the abundance of the earth and assigned us to be its stewards. You trust us with all that you have created and you call upon us to exercise our stewardship in the light of your love.

We use money to measure wealth in our world, Lord, but we know that slips of paper, bits of metal or numbers on a budget sheet are not reality. Reality is imagination, industry, dedication and hard work. The things that are real are a full head of grain, fattened cattle, new products, service to others and all the other ways that each individual contributes to our community, for all things flow from you, O God, through the hearts, heads and hands of your children.

Bless with wisdom the women and men gathered in this House as they seek to see beyond the numbers to the reality that lies behind them and to the possibilities that lie ahead. Let them acknowledge you as the source of all, let them remember the toil that produced the harvest, and let them see the places where treasure meets need.

Thank you, Lord, for the plenty and for those you have appointed as its stewards. Amen.

The Pledge of Allegiance was led by Rep. Yoder.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. McKinney, **HCR 5021**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5021—

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2003 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 28, 2003, and shall reconvene on April 2, 2003, pursuant to adjournment of the daily session convened on March 28, 2003; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 4, 2003, or at the close of business of the daily session convened on April 5, 2003, and shall reconvene at 10:00 a.m. on April 30, 2003; 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 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 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 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 shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212 except that the mileage allowance shall be limited during any such period of adjournment to one full trip by the usual route in going to and returning from an authorized meeting.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing on the calendar as "To be referred" were referred to committees as indicated:

Appropriations: **HB 2463; SB 239, SB 259.**

Corrections and Juvenile Justice: **SB 197.**

Federal and State Affairs: **SB 136.**

Judiciary: **SB 29.**

Taxation: **HB 2462.**

CONSENT CALENDAR

No objection was made to **HB 2416** appearing on the Consent Calendar for the second day.

No objection was made to **SB 240** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 240. An act repealing K.S.A. 48-323; concerning the adjutant general; relating to insurance coverage for armories, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed.

HB 2267. An act concerning employment security law; relating to definition of employment; service performed by certain agricultural workers who are aliens; amending K.S.A. 2002 Supp. 44-703 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Campbell, Crow, Davis, Dillmore, Flora, Holland, Klein, Kuether, Nichols, Powers, Rehorn, Swenson, Ward, Winn.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed.

HB 2426. An act making and concerning appropriations for the fiscal years ending June 30, 2004, and June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Davis, Decker, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McKinney, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Betts, Brunk, Burgess, Dahl, DeCastro, Dillmore, Faber, Gilbert, Goering, Howell, Huebert, Huy, E. Johnson, Kauffman, Klein, Landwehr, P. Long, McCreary, McLeland, F. Miller, Myers, Powers, Schwab, Swenson, Ward, Wilk.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: While going through **HB 2426**, the capital improvement budget bill, I found that one of the many appropriations the University of Kansas was given was a 1.4 million dollar appropriation to be used for landscaping. The 1.4 million dollars KU gets for landscaping is more than the total appropriation for Wichita State and the Judiciary Branch combined.

I guess when WSU students say, the grass is always greener on the other side, they mean that literally. However, Mr. Speaker, I still vote yes on **HB 2426!**—TODD NOVASCONE

MR. SPEAKER: With all due respect to Rep. Novascone, at the University of Kansas it's not the grass that's greener, it's the money from private donors. The \$1,420,025 for the master landscaping plan implementation did not come from taxpayers. It was completely funded by private donors. I commend the University of Kansas for raising the "green" it

takes to improve the beauty of its campus without burdening taxpayers. I vote yes on **HB 2426**.—ROCKY NICHOLS

HCR 5016, A concurrent resolution urging the Office of the Attorney General and the Division of Alcoholic Beverage Control of the Department of Revenue to conduct a study and hearings and make recommendations with regard to sale and delivery of wines which are not available for sale in Kansas, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 20; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Faber, Feuerborn, Flaharty, Flora, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, Kassebaum, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Neighbor, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Bethell, Carter, Dillmore, Edmonds, Freeborn, Gatewood, Holmes, Hutchins, E. Johnson, Kauffman, Kirk, Krehbiel, P. Long, Mason, Myers, Neufeld, Pauls, Powell, Powers.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The resolution was adopted.

HCR 5017, A concurrent resolution urging the United States Department of Agriculture to implement country of origin labeling for beef, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The resolution was adopted, as amended.

HCR 5019, A concurrent resolution urging the Risk Management Agency of the United States Department of Agriculture to take certain actions, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr,

Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The resolution was adopted, as amended.

HR 6016, A resolution urging the local school boards to maintain efforts to support early childhood education, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Faber.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The resolution was adopted, as amended.

SB 11, An act concerning the juvenile justice authority; relating to the annual budget planning process; creating a community advisory committee; relating to community graduated sanctions and prevention programs, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed.

H. Sub. for SB 27. An act concerning the civil commitment of sexually violent predators; amending K.S.A. 2002 Supp. 59-29a01, 59-29a04, 59-29a06, 59-29a07, 59-29a08 and 59-29a10 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The substitute bill passed.

