

# Journal of the House

## FIFTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 25, 2004, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Paul Yu, Korean Yong-Nak Presbyterian Church of Kansas, Kansas City, and guest of Reps. Neighbor and Owens:

Heavenly Father, thank You for the love, mercy, and grace You have for us. You gave Your best for us—Your son Jesus Christ, out of Your passionate love. Though we did not deserve Your mercy and grace, You redeemed our sin through Your only begotten son. We thank You and praise Your name. We also thank You for Your protection and blessings for our nation and our great state. You are our mighty fortress and protector when we are faced with difficulties and foes and You continuously give Your blessings to us.

Heavenly Father, we give You thanks for Your forgiveness of our daily short comings. Since we are not perfect, we stumble and commit sins in our daily life. But You are always forgiving our imperfections and give us new starts. At this time, we are gathered here to meet You in prayer. Let Your Holy Spirit inspire us so that we can communicate with You with true and humble hearts and, also please let this opportunity be a time of union with You and those of us in this room.

There are so many things for us to do as public servants and so many unexpected agendas come to pass almost everyday. So, Heavenly Father, we need Your help in performing our duties. Make our perspective match Your perspective in carrying out our duties according to Your will. Use us as Your tools to care for the people who are in need of relief from every corner of their lives.

Gracious God, you have called us to a life of servanthood. You have asked we hear the voice of Jesus in the cries of our sisters and brothers who hunger and thirst. Grant us the power to turn their deserts into gardens, their hungers into fullness, and their thirsts into satisfaction that they might know again the power of their God who works through the living waters of love.

And Father, bless Your servants in this room, their family, business, and their public duties., Grant them with Your wisdom, health, happiness, and feelings of worthiness as they carry out their duties, and be with them always. Father, we love You, and thank you for everything. In Jesus' name we pray. Amen.

The Pledge of Allegiance was led by Rep. Scoggins-Waite.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Appropriations: **HB 2944, HB 2945, HB 2946; SB 537, SB 558.**

Education: **SB 512**.  
 Federal and State Affairs: **HR 6030**.  
 Higher Education: **SB 556**.  
 Select Committee on Pensions: **SB 381**.

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

**HB 2571**, An act concerning vital statistics; authorizing specified state and federal employees access to certain information and copies of birth certificates without a court order; amending K.S.A. 65-2422d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Ballou, Dillmore, Flora, Gordon, Klein, Kuether, F. Miller, Rehorn, Ward.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2614**, An act concerning district magistrate judges; relating to the salary and jurisdiction thereof; amending K.S.A. 75-3120k and K.S.A. 2003 Supp. 20-302b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 43; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dreher, Faber, Faust-Goudeau, Flaharty, Gatewood, Goering, Goico, Gordon, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kauffman, Krehbiel, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pauls, Pottorff, Powell, Reitz, Ruff, Schwab, Schwartz, Scoggins-Waite, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Tafanelli, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Aurand, Ballou, Burroughs, Crow, Dillmore, Edmonds, Feuerborn, Flora, Freeborn, Gilbert, Grant, Henderson, Howell, Huebert, Huy, Kassebaum, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Loganbill, M. Long, McKinney, Minor, Osborne, Phelps, Powers, Reardon, Rehorn, Sawyer, B. Sharp, Shriver, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2627**, An act relating to United States military personnel; authorizing certain tuition and fee waivers; amending K.S.A. 2003 Supp. 75-4364 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed, as amended.

**HB 2676**, An act concerning children in need of care; relating to the confidentiality of proceedings; amending K.S.A. 38-1552 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 62; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Gilbert, Goering, Goico, Hayzlett, Henderson, Henry, Hill, Holmes, Howell, Huebert, Huff, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, M. Long, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, Osborne, Ostmeyer, Pauls, Powell, Powers, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Vickrey, Wilk, D. Williams.

Nays: Aurand, Ballard, Boyer, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gordon, Grant, Holland, Horst, Humerickhouse, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Loyd, McKinney, J. Miller, Minor, Jim Morrison, Neighbor, Newton, O'Neal, Owens, Patterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2705**, An act concerning the state water plan fund; amending K.S.A. 2003 Supp. 82a-953a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed.

**HB 2748**, An act concerning surplus property; transferring certain functions to the secretary of administration; amending K.S.A. 27-311, 27-314, 75-52,125, 75-6601, 75-6602, 75-6603, 75-6604, 75-6606 and 75-6608 and K.S.A. 2003 Supp. 75-6605 and repealing the existing sections; also repealing K.S.A. 75-52,118, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Winn, Yoder, Yonally.

Nays: Dillmore, Freeborn, Huebert, Wilson.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2752**, An act concerning employment; relating to the employment of illegal aliens; concerning state capital improvement projects; referring to architectural, engineering and land surveying services; amending K.S.A. 21-4409, 75-1253, 75-1269 and 75-5804 and K.S.A. 2003 Supp. 21-4503a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 12; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, 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: Ballou, Bethell, Boyer, Edmonds, Freeborn, Huebert, Krehbiel, Neufeld, Novascone, Powers, Schwartz, Scoggins-Waite.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

Speaker Mays announced **Sub. HB 2783** would be passed over today.