SB 55. An act concerning school districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 72-8205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Faber.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 57. An act concerning school districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 72-8205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, No-

vascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Burgess, Howell, Huebert, Huy, Klein, Nichols, Powers, Shriver, Ward.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed.

SB 61, An act enacting the uniform athlete agents act; amending K.S.A. 2002 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 44-1501, 44-1502, 44-1503, 44-1504, 44-1505, 44-1507, 44-1508, 44-1509, 44-1510, 44-1511, 44-1513, 44-1514 and 44-1515 and K.S.A. 2002 Supp. 44-1506 and 44-1512, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 64, An act relating to crimes, criminal procedure and punishment; amending K.S.A. 21-3836 and K.S.A. 2002 Supp. 22-4529, 22-4902, 22-4903, 22-4904 and 22-4905 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 70, An act repealing K.S.A. 39-7,154; concerning pass-through of child support, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 37; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Betts, Boyer, Brunk, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, Decker, Dreher, Feuerborn, Flaharty, Freeborn, Gilbert, Goering, Gordon, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Krehbiel, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Phelps, Pottorff, Powell, Rehorn, Reitz, Ruff, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Tafanelli, Thimesch, Toelkes, Ward, Wilk, D. Williams, J. Williams, Winn, Yoder, Yonally.

Nays: Barbieri-Lightner, Burgess, Burroughs, Crow, DeCastro, Dillmore, Edmonds, Faber, Flora, Gatewood, Grant, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Kirk, Klein, Kuether, P. Long, McCreary, McKinney, F. Miller, Myers, Nichols, Osborne, Pauls, Peterson, Powers, Reardon, Schwab, Svaty, Swenson, Thull, Vickrey, Wilson.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed.

SB 71, An act relating to the payment center; expiration thereof; abolishing the central payment center oversight commission; amending K.S.A. 2002 Supp. 23-4,118 and repealing the existing section; also repealing K.S.A. 74-99a01, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Flora, Howell, McCreary, Nichols.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 79, An act concerning political subdivisions of the state; relating to cities and counties; amending K.S.A.12-523, 12-751a, 19-2680 and 19-2686 and K.S.A. 2002 Supp. 19-2681 and 19-2685 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 62; Nays 61; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Betts, Brunk, Burgess, Burroughs, Carlin, Craft, Dahl, DeCastro, Edmonds, Feuerborn, Flaharty, Gilbert, Gordon, Grant, Henderson, Howell, Huebert, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Krehbiel, Larkin, M. Long, P. Long, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Jim Morrison, Neufeld, Nichols, Novascone, Osborne, Ostmeyer, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Schwartz, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, J. Williams, Wilson.

Nays: Aurand, Beggs, Bethell, Boyer, Campbell, Carter, Compton, Cox, Crow, Davis, Decker, Dillmore, Dreher, Faber, Flora, Freeborn, Gatewood, Goering, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, Kassebaum, Kirk, Klein, Kuether, Landwehr, Light, Loganbill, Loyd, Mason, Merrick, Minor, Judy Morrison, Myers, Neighbor, Newton, O'Malley, O'Neal, Owens, Patterson, Pauls, Reitz, Ruff, Schwab, S. Sharp, Showalter, Shriver, Siegfried, Ward, Wilk, D. Williams, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill did not pass.

Sub. SB 83, An act concerning school districts; relating to certain funds; enacting the school budgeting best practices reform act; amending K.S.A. 12-1663, 12-2615, 44-505c, 72-4141, 72-5390, 72-6409, 72-6425, 72-6428, 72-8209, 72-8223, 72-8302, 72-8316, 72-8317, 72-8415a, 72-8415b, 75-6110 and 79-2927 and repealing the existing sections; also repealing K.S.A. 72-3703, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The substitute bill passed, as amended.

SB 103, An act concerning elections; relating to recalls; amending K.S.A. 25-4302, 25-4307, 25-4308, 25-4311, 25-4315, 25-4322, 25-4325, 25-4329 and 60-1205 and K.S.A. 2002 Supp. 25-4306 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dreher, Faber, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Howell, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Light, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Nichols, Novascone, O'Malley, O'Neal, Ostmeyer, Patterson, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Winn, Yonally.

Nays: Barbieri-Lightner, Betts, Davis, Dillmore, Edmonds, Feuerborn, Flaharty, Horst, Hutchins, Klein, Kuether, Larkin, P. Long, Loyd, Minor, Newton, Osborne, Owens, Pauls, Peterson, Rehorn, Svaty, Wilson, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 119, An act concerning teachers; relating to hearings provided upon notice of non-renewal or termination of contracts of employment; amending K.S.A. 72-5438, 72-5440, 76-11a05, 76-11a06, 76-11a07, 76-11a08, 76-11a09, 76-11a10, 76-11a11, 76-11a12, 76-11a13 and 76-11a14 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Gor-

don, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Carter, Faber, Freeborn, Loyd, Neufeld.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 120. An act concerning school districts; relating to the powers and duties of the board of education; relating to certain expenditures; amending K.S.A. 72-5126 and 72-6760 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Edmonds, Howell, Huebert, Kauffman, Klein, Krehbiel, McKinney, Minor, Nichols, Powers, Thull, Ward.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 131. An act relating to water and soil pollution control and prevention; concerning livestock markets; annual permit fees for truck washing facilities; amending K.S.A. 65-166a and 65-171d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: J. Miller.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 155, An act concerning solid waste; amending K.S.A. 65-3407, 65-3424, 65-3424a, 65-3424b, 65-3424g, 65-3424k and 65-3426 and repealing the existing sections; also repealing K.S.A. 65-3424m, was considered on final action.