**HB 2784**, An act concerning crimes, punishment and criminal procedure; relating to arrest powers of federal law enforcement officers, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 5; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Yoder, Yonally.

Nays: Dahl, McKinney, Ostmeyer, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2898**, An act concerning capital improvements for state agencies; making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, loans, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: Faber, Freeborn, Huy, Kauffman, Long-Mast, Loyd.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2899**, An act making and concerning appropriations for the fiscal years ending June 30, 2004, and June 30, 2005, for certain state agencies; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 5; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland,

Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: Huebert, Kassebaum, Kauffman, Loyd, O'Neal.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2900**, An act making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, 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; amending K.S.A. 2003 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Jack, D. Johnson, E. Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: Faber, Huebert, Huntington, Huy, Kassebaum, Kauffman, Long-Mast, Loyd, O'Neal.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2901**, An act concerning the Kansas public broadcasting council act; relating to grants to stations; prescribing certain restrictions on grant agreements; amending K.S.A. 75-4915 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed, as amended.

**HB 2902**, An act concerning the Kansas torts claims act; relating to the Kansas guardianship program; amending K.S.A. 2003 Supp. 75-6102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed.

**HB 2937**, An act relating to school finance; concerning a cost of living weighting; amending K.S.A. 72-6413, 72-6414 and 72-8801 and K.S.A. 2003 Supp. and 79-5040 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 57; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Carter, Compton, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Powell, Powers, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Nays: Ballard, Boyer, Burroughs, Campbell, Carlin, Cox, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, Loyd, McKinney, F. Miller, J. Miller, Minor, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **HB 2937**. This bill allows 16 rich districts to spend an additional \$24 million while the other 289 school districts would have to share (along with the 16 rich districts) just \$28 million in at-risk and bilingual weighting money.

To add insult to injury this \$28 million isn't even funded. This bill is blatantly unfair. The rich get richer while the rest get the crumbs. This is opposite of equalization and the opposite of what the judge has asked us to do. I must vote no!—TOM SAWYER

MR. SPEAKER: Although the contents of **HB 2937** are not, in my opinion, a complete plan for funding school, I vote yes. There are four important components in this bill which

I believe to be of utmost importance: teacher mentoring, at-risk and bilingual funding, and the Center for School Leadership.—DEENA HORST

**HB 2939**, An act concerning the membership of the health care data governing board; amending K.S.A. 65-6803 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 10; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Kuether, Lane, Larkin, Loganbill, M. Long, Long-Mast, 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, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Howell, Huebert, Humerickhouse, Klein, Krehbiel, Landwehr, Light, Pottorff, Wilk.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**H. Sub. for SB 9**, An act concerning jurisdiction of certain law enforcement officers; relating to Native American tribal law enforcement officers; amending K.S.A. 2002 Supp. 22-2401a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 21; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Cox, Craft, Crow, Davis, DeCastro, Decker, Dreher, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Compton, Dahl, Dillmore, Edmonds, Freeborn, Gatewood, Howell, Humerickhouse, Hutchins, Krehbiel, Long-Mast, Merrick, Judy Morrison, Neufeld, Ostneyer, Powers, Schwartz, Tafanelli, Vickrey, D. Williams.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **H. Sub. for SB 9**. I am not opposed to additional law enforcement officers enforcing state law. However, I am concerned that passage of this bill will impact land into trust decisions. Granting tribal law enforcement officers authority to enforce state law and to perform one of the State's sovereign functions may strengthen the tribe's case with the Department of Interior to take land into trust. When land is taken into trust for the benefit of a tribe it is taken off the county tax rolls. I vote no.—BECKY HUTCHINS

**H. Sub. for SB 136**, An act concerning university and campus police officers; amending K.S.A. 21-3110, 21-3409, 21-3411 and 72-8222 and K.S.A. 2003 Supp. 21-3413, 21-3415, 22-2401a and 74-5602 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 13; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Ballou, Campbell, Dahl, Faber, Freeborn, Huebert, Hutchins, Kauffman, Merrick, Ostmeier, Powell, Powers, Winn.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

**SB 256**, An act concerning crime victims; relating to compensation for residents involving violent crimes committed outside the United States; amending K.S.A. 74-7301 and 74-7305 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeier, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: Dahl, Dillmore, Judy Morrison, Powers.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 299**, An act concerning surety agents, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 5; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Ostmeier, Owens,

Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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, Freeborn, Gordon, Huebert, Hutchins.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 317.** An act concerning civil procedure; relating to business records subpoenaed by a party; relating to admissions of facts in limited actions; relating to worthless checks; relating to attorney fees; amending K.S.A. 45-222 and K.S.A. 2003 Supp. 60-245a, 60-2610, 60-2611 and 61-3101 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, 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, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: Goering, Lane.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 334.** An act concerning agritourism activities; providing for promotion thereof; relating to participants' assumption of the inherent risks thereof; providing for certain income tax credits, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 27; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Larkin, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Pauls, Phelps, Pottorff, Powell, Reitz, Schwab, Schwartz, Scoggins-Waite, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Tafanelli, Thimesch, Thull, Vickrey, Wilk, D. Williams, J. Williams, Yoder, Yonally.