On roll call, the vote was: Yeas 54; Nays 69; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Betts, Carlin, Crow, Dahl, Davis, Dillmore, Edmonds, Faber, Flaharty, Flora, Gilbert, Henry, Holland, Horst, Kauffman, Kirk, Kuether, Larkin, Loganbill, M. Long, Mason, McCreary, McKinney, F. Miller, J. Miller, Minor, Jim Morrison, Nichols, Osborne, Ostmeyer, Pauls, Peterson, Phelps, Reardon, Rehorn, Ruff, Schwab, B. Sharp, Showalter, Shriver, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Cox, Craft, DeCastro, Decker, Dreher, Feuerborn, Freeborn, Gatewood, Goering, Gordon, Grant, Hayzlett, Henderson, Hill, Holmes, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Klein, Krehbiel, Landwehr, Light, P. Long, Loyd, Mays, McLeland, Merrick, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Owens, Patterson, Pottorff, Powell, Powers, Reitz, Schwartz, S. Sharp, Shultz, Tafanelli, Vickrey, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill did not pass.

SB 159, An act relating to the division of vehicles; concerning drivers' licenses and identification cards; amending K.S.A. 8-243, as amended by section 2 of 2003 Senate Bill No. 16, and 8-1329 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Faber, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SB 178, An act concerning cities and counties; relating to special benefit districts therein; amending K.S.A. 12-6a01, 12-6a04 and 12-6a08 and K.S.A. 2002 Supp. 12-194 and 25-432 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 12-17,130, 12-17,131, 12-17,132, 12-17,133, 12-17,134, 12-17,135, 12-17,136, 12-17, 137, 12-17,138 and 12-17,139, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Land-

wehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The bill passed, as amended.

SCR 1609, A concurrent resolution urging the United States department of agriculture to enter into an agreement with the state of Kansas in which landowners who discover sericea lespedeza on CRP lands are not penalized, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Faber, Loyd.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The resolution was adopted.

SCR 1610, A concurrent resolution urging that Federal noxious weed cost share dollars be made available for the control of noxious weeds in the state of Kansas, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Novascone.

Present but not voting: None.

Absent or not voting: Goico, Sawyer.

The resolution was adopted.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Landwehr in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted:

Recommended that **SB 63, SB 206, SB 91; HB 2287** be passed.

Committee report to **SB 14** be adopted; and the bill be passed as amended.

H. Sub. for SB 145; Sub. SB 104, Sub. SB 144; SB 235, SB 123; HB 2418 be passed over and retain a place on the calendar.

Committee report to **SB 225** be adopted; and the bill be passed as amended.

Committee report to **SB 7** be adopted; also, on motion of Rep. Sloan be amended on page 2, in line 31, preceding the comma, by inserting "and the governing body of the technical college which submitted the plan";

Also, on motion of Rep. Feuerborn **SB 7** be amended on page 9, following line 2, by inserting:

"Sec. 12. K.S.A. 2002 Supp. 75-4364 is hereby amended to read as follows: 75-4364.

(a) As used in this section:

(1) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, and technical colleges.

(2) "Public safety officer" means a law enforcement officer or a firefighter or an emergency medical services attendant.

(3) "Law enforcement officer" means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(4) "Firefighter" means a person who is: (1) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (2) a volunteer member of a fire district, fire department or fire company.

(5) "Emergency medical services attendant" means a first responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator or a mobile intensive care technician certified by the emergency medical services board pursuant to the statutory provisions contained in article 61 of chapter 65 of Kansas Statutes Annotated.

(6) "Dependent" means (A) a birth child, adopted child or stepchild of a public safety officer or (B) any child other than the foregoing who is actually dependent in whole or in part on a public safety officer and who is related to the public safety officer by marriage or consanguinity.

(7) "State board" means the state board of regents.

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for any dependent of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent is eligible. Any such dependent shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed eight semesters of undergraduate instruction, or the equivalent thereof, at all such institutions, in the aggregate, for any such dependent.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of the dependent of a deceased public safety officer is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall be responsible

for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents are enrolled for the total amount of tuition and fees not charged eligible dependents for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which such eligible dependent or dependents are enrolled. If an eligible dependent discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible dependent would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents of public safety officers and the eligibility of such persons for the benefits provided for under this section.”;

By renumbering sections 12 and 13 as sections 13 and 14, respectively;

Also on page 9, in line 3, following “75-2319”, by inserting “and 75-4364”;

In the title, in line 10, following “ACT”, by inserting “concerning educational institutions; concerning educational benefits.”; in line 13, following “75-2319”, by inserting “and 75-4364”; and **SB 7** be passed as amended.