Nays: Ballard, Barbieri-Lightner, Crow, Davis, Dillmore, Flora, Goering, Henderson, Kirk, Klein, Kuether, Lane, Loganbill, O'Malley, Patterson, Powers, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Storm, Swenson, Toelkes, Ward, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: The Department of Commerce, by memo dated March 15, 2004, summarized a survey that it had performed of 85 known agritourism operators in the State.

Sixty-four agritourism operators responded with 72% indicating they had liability insurance for agritourism activities. Only 10% indicated they had no liability insurance for agritourism activities. The remaining 18% either did not respond to the question or did not know whether they had coverage. As this survey demonstrates, liability insurance is available in the marketplace for agritourism activities that would protect participants in such activities. I vote no on **SB 334**.—TOM KLEIN

**SB 350**, An act concerning crimes and punishment; relating to parole; amending K.S.A. 12-4511 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Dillmore, Klein, Kuether, Rehorn, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**H. Sub. for SB 376**, An act concerning certain elected officials; relating to use of unexpended campaign funds; amending K.S.A. 25-4142, 25-4148, 25-4151, 25-4153, 25-4157a and 46-269 and K.S.A. 2003 Supp. 25-4143 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 58; Present but not voting: 3; Absent or not voting: 0.

Yeas: Aurand, Beggs, Bethell, Brunk, Campbell, Carter, Compton, Cox, Craft, DeCastro, Decker, Dreher, Edmonds, Freeborn, Goering, Goico, Gordon, Grant, Hayzlett, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, Kauffman, Krehbiel, Lane, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Owens, Patterson, Powell, Powers, Reitz, Schwab, Schwartz, Scoggins-Waite, S. Sharp, Siegfried, Sloan, Tafanelli, Wilk, D. Williams, Yoder, Yonally.

Nays: Ballard, Ballou, Barbieri-Lightner, Burroughs, Carlin, Crow, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Henderson, Henry, Holland, Howell, Huebert, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Landwehr, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Judy Morrison, Neighbor, O'Malley, Ostmeyer, Pauls, Phelps, Pottorff, Reardon, Rehorn, Ruff, B. Sharp, Showalter, Shriver, Shultz, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Present but not voting: Boyer, Burgess, Sawyer.

Absent or not voting: None.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I believe the public, those people who sent us here to do their business, have the right to know who is being taken out, who is taking them out, and how much is being spent by the lobbyist to educate and persuade their public officials. In 2003, 6,408 meals were reported with such information, had **H. Sub. for SB 376** been in effect only

1,168 such meals would have been so reported. This is the wrong policy. This is the wrong message. I vote no on **H. Sub. for SB 376**.—JIM WARD, NILE DILLMORE

**SB 387**, An act concerning public bodies, agencies and committees; relating to meetings thereof; relating to public security; concerning the interlocal agreement act; requiring certain information for homeland security as part of budget estimates; amending K.S.A. 75-4320 and K.S.A. 2003 Supp. 12-2904, 75-3717 and 75-3721 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed, as amended.

**SB 396**, An act concerning the nuclear energy development and control act; relating to fees; amending K.S.A. 48-1606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, 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: Brunk, Huebert, Landwehr, F. Miller, Neufeld, Ostmeyer, Powell, Powers, Schwartz.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 399**, An act concerning unclaimed property; relating to demutualization of insurance companies; amending K.S.A. 2003 Supp. 58-3935 and 58-3950 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 48; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Henry, Hill, Holmes, Horst, Howell, Huebert,

Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, 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, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Nays: Ballard, Burroughs, Carlin, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Holland, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Osborne, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**SB 400**, An act concerning law enforcement; pertaining to training of part time law enforcement officers; amending K.S.A. 2003 Supp. 74-5602 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Ballou, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**SB 431**, An act concerning crimes and punishment; relating to criminal use of weapons; amending K.S.A. 2003 Supp. 21-4201 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed, as amended.