Committee report to **SB 237** be adopted; and the bill be passed as amended.

Committee report to **SB 110** be adopted; and the bill be passed as amended.

Committee report to **SB 33** be adopted; also, on motion of Rep. Hayzlett be amended on page 8, following line 31, by inserting the following:

“Sec. 4. K.S.A. 8-1558 is hereby amended to read as follows: 8-1558. (a) Except as provided in ~~subsections (b) and (c)~~ *subsection (b)* and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

(1) In any urban district, 30 miles per hour;

(2) on any separated multilane highway, as designated and posted by the secretary of transportation, 70 miles per hour;

(3) on any county or township highway, 55 miles per hour; and

(4) on all other highways, 65 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed greater than 45 miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof in excess of the maximum speed limits provided in *subsection (a)*, except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.

~~(c) The secretary of transportation shall not be liable for any damage or loss, asserted to have been sustained between the effective date of this act and July 1, 1996, based on a claim of failure to post any speed limit, or to erect signs or place markings in relation to any speed limit established by this act, on any highway under the secretary's jurisdiction.~~

~~(d) (c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.~~

~~(e) The speed limits established in paragraphs (2) and (4) of subsection (a) shall be effective 15 days following the effective date of this act. During such interim fifteen-day period, the maximum speed limit under paragraph (2) of subsection (a) shall be 65 miles~~

~~per hour and the maximum speed limit under paragraph (4) of subsection (a) shall be 55 miles per hour;~~

By renumbering sections accordingly;

Also on page 8, in line 32, preceding "K.S.A." by inserting "K.S.A. 8-1558 and"; also in line 32, by striking "is" and inserting "are";

In the title, in line 14, following "ACT" by inserting "regulating traffic;"; in line 15, by striking "penalties therefor; amending" and inserting "certain speed limits; amending K.S.A. 8-1558 and"; in line 16, by striking "section" and inserting "sections"; and **SB 33** be passed as amended.

Committee report to **SB 67** be adopted; also, on motion of Rep. Yoder to amend, the motion did not prevail and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 191** be amended in line 22, by striking "ten" and inserting "five"; in line 29, by striking "ten" and inserting "five"; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SB 250** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 250," as follows:

"HOUSE Substitute for SENATE BILL No. 250

By Committee on Appropriations

AN ACT concerning school districts; relating to capital improvements; state aid; amending K.S.A. 2002 Supp. 75-2319 and repealing the existing section."; and the substitute bill be passed.

(H. Sub for **SB 250** was thereupon introduced introduced and read by title.)

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2015** and has appointed Senators Vratil, Allen and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2068** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2088** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2155** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2161** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

Also, announcing passage of **SB 263**.

Announcing passage of **Sub. HB 2073; HB 2214, HB 2220**.

Announcing passage of **HB 2003**, as amended; **HB 2032**, as amended; **HB 2122**, as amended; **HB 2131**, as amended; **HB 2135**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 263.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Nichols as a member of the conference committee on **SB 6** to replace Rep. Shriver.

Also, the appointment of Rep. Schwartz as a member of the conference committee on **SB 43** to replace Rep. Shultz.

On motion of Rep. Aurand, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Mays in the chair.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator Barone as a member of the conference committee on **SB 6** to replace Senator Feleciano.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Landwehr in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 145** be adopted; also, on motion of Rep. Powell to amend, the motion did not prevail.

Also, on motion of Rep. Faber to amend **H. Sub. for SB 145**, the motion did not prevail and the substitute bill be passed.

Committee report to **Sub. SB 104** be adopted; and the substitute bill be passed as amended.

Committee report to **Sub. SB 144** be adopted; also, on motion of Rep. Patterson to amend, Rep. Grant requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. Rep. Humerickhouse challenged the ruling, the question being "Shall the Rules Chair be sustained? The Rules Chair was sustained. The question then reverted back to the motion of Rep. Patterson to amend, which did not prevail.

Also, on motion of Rep. B. Sharp **Sub. SB 144** be amended on page 5, after line 33, by inserting:

"(b) Any insurance company using insurance scores pursuant to this act shall no later than January 31, 2005, provide the commissioner with the following information:

- (1) An analysis of how this act has been implemented; and
- (2) a review and analysis of the insurance company's use of credit information and insurance scores, which shall include all data and information on:

(A) The relationship between credit information and insurance scores on insurance risk of loss;

(B) demographic information on consumers who are adversely affected by and benefit from the use of credit information and insurance scores on personal insurance purchases including the consumer's age, sex, city, insurance score, insurance rate, number of claims filed, and amounts paid on claims;

(C) the extent to which the use of credit information and insurance scores affects rates charged to consumers; and

(D) such additional information as the commissioner may require.";

Also on page 5, in line 34, by striking "(b)" and inserting "(c)"; in line 36, by striking "January 26" and inserting "July 31";

Also, on further motion of Rep. B. Sharp **Sub. SB 144** be amended on page 5, in line 38, after the period by inserting "The report shall include a summary of the information provided by insurance companies and an independent analysis of the impact the use of credit information and insurance scores had on rates charged to consumers, whether there is a relationship between a consumers credit information and insurance score and the insurance risk of loss, and whether the use of credit information and insurance scores resulted in discrimination against minorities, women, adults under the age of 25, adults over the age of 50, or the poor. The cost of such report shall be borne proportionately by those insurance companies utilizing credit information and insurance scores on personal insurance based upon the number of consumers each insurance company has requested credit information. The commissioner of insurance shall assess the cost of such report on such insurance companies and shall collect such assessment in the same manner as other assessments. All moneys received for such assessment shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. The entire amount of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to

the credit of the insurance department service regulation fund.”; following line 38, by inserting the following material to read as follows:

“(c) Any insurance company failing to provide the information required by this section or failing to pay its proportionate share of the commissioner’s report shall forfeit its privilege to utilize insurance scores on personal insurance lines.”;

And by relettering subsections accordingly;

Also, on motion of Rep. Swenson to amend **Sub. SB 144**, the motion did not prevail and the substitute bill be passed as amended.

Committee report to **SB 123** be adopted; also, on motion of Rep. Loyd be amended on page 4, by striking all in lines 16 through 26;

By striking all on pages 23, 24 and 25;

On page 26, by striking all in lines 1 through 40;

By renumbering the remaining sections accordingly;

On page 1, in the title, in line 15, by striking all following the second semicolon; by striking all in line 16; in line 17, by striking “program fund.”; in line 18, by striking “, 41-501”;

Also, roll call was demanded on motion of Rep. Ward to amend **SB 123** on page 26, following line 39, by inserting the following:

“New Sec. 11. If there is no funding for the nonprison sanction of certified drug abuse treatment programs, as established in section 1, and amendments thereto, the provisions of this act, including the amendments to statutes, shall not take effect and be in force.”;

Renumber remaining sections accordingly;

On roll call, the vote was: Yeas 59; Nays 60; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bethell, Betts, Burgess, Carlin, Crow, Dahl, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henry, Holland, Horst, Howell, Hutchins, Huy, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, P. Long, Mason, McCreary, McKinney, F. Miller, J. Miller, Minor, Nichols, Osborne, Pauls, Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, B. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Boyer, Brunk, Carter, Compton, Cox, Craft, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Gordon, Henderson, Hill, Holmes, Huebert, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Krehbiel, Landwehr, Light, Loyd, Mays, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O’Malley, O’Neal, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Tafanelli, Wilk, D. Williams, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Ballard, Burroughs, Campbell, Goico, Hayzlett, Sawyer.

The motion of Rep. Ward did not prevail.

Also, on further motion of Rep. Ward **SB 123** be amended on page 26, following line 39, by inserting the following:

“New Sec. 11. If there is no funding for the nonprison sanction of certified drug abuse treatment and supervision programs, as established in section 1, and amendments thereto, the provisions of this act, including the amendments to statutes, shall not take effect and be in force.”;

Renumber remaining sections accordingly; and **SB 123** be passed as amended.

Committee report to **SB 235** be adopted; also, on motion of Rep. Sloan be amended on page 16, following line 1, by inserting:

“New Sec. 8. The area comprising the county of Douglas is hereby designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas.

Sec. 9. K.S.A. 19-2680 is hereby amended to read as follows: 19-2680. Any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 ~~is hereby authorized to~~ or section 8, and amendments thereto, may adopt, and from time to time amend, a charter for the government of such county. Such charter shall provide for the exercise of powers of local legislation and administration not inconsistent with general law or the constitution of the state of Kansas, and may:

(a) Fix the boundaries of each county commissioner's district, provide a method for changing them from time to time, and fix the number, term, and compensation of the commissioners and their method of election, and shall define and outline duties and powers of the county commissioners;

(b) provide for the exercise of such powers similar or identical to the powers permitted under K.S.A. 19-101 and ~~article 39 of chapter 12 of the Kansas Statutes Annotated 12-3901~~ *et seq.*, and amendments thereto;

(c) provide in the charter a method for its amendment;

(d) determine the distribution of legislative and administrative duties of the county officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a county administrator or a county manager, and prescribe the general structure of county government ; and

(e) authorize the appointment of or elimination of elective officials and offices within the charter similar or identical to that authorization permitted the board of county commissioners under ~~article 39 of chapter 12 of the Kansas Statutes Annotated K.S.A. 12-3901~~ *et seq.*, and amendments thereto.

Sec. 10. K.S.A. 2002 Supp. 19-2681 is hereby amended to read as follows: 19-2681. (a) The board of county commissioners of any county which has been declared to be an urban area under the provisions of K.S.A. 19-2654 *or section 8*, and amendments thereto, may establish a charter commission for such county for the purpose of studying, proposing, drafting or amending a charter for the government of such county. The charter commission shall be established by resolution and shall be appointed in the manner and have the powers and duties as hereinafter provided.

(b) A new charter commission shall not be established until four years after the date of the establishment of a prior commission.