**SB 440**, An act concerning employment security law; relating to rating successor employers; exempting private prison based industries from payment of state unemployment tax; concerning disqualification from receipt of benefits; relating to failing a pre-employment drug screen; amending K.S.A. 2003 Supp. 44-703, 44-704b, 44-706, 44-709, 44-710 and 44-710a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 33; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Gilbert, Goering, Goico, Gordon, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, Kauffman, Krehbiel, Landwehr, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Ballou, Campbell, Carlin, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Grant, Henderson, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, J. Miller, Minor, Pauls, Phelps, Reardon, Rehorn, Sawyer, Shriver, Swenson, Thimesch, Toelkes, Vickrey, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 524**, An act concerning agriculture; relating to the Kansas department of agriculture and the secretary of agriculture; amending K.S.A. 2-127, 2-128, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d, 2-158, 2-714, 2-716, 2-907, 2-1002, 2-1004, 2-1004a, 2-1008, 2-1010, 2-1012, 2-1013, 2-1014, 2-1201, 2-1209, 2-1220, 2-1226, 2-1227, 2-1228, 2-1314, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, 2-1327, 2-1331, 2-1421a, 2-1424a, 2-1425, 2-1427, 2-1437, 2-2003, 2-2005, 2-2009, 2-2202, 2-2210, 2-2212, 2-2438a, 2-2439, 2-2444a, 2-2461, 2-2464a, 2-2469, 2-2472, 2-2501, 2-2802, 2-2803, 2-2814, 2-2901, 2-2903, 2-2911, 2-3002a, 2-3309, 2-3315, 2-3601, 11-201, 12-636, 12-761, 12-766, 12-2713, 16-1503, 16-1505, 19-1561b, 19-2963, 24-407, 24-418, 24-656, 24-659, 24-1202, 24-1204, 27-328, 28-813, 34-101c, 34-125, 34-132, 34-133, 34-134, 34-223, 42-701, 42-725, 44-820, 47-1902, 47-1903, 47-1904, 47-1905, 47-2001, 47-2301, 50-905, 55-153, 65-1,177, 65-1,182, 65-688, 65-6a19, 65-6a20, 65-6a24, 65-6a26, 65-6a28, 65-6a29, 65-6a30, 65-6a31, 65-6a32, 65-6a33, 65-6a35, 65-6a44, 65-6a44a, 65-6a45, 65-6a56, 65-771, 65-772, 65-34,103, 65-5703, 66-1,160, 68-506b, 68-1414, 68-1702, 68-2203, 74-504, 74-504a, 74-504b, 74-504e, 74-505, 74-505c, 74-506a, 74-506b, 74-506d, 74-509, 74-510a, 74-511, 74-515a, 74-515b, 74-542, 74-550, 74-552, 74-553, 74-554, 74-555, 74-561, 74-562, 74-578, 74-2610, 74-5048, 75-3149, 75-3150, 76-478, 82a-301a, 82a-303a, 82a-307a, 82a-405, 82a-603, 82a-612, 82a-701, 82a-706e, 82a-732, 82a-734, 82a-903, 82a-1021, 82a-1023, 82a-1301, 82a-1335, 82a-1501, 82a-1803, 83-205 and 83-403 and K.S.A. 2003 Supp. 2-1205, 2-1333, 2-2906, 2-3002, 2-3602, 34-101, 47-816, 55-443, 55-447, 65-6a18, 74-567, 74-2622, 74-50,159, 74-50,162, 74-8101, 79-3425c, 82a-731, 82a-954, 82a-1603, 82a-1903, 82a-1904, 83-219, 83-302 and 83-402 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

The bill passed, as amended.

**SB 529**, An act concerning physical therapy; amending K.S.A. 2003 Supp. 65-2901 and 65-2912 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 7; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, 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, Huebert, Landwehr, McLeland, Neufeld, Powell, Schwartz.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2347** and asked for a conference.

Speaker Mays thereupon appointed Reps. O'Neal, Patterson and Pauls as conferees on the part of the House.

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **Sub. HB 2516** and asked for a conference.

Speaker Mays thereupon appointed Reps. Holmes, Sloan and Kuether as conferees on the part of the House.

On motion of Rep. Barbieri-Lightner, the House nonconcurred in Senate amendments to **HB 2545** and asked for a conference.

Speaker Mays thereupon appointed Reps. Barbieri-Lightner, Dreher and Dillmore as conferees on the part of the House.

On motion of Rep. Barbieri-Lightner, the House nonconcurred in Senate amendments to **HB 2563** and asked for a conference.

Speaker Mays thereupon appointed Reps. Barbieri-Lightner, Dreher and Dillmore as conferees on the part of the House.

On motion of Rep. Hutchins, the House nonconcurred in Senate amendments to **HB 2573** and asked for a conference.

Speaker Mays thereupon appointed Reps. Hutchins, Judy Morrison and Flaharty as conferees on the part of the House.

On motion of Rep. Barbieri-Lightner, the House nonconcurred in Senate amendments to **HB 2597** and asked for a conference.

Speaker Mays thereupon appointed Reps. Barbieri-Lightner, Dreher and Dillmore as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2695** and asked for a conference.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and M. Long as conferees on the part of the House.

On motion of Rep. Jim Morrison, the House nonconcurred in Senate amendments to **Sub. HB 2698** and asked for a conference.

Speaker Mays thereupon appointed Reps. Jim Morrison, Long-Mast and Kirk as conferees on the part of the House.

On motion of Rep. Jim Morrison, the House nonconcurred in Senate amendments to **HB 2760** and asked for a conference.

Speaker Mays thereupon appointed Reps. Jim Morrison, Long-Mast and Kirk as conferees on the part of the House.

On motion of Rep. Sloan, the House nonconcurred in Senate amendments to **HB 2795** and asked for a conference.

Speaker Mays thereupon appointed Reps. Sloan, Horst and Storm as conferees on the part of the House.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Campbell, Committee of the Whole report, as follows, was adopted: Recommended that **SB 425, SB 426; HB 2910; SB 557, SB 534; HB 2662, HB 2540; SB 528; HB 2891; SB 523** be passed.

**H. Sub. for SB 295; SB 408, SB 527; HB 2983; SB 469** be passed over and retain a place on the calendar.

Committee report to **SB 343** be adopted; and the bill be passed as amended.

Committee report to **SB 363** be adopted; also, on motion of Rep. Flaharty be amended on page 1, in line 24, by striking "or" and inserting a comma; in line 25, before the comma, by inserting "or is less than 16 but 12 or more years of age and hunting without adult supervision"; and **SB 363** be passed as amended.

On motion to recommend **Sub. SB 496** favorably for passage, the motion did not prevail.