Sec. 11. K.S.A. 2002 Supp. 19-2685 is hereby amended to read as follows: 19-2685. (a) The proposed charter shall be submitted by the charter commission to the board of county commissioners ~~and~~. *Subject to the provisions of subsection (b)*, the board of county commissioners shall submit the proposed charter to the electors of the county at the general election next following submission of the final report in which all qualified electors of the county are eligible to vote. In submitting such proposed charter to the board of county commissioners, the charter commission may submit alternative sections or articles to the board of county commissioners. Any alternative sections or articles shall be submitted by the board of county commissioners for approval or rejection by the electors. Any section or article of a proposed charter which affects the size or structure of the board of county commissioners may be submitted at the same election at which the proposed charter is submitted but shall be submitted as a separate question on the ballot. An affirmative vote of a majority of the qualified electors voting on the question shall be required for the adoption of such charter.

(b) *The board of county commissioners of a county designated an urban area pursuant to section 8, and amendments thereto, may reject a proposed charter submitted to such board pursuant to subsection (a). If the board rejects the proposed charter, the charter shall not be submitted for approval to the electors of the county and such proposed charter shall not be adopted.*

Sec. 12. K.S.A. 19-2686 is hereby amended to read as follows: 19-2686. (a) No member of the charter commission shall be eligible for election to the office of county commissioner in the first election for county commissioner under the charter if adopted by the electorate.

(b) *The provisions of subsection (a) shall not apply to a county designated an urban area pursuant to section 8, and amendments thereto.*”;

By renumbering sections accordingly;

Also on page 16, in line 2, following “12-1774”, by inserting “, 19-2680, 19-2686”; in line 3, following “Supp.”, by inserting “19-2681, 19-2685 and”;

In the title, in line 14, following “concerning”, by inserting “cities and counties; relating to the powers and duties thereof; relating to”; in line 16, following “12-1774”, by inserting “, 19-2680, 19-2686”; in line 17, following “Supp.”, by inserting “19-2681, 19-2685 and”;

Also, on motion of Rep. Faber to amend **SB 235**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Klein to amend **SB 235** on page 8, in line 7, after the period, by inserting: "During the construction of a special bond project at least 75% of the construction jobs shall be filled by Kansas residents.";

On roll call, the vote was: Yeas 102; Nays 17; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballou, Barbieri-Lightner, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Gordon, Grant, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Beggs, Bethell, Carter, Cox, Dreher, Freeborn, Huff, Humerickhouse, Huntington, Kassebaum, Krehbiel, Merrick, Reitz, Siegfried, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Ballard, Faber, Goico, Hayzlett, Neufeld, Sawyer.

The motion of Rep. Klein prevailed.

Also, on motion of Rep. Larkin **SB 235** be amended on page 9, in line 9, by striking "(z)" and inserting "(dd)"; in line 14, preceding the period, by inserting "and no tax received pursuant to K.S.A. 79-3601 *et seq.* and 79-3701 *et seq.* and amendments thereto from taxpayers doing business with a retail establishment shall be pledged to pay for a special bond project."; and **SB 235** be passed as amended.

Committee report to **HB 2418** be adopted; also, on motion of Rep. O'Neal to amend, the motion did not prevail and the bill be passed as amended.

On motion of Rep. Ostmeyer to adopt the committee report to **SB 238**, the motion did not prevail. Also, rose and reported.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2053** be amended on page 1, in line 21, following the period, by inserting "The supreme court is hereby authorized to accept gifts and donations to pay for the cost of obtaining and installing such seal of justice. All monetary gifts and donations received for this purpose shall be deposited in the state treasury to the credit of the judicial branch gifts fund of the judicial branch.";

On page 1, in the title, in line 10, preceding the period, by inserting "; authorizing certain gifts and donations"; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 2067** be amended on page 2, in line 38, preceding the semicolon, by inserting "of 1986";

On page 3, in line 15, by striking "on" and inserting "one"; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SB 251**, be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 251," as follows:

"HOUSE Substitute for SENATE BILL No. 251

By Committee on Appropriations

"AN ACT concerning school districts; relating to capital improvements; state aid; amending K.S.A. 2002 Supp. 75-2319 and repealing the existing section."; and the substitute bill be passed.

(H. Sub for **SB 251** was thereupon introduced and read by title.)

The Committee on **Federal and State Affairs** recommends **SB 2** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 2," as follows:

“HOUSE Substitute for SENATE BILL No. 2

By Committee on Federal and State Affairs

“AN ACT concerning the Kansas liquor control act; amending K.S.A. 41-301 and 41-302 and K.S.A. 2002 Supp. 41-719 and repealing the existing sections.”; and the substitute bill be passed.

(H. Sub. for SB 2 was thereupon introduced and read by title.)

The Committee on **Judiciary** recommends **SB 36** be amended on page 1, in line 24, after “chairperson”, by inserting “and ranking minority member”; in line 25, after “chairperson”, by inserting “and ranking minority member”; in line 27, by striking the comma and inserting “and”; also in line 27, after “chairperson” by inserting “and ranking minority member”; also in line 27, by striking “and”; by striking all of line 28; in line 29, by striking “ate”; also in line 29, by striking all after “chairpersons”; by striking all in line 30; in line 31, by striking “mittee”; also in line 31, by striking all after “minority”; in line 32, by striking “of the senate” and inserting “members of the legislature”; in line 35, by striking all after “chairpersons”; in line 36, by striking all before “and” where it appears for the final time; in line 37, by striking all after “minority”; in line 38, by striking “ate” and inserting “members of the legislature”; in line 40, by striking all following “chairpersons”; by striking all in line 41; in line 42, by striking all after “minority”; in line 43, by striking “senate” and inserting “members of the legislature”;

On page 2, in line 1, by striking “of the senate”; by striking all in line 2; in line 3, by striking “justice committee”; also in line 3, by striking “member of the judiciary”; in line 4, by striking all before “shall” and inserting “members of the legislature”;

On page 3, in line 37, before the period, by inserting “and for operating expenses that are not related to publication activities”; after line 41, by inserting the following:

“New Sec. 7. There is hereby established in the state treasury the judicial council fund. All expenditures from the judicial council fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chairperson of the Kansas judicial council or by a person or persons designated by the chairperson of the Kansas judicial council.

Sec. 8. K.S.A. 2002 Supp. 20-367 is hereby amended to read as follows: 20-367. (a) *On and after July 1, 2003, through June 30, 2005*, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit to the access to justice fund, a sum equal to ~~5.98%~~ 5.90% of the remittances of docket fees; to the juvenile detention facilities fund, a sum equal to ~~3.32%~~ 3.27% of the remittances of docket fees; to the judicial branch education fund, the state treasurer shall deposit and credit a sum equal to ~~2.55%~~ 2.52% of the remittances of docket fees; to the crime victims assistance fund, the state treasurer shall deposit and credit a sum equal to ~~.68%~~ .67% of the remittances of the docket fees; to the protection from abuse fund, the state treasurer shall deposit and credit a sum equal to ~~3.26%~~ 3.22% of the remittances of the docket fees; to the judiciary technology fund, the state treasurer shall deposit and credit a sum equal to ~~5.17%~~ 5.10% of the remittances of docket fees; to the dispute resolution fund, the state treasurer shall deposit and credit a sum equal to ~~.42%~~ .41% of the remittances of docket fees; to the Kansas juvenile delinquency prevention trust fund, the state treasurer shall deposit and credit a sum equal to ~~1.51%~~ 1.49% of the remittances of docket fees; to the permanent families account in the family and children investment fund, the state treasurer shall deposit and credit a sum equal to .25% of the remittances of docket fees; to the trauma fund, a sum equal to ~~1.79%~~ 1.77% of the remittance of docket fees; to the judicial council fund, a sum equal to 1.33% of the remittance of docket fees; and to the judicial branch nonjudicial salary initiative fund, the state treasurer shall deposit and credit a sum equal to ~~21.70%~~ 21.41% of the remittance of docket fees. The balance remaining of the remittances of docket fees shall be deposited and credited to the state general fund.

(b) *On and after July 1, 2005, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit to the access to justice fund, a sum equal to 5.98% of the remittances of docket fees; to the juvenile*

detention facilities fund, a sum equal to 3.32% of the remittances of docket fees; to the judicial branch education fund, the state treasurer shall deposit and credit a sum equal to 2.55% of the remittances of docket fees; to the crime victims assistance fund, the state treasurer shall deposit and credit a sum equal to .68% of the remittances of the docket fees; to the protection from abuse fund, the state treasurer shall deposit and credit a sum equal to 3.26% of the remittances of the docket fees; to the judiciary technology fund, the state treasurer shall deposit and credit a sum equal to 5.17% of the remittances of docket fees; to the dispute resolution fund, the state treasurer shall deposit and credit a sum equal to .42% of the remittances of docket fees; to the Kansas juvenile delinquency prevention trust fund, the state treasurer shall deposit and credit a sum equal to 1.51% of the remittances of docket fees; to the permanent families account in the family and children investment fund, the state treasurer shall deposit and credit a sum equal to .25% of the remittances of docket fees; to the trauma fund, a sum equal to 1.79% of the remittance of docket fees; and to the judicial branch nonjudicial salary initiative fund, the state treasurer shall deposit and credit a sum equal to 21.70% of the remittance of docket fees. The balance remaining of the remittances of docket fees shall be deposited and credited to the state general fund.

Sec. 9. K.S.A. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

~~On and after July 1, 1998~~ (1) For the period commencing July 1, 2003, and ending June 30, 2005:

Murder or manslaughter.....	\$164.50
Other felony.....	146.00 147.00
Misdemeanor.....	111.00 112.00
Forfeited recognizance	62.50
Appeals from other courts.....	62.50

(2) On and after July 1, 2005:

Murder or manslaughter.....	\$164.50
Other felony.....	146.00
Misdemeanor.....	111.00
Forfeited recognizance	62.50
Appeals from other courts	62.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$55 shall be charged during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 shall be charged on or after July 1, 2005. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be \$55 during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 on or after July 1, 2005.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$55 shall be charged during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 shall be charged on or after July 1, 2005. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be \$55 during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 on or after July 1, 2005.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 2000 Supp. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