Committee report to **SB 66** be adopted; and the bill be passed as amended.

Committee report to **SB 511** be adopted; and the bill be passed as amended.

Committee report to **HB 2890** be adopted; and the bill be passed as amended.

On motion of Rep. Loyd, **HB 2559** be amended on page 1, in line 14, before "K.S.A." by inserting "On and after July 1, 2004,,"; after line 30, by inserting the following:

"Sec. 2. K.S.A. 79-332a is hereby amended to read as follows: 79-332a. (a) Any person, corporation or association owning oil and gas leases or engaged in operating for oil or gas who fails to make and file a statement of assessment on or before April 1 shall be subject to a penalty as follows:

(1) The appraiser shall, after having ascertained the assessed value of the property of such taxpayer, add 5% thereto as a penalty for late filing if the failure is not for more than one month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 25% in the aggregate.

(2) If the statement of assessment is filed more than one year from April 1, the appraiser shall, after having ascertained the assessed value of the property of such taxpayer, add 50% thereto as a penalty for late filing. *The county treasurer shall not distribute any taxes assessed under this section and paid under protest by the taxpayer pursuant to K.S.A. 79-2005, and amendments thereto, until such time as the appeal is final.*

(b) For good cause shown the county appraiser may extend the time in which to make and file such statement. Such request for extension of time shall be in writing and shall be received by the county appraiser prior to the due date of the statement of assessment.

(c) Whenever any person, corporation or association owning oil and gas leases or engaged in operating for oil or gas shall fail to make and deliver to the county appraiser of every county wherein the property to be assessed is located, a full and complete statement of assessment relative to such property as required by blank forms prepared or approved for the purpose by the director of property valuation to elicit the information necessary to fix the valuation of the property, the appraiser shall ascertain the assessed value of the property of such taxpayer, and shall add 50% thereto as a penalty for failing to file such statement.

(d) The board of tax appeals shall have the authority to abate any penalty imposed under the provisions of this section and order the refund of the abated penalty, whenever excusable neglect on the part of the person, corporation or association required to make and file the statement of assessment is shown, or whenever the property for which a statement of assessment was not filed as required by law is repossessed, judicially or otherwise, by a secured creditor and such secured creditor pays the taxes and interest due.

Sec. 3. K.S.A. 79-1427a is hereby amended to read as follows: 79-1427a. (a) If, the county appraiser discovers, after the tax roll has been certified to the county clerk, that any tangible personal property subject to taxation has been omitted from the tax rolls, the county clerk shall place such property on the tax roll as an added tax, or if, after one year from the date prescribed by K.S.A. 79-306, and amendments thereto, for the listing of tangible personal property, the county appraiser discovers that any tangible personal property which was subject to taxation in any year or years within two years next preceding January 1 of the calendar year in which it was discovered has not been listed or has been underreported for whatever reason, such property shall be deemed to have escaped taxation. In the case of property which has not been listed, it shall be the duty of the county appraiser to list and appraise such property and, for an added tax, add penalties as prescribed in K.S.A. 79-1422, and amendments thereto, and which shall be designated on the appraisal roll as an added appraisal for that year. In the case of property which has escaped taxation, it shall be the duty of the county appraiser to list and appraise such property and add 50% thereto as a penalty for escaping taxation for each such year during which such property was not listed, and it shall be designated on the appraisal roll as "escaped appraisal" for each such preceding year or years. In the case of property which has been listed but underreported, it shall be the duty of the county appraiser to list and appraise the underreported portion of such property and add 50% thereto as a penalty for escaping taxation for each such year during which such property was underreported, and it shall be designated on the appraisal roll as "escaped appraisal" for each such preceding year or years. The county clerk, upon receipt of the valuation for such property in either of the aforementioned cases, shall place such property on the tax rolls and compute the amount of tax due based upon the mill levy for the year or years in which such tax should have been levied, and shall certify such amount to the county treasurer as an added or escaped appraisal. The amount of such tax shall be due immediately and payable within 45 days after the issuance of an additional or escaped property tax bill by the county treasurer. *The county treasurer shall not distribute any taxes assessed under this section and paid under protest by the taxpayer pursuant to K.S.A. 79-2005, and amendments thereto, until such time as the appeal is final.* No interest shall be imposed unless the tax remains unpaid after such 45 day period. Taxes levied pursuant to this section which remain unpaid after such 45 day period shall be deemed delinquent and the county treasurer shall collect and distribute such tax in the same manner as prescribed by law for the collection and distribution of other taxes levied upon property which are delinquent. If the owner of such property is deceased, taxes charged as herein provided shall be levied against the estate of such deceased person for only two calendar years preceding death and shall be paid by the legal representative or representatives of such estate. In the event that such escaped appraisal is due to any willful or clerical error of the county appraiser, such property shall be appraised at its fair market value and no penalty shall be added.

(b) A taxpayer with a grievance as to any penalty applied pursuant to the provisions of this section, may appeal to the state board of tax appeals on forms prepared by the state

board of tax appeals and provided by the county appraiser. The state board of tax appeals shall have the authority to abate any penalty imposed under the provisions of this section and order the refund of the abated penalty, whenever excusable neglect on the part of the person required to make and file the statement listing property for assessment and taxation purposes is shown, or whenever the property which has been deemed to have escaped taxation is repossessed, judicially or otherwise, by a secured creditor and such creditor pays the taxes and interest due. No interest shall be assessed during the pendency of this appeal.

(c) The provisions of this section shall apply to any tangible personal property discovered during the calendar years 1982, 1983, 1984 and any year thereafter to have escaped appraisal and taxation during any such year or any year within two years next preceding any such year.

Sec. 4. K.S.A. 2003 Supp. 79-2005 is hereby amended to read as follows: 79-2005. (a) Any taxpayer, before protesting the payment of such taxpayer's taxes, shall be required, either at the time of paying such taxes, or, if the whole or part of the taxes are paid prior to December 20, no later than December 20, or, with respect to taxes paid in whole on or before December 20 by an escrow or tax service agent, no later than January 31 of the next year, to file a written statement with the county treasurer, on forms approved by the state board of tax appeals and provided by the county treasurer, clearly stating the grounds on which the whole or any part of such taxes are protested and citing any law, statute or facts on which such taxpayer relies in protesting the whole or any part of such taxes. *When the grounds of such protest is an assessment of taxes made pursuant to K.S.A. 79-332a and 79-1427a, and amendments thereto, the county treasurer shall not distribute the taxes paid under protest until such time as the appeal is final.* When the grounds of such protest is that the valuation or assessment of the property upon which the taxes are levied is illegal or void, the county treasurer shall forward a copy of the written statement of protest to the county appraiser who shall within 15 days of the receipt thereof, schedule an informal meeting with the taxpayer or such taxpayer's agent or attorney with reference to the property in question. The county appraiser shall review the appraisal of the taxpayer's property with the taxpayer or such taxpayer's agent or attorney and may change the valuation of the taxpayer's property, if in the county appraiser's opinion a change in the valuation of the taxpayer's property is required to assure that the taxpayer's property is valued according to law, and shall, within 15 business days thereof, notify the taxpayer in the event the valuation of the taxpayer's property is changed, in writing of the results of the meeting. In the event the valuation of the taxpayer's property is changed and such change requires a refund of taxes and interest thereon, the county treasurer shall process the refund in the manner provided by subsection (l).

(b) No protest appealing the valuation or assessment of property shall be filed pertaining to any year's valuation or assessment when an appeal of such valuation or assessment was commenced pursuant to K.S.A. 79-1448, and amendments thereto, nor shall the second half payment of taxes be protested when the first half payment of taxes has been protested. Notwithstanding the foregoing, this provision shall not prevent any subsequent owner from protesting taxes levied for the year in which such property was acquired, nor shall it prevent any taxpayer from protesting taxes when the valuation or assessment of such taxpayer's property has been changed pursuant to an order of the director of property valuation.

(c) A protest shall not be necessary to protect the right to a refund of taxes in the event a refund is required because the final resolution of an appeal commenced pursuant to K.S.A. 79-1448, and amendments thereto, occurs after the final date prescribed for the protest of taxes.

(d) If the grounds of such protest shall be that the valuation or assessment of the property upon which the taxes so protested are levied is illegal or void, such statement shall further state the exact amount of valuation or assessment which the taxpayer admits to be valid and the exact portion of such taxes which is being protested.

(e) If the grounds of such protest shall be that any tax levy, or any part thereof, is illegal, such statement shall further state the exact portion of such tax which is being protested.

(f) Upon the filing of a written statement of protest, the grounds of which shall be that any tax levied, or any part thereof, is illegal, the county treasurer shall mail a copy of such

written statement of protest to the state board of tax appeals and the governing body of the taxing district making the levy being protested.

(g) Within 30 days after notification of the results of the informal meeting with the county appraiser pursuant to subsection (a), the protesting taxpayer may, if aggrieved by the results of the informal meeting with the county appraiser, appeal such results to the state board of tax appeals.

(h) After examination of the copy of the written statement of protest and a copy of the written notification of the results of the informal meeting with the county appraiser in cases where the grounds of such protest is that the valuation or assessment of the property upon which the taxes are levied is illegal or void, the board shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act, unless waived by the interested parties in writing. If the grounds of such protest is that the valuation or assessment of the property is illegal or void the board shall notify the county appraiser thereof.

(i) In the event of a hearing, the same shall be originally set not later than 90 days after the filing of the copy of the written statement of protest and a copy, when applicable, of the written notification of the results of the informal meeting with the county appraiser with the board. With regard to any matter properly submitted to the board relating to the determination of valuation of residential property or real property used for commercial and industrial purposes for taxation purposes, it shall be the duty of the county appraiser to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity and correctness of such determination except that no such duty shall accrue to the county or district appraiser with regard to leased commercial and industrial property unless the property owner has furnished to the county or district appraiser a complete income and expense statement for the property for the three years next preceding the year of appeal. No presumption shall exist in favor of the county appraiser with respect to the validity and correctness of such determination. In all instances where the board sets a request for hearing and requires the representation of the county by its attorney or counselor at such hearing, the county shall be represented by its county attorney or counselor.

(j) When a determination is made as to the merits of the tax protest, the board shall render and serve its order thereon. The county treasurer shall notify all affected taxing districts of the amount by which tax revenues will be reduced as a result of a refund.