Sec. 10. K.S.A. 2002 Supp. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

(1) *For the period commencing July 1, 2003, and ending June 30, 2005:*

<i>Treatment of mentally ill</i>	\$25.50
<i>Treatment of alcoholism or drug abuse</i>	25.50
<i>Determination of descent of property</i>	40.50
<i>Termination of life estate</i>	39.50
<i>Termination of joint tenancy</i>	39.50
<i>Refusal to grant letters of administration</i>	39.50
<i>Adoption</i>	39.50
<i>Filing a will and affidavit under K.S.A. 59-618a</i>	39.50
<i>Guardianship</i>	60.50
<i>Conservatorship</i>	60.50
<i>Trusteeship</i>	60.50
<i>Combined guardianship and conservatorship</i>	60.50
<i>Certified probate proceedings under K.S.A. 59-213, and amendments thereto</i>	14.50
<i>Decrees in probate from another state</i>	99.50
<i>Probate of an estate or of a will</i>	100.50
<i>Civil commitment under K.S.A. 59-29a01 et seq.</i>	24.50

(2) *On and after July 1, 2005:*

<i>Treatment of mentally ill</i>	\$24.50
<i>Treatment of alcoholism or drug abuse</i>	24.50
<i>Determination of descent of property</i>	39.50
<i>Termination of life estate</i>	39.50
<i>Termination of joint tenancy</i>	39.50
<i>Refusal to grant letters of administration</i>	39.50

Adoption.....	39.50
Filing a will and affidavit under K.S.A. 59-618a.....	39.50
Guardianship.....	59.50
Conservatorship.....	59.50
Trusteeship.....	59.50
Combined guardianship and conservatorship.....	59.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto.....	14.50
Decrees in probate from another state.....	99.50
Probate of an estate or of a will.....	99.50
Civil commitment under K.S.A. 59-29a01 et seq.....	24.50

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 11. K.S.A. 2002 Supp. 60-1621 is hereby amended to read as follows: 60-1621. (a) No post-decree motion petitioning for a change in legal custody, residency, visitation rights or parenting time, or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$21 *during the period commencing July 1, 2003, and ending June 30, 2005, and \$20 on or after July 1, 2005,* to the clerk of the district court.

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

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

Sec. 12. K.S.A. 2002 Supp. 60-2001 is hereby amended to read as follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$106 *during the period commencing July 1, 2003, and ending June 30, 2005, and \$105 on or after July 1, 2005,* to the clerk of the district court.

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court,

pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, _____ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

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

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.”;

And by renumbering sections accordingly;

Also on page 3, in line 42, by striking “and” and inserting a comma; in line 43, after “2206”, by inserting “and 28-172a”; also in line 43, after “Supp.”, by inserting “20-367.”; also in line 43, after “20-2207”, by inserting “, 59-104, 60-1621 and 60-2001”;

On page 1, in the title, in line 12, after the semicolon, by inserting “creating the judicial council fund.”; in line 13, by striking “and” where it first appears and inserting a comma; also in line 13, after “20-2206”, by inserting “and 28-172a”; in line 14, after “Supp.”, by inserting “20-367.”; also in line 14, after “20-2207”, by inserting “, 59-104, 60-1621 and 60-2001”; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2237** be amended on page 2, in line 13, after “Butler,” by inserting “Chase.”; in line 24, after “Butler,” by inserting “Chase.”;

On page 5, after line 11, by inserting the following:

“(13) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers’ sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.”;

On page 9, after line 13, by inserting the following:

“Sec. 3. K.S.A. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers’ sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) ½ of all revenue received by the director of taxation from such countywide retailers’ sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) As an alternative and in lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75% or 1% after the effective date of this act may be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (6), (7), (8) ~~or~~, (9) or (13) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. ~~2001 Supp.~~ 74-8929, and amendments thereto. All such revenue collected under K.S.A. ~~2001 Supp.~~ 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. ~~2001 Supp.~~ 74-8927, and amendments thereto, for the period of time set forth in K.S.A. ~~2001 Supp.~~ 74-8927, and amendments thereto.”;

And by renumbering sections accordingly;

Also on page 9, in line 14, after “Sec. 3.” by inserting “K.S.A. 12-192 and”;

On page 1, in the title, in line 10, by striking “Jackson county” and inserting “certain counties”; also in line 10, after “amending” by inserting “K.S.A. 12-192 and”; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker pro tem Ballou announced the withdrawal of **HB 2377** from Committee on Taxation and referral to Committee on Transportation.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2464. An act concerning property taxation; relating to time for payment; amending K.S.A. 12-1678a, 72-6431, 79-2004, 79-2004a and 79-2201 and K.S.A. 2002 Supp. 79-6a04 and 79-4521 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

Sub. HB 2064; HB 2158, HB 2169, HB 2426 reported correctly engrossed March 27, 2003.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5017, HCR 5019; HR 6016 reported correctly engrossed March 27, 2003.

REPORT ON ENROLLED RESOLUTIONS

HR 6019 reported correctly enrolled and properly signed on March 27, 2003.

On motion of Rep. Aurand, the House adjourned until 9:45 a.m., Friday, March 28, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