(k) If a protesting taxpayer fails to file a copy of the written statement of protest and a copy, when applicable, of the written notification of the results of the informal meeting with the county appraiser with the board within the time limit prescribed, such protest shall become null and void and of no effect whatsoever.

(l) (1) In the event the board orders that a refund be made pursuant to this section or the provisions of K.S.A. 79-1609, and amendments thereto, or a court of competent jurisdiction orders that a refund be made, and no appeal is taken from such order, or in the event a change in valuation which results in a refund pursuant to subsection (a), the county treasurer shall, as soon thereafter as reasonably practicable, refund to the taxpayer such protested taxes and, with respect to protests or appeals commenced after the effective date of this act, interest computed at the rate prescribed by K.S.A. 79-2968, and amendments thereto, minus two percentage points, per annum from the date of payment of such taxes from tax moneys collected but not distributed. Upon making such refund, the county treasurer shall charge the fund or funds having received such protested taxes, except that, with respect to that portion of any such refund attributable to interest the county treasurer shall charge the county general fund. In the event that the board or court finds that any time delay in making its decision is unreasonable and is attributable to the taxpayer, it may order that no interest or only a portion thereof be added to such refund of taxes.

(2) No interest shall be allowed pursuant to paragraph (1) in any case where the tax paid under protest was inclusive of delinquent taxes.

(m) Whenever, by reason of the refund of taxes previously received or the reduction of taxes levied but not received as a result of decreases in assessed valuation, it will be impossible to pay for imperative functions for the current budget year, the governing body of the taxing district affected may issue no-fund warrants in the amount necessary. Such warrants shall conform to the requirements prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by such section and may be issued without

the approval of the state board of tax appeals. The governing body of such taxing district shall make a tax levy at the time fixed for the certification of tax levies to the county clerk next following the issuance of such warrants sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized by law.

(n) The county treasurer shall disburse to the proper funds all portions of taxes paid under protest and shall maintain a record of all portions of such taxes which are so protested and shall notify the governing body of the taxing district levying such taxes thereof and the director of accounts and reports if any tax protested was levied by the state.

(o) This statute shall not apply to the valuation and assessment of property assessed by the director of property valuation and it shall not be necessary for any owner of state assessed property, who has an appeal pending before the board of tax appeals, to protest the payment of taxes under this statute solely for the purpose of protecting the right to a refund of taxes paid under protest should that owner be successful in that appeal.

Sec. 5. K.S.A. 79-332a and 79-1427a and K.S.A. 2003 Supp. 79-2005 are hereby repealed.”;

And by renumbering sections accordingly;

Also on page 1, in line 31, before “K.S.A.” by inserting “On and after July 1, 2004,”; in line 33, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 10, after the semicolon, by inserting “assessment and payment of certain taxes, distribution by county treasurer,”; also in line 10, after “amending” by inserting “K.S.A. 79-332a and 79-1427a and”; also in line 10, after “79-412” by inserting “and 79-2005”; in line 11, by striking “section” and inserting “sections”; and **HB 2559** be passed as amended.

Committee report to **HB 2925** be adopted; and the bill be passed as amended.

On motion of Rep. Loyd, **SB 552** be amended on page 1, in line 16, by striking “8.99%” and substituting “11.99%”; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 336** be adopted; and the substitute bill be passed.

Committee report to **HB 2915** be adopted; also, on motion of Rep. Howell to amend, the motion did not prevail

Also, on motion of Rep. Yonally to amend **HB 2915**, Rep. Howell requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Yonally and the bill be amended on page 2, after line 38, by inserting the following:

“Sec. 2. (a) A session of the house or representatives commenced on any day shall be adjourned not later than 12:01 a.m. on the next day. No session of the house of representatives shall convene prior to 8:00 a.m. on any day.

(b) A motion to suspend any rule of the house of representatives for the purpose of allowing adjournment of the house of representatives at a time later than 12:01 a.m. of the next day following the day the session of the house of representatives commenced shall require an affirmative vote of  $\frac{2}{3}$  of the members present in the House.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 11, before “amending” by inserting “relating to meetings of the house of representatives”;

Also, on motion of Rep. Howell to amend **HB 2915**, the motion did not prevail.

Also, roll call was demanded on motion to recommend **HB 2915** favorably for passage.

On roll call, the vote was: Yeas 48; Nays 57; Present but not voting: 19; Absent or not voting: 1.

Yeas: Ballard, Bethell, Boyer, Campbell, Crow, Dahl, Dillmore, Edmonds, Faust-Goudeau, Flora, Gilbert, Grant, Henderson, Henry, Huff, Jack, D. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Lane, Larkin, M. Long, McKinney, Minor, Neighbor, Newton, O’Malley, O’Neal, Ostmeyer, Owens, Patterson, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, S. Sharp, Svaty, Thimesch, Toelkes, Wilk, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Barbieri-Lightner, Brunk, Burgess, Carter, Compton, Cox, Craft, DeCastro, Decker, Dreher, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, E. Johnson, Kauffman, Klein, Light, Long-Mast, Loyd, Mason, Mays, McLeland, Merrick, F. Miller, Jim Morrison,

Judy Morrison, Myers, Neufeld, Novascone, Osborne, Pauls, Pottorff, Powell, Powers, Schwab, Schwartz, Shriver, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, D. Williams.

Present but not voting: Aurand, Beggs, Burroughs, Carlin, Davis, Feuerborn, Flaharty, Gatewood, Holland, Loganbill, McCreary, J. Miller, Scoggins-Waite, B. Sharp, Showalter, Storm, Thull, Ward, J. Williams.

Absent or not voting: Landwehr.

The motion to recommend **HB 2915** favorably for passage did not prevail.

Committee report to **HB 2940** be adopted.

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Carter moved that the Committee reconsider its adverse action in not recommending **HB 2915** favorably for passage. The motion did not prevail.

The question then reverted back to consideration of **HB 2940**; also, on motion of Rep. Horst be amended on page 1, in line 25, by striking "eligible"; in line 26, following "12" by inserting "as specified by the school board";

On page 2, in line 18, by striking "and"; in line 20, preceding the period, by inserting "@d

(7) needs of students requiring special education services"; in line 25, by striking "may" and inserting "shall"; also in line 25, following "offer" by inserting "the number of"; also in line 25, by striking "in addition to those"; in line 26, following the period, by inserting "Schools also may offer other classes or units of study.";

Also on page 2, in line 33, following "provide" by inserting "for"; following line 43, by inserting:

"(i) school psychologists and social workers.";

Also, on motion of Rep. Aurand to amend **HB 2940**, the motion was withdrawn.

Also, on motion of Rep. Neighbor to amend **HB 2940**, Rep. O'Neal requested the question be divided. The amendment of Rep. Neighbor was subsequently withdrawn.

Also, on further motion of Rep. Neighbor to amend **HB 2940**, Rep. O'Neal requested the question be divided. The question was divided.

On Part A of the motion of Rep. Neighbor to amend **HB 2940**, the motion did not prevail.

On Part B of the motion of Rep. Neighbor, **HB 2940** be amended in

Sec. 11. K.S.A. 2003 Supp. 72-6407 is hereby amended to read as follows: 72-6407. As used in this act:

(a) (1) "Pupil" means any person (A) who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district ~~or~~; (B) who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, ~~or~~; or (C) who is regularly enrolled in a district and attending special education *and related* services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as ½ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as ½ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than 5,500 preschool-aged at-risk pupils to be counted in any school year.

(e) "Enrollment" means: (1) For districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this ~~clause~~ *paragraph* (1), the number of pupils regularly enrolled in the district on September 20;

(2) If enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; ~~or~~.

(3) *For districts affected by a disaster, as defined by K.S.A. 72-6447, and amendments thereto*, the number of pupils as determined under K.S.A. 72-6447, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget ~~and budgeted therein the total amount authorized for the school year in an amount that is in an amount of at least 25% of the state financial aid determined for the district in the current school year.~~ School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

Sec. 12. K.S.A. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, in the ~~2001-02~~ 2004-05 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

(B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the ~~2001-02~~ 2004-05 school year

and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the ~~2001-02~~ 2004-05 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_,

\_\_\_\_\_ County, Kansas.

#### RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed \_\_\_\_\_ years in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be

adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(3) The provisions of this subsection are subject to the provisions of subsections (b) and (c).

(b) The provisions of this subsection (b) shall be subject to the provisions of K.S.A. 72-6433a, and amendments thereto.

(1) The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

(2) No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district; or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

(3) (A) Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

(B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

(4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed,

the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

(9) As used in this subsection:

(A) "Authorized to increase a local option budget" means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2) (A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

(B) "State prescribed percentage" means ~~25%~~ 30%.

(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under provision (3), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

Sec. 13. K.S.A. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state board of tax appeals may authorize the district to make a levy, in such

year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The board of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this subsection, including rules relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing, and (B) is authorized to adopt and has adopted a local option budget in an amount ~~equal to the state prescribed percentage~~ *that is at least 25%* of the amount of state financial aid determined for the district in the current school year, and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.;

Roll call was demanded on Part C of the motion of Rep. Neighbor to amend **HB 2940** in

Sec. 6. K.S.A. 2003 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) <i>Married individuals filing joint returns.</i>	
If the taxable income is:	The tax is:
Not over \$30,000 .....	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000 .....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000 .....	\$2,925 plus 6.45% of excess over \$60,000
(2) <i>All other individuals.</i>	

(A) For tax year 1997:

If the taxable income is:	The tax is:
Not over \$20,000 .....	4.1% of Kansas taxable income
Over \$20,000 but not over \$30,000 .....	\$820 plus 7.5% of excess over \$20,000
Over \$30,000 .....	\$1,570 plus 7.75% of excess over \$30,000

(B) For tax year 1998, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000 .....	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000 .....	\$525 plus 6.25% of excess over \$15,000
Over \$30,000 .....	\$1,462.50 plus 6.45% of excess over \$30,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) the surtax shall be in an amount equal to 3.35% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

(e) *In addition to the tax imposed pursuant to subsections (a) and (b), for tax years commencing after December 31, 2003, a surcharge shall be imposed on resident individuals and nonresident individuals in the amount of 4.5% of the tax due pursuant to subsections (a) and (b), computed without regard to any applicable income tax credits.*

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Beggs, Boyer, Burroughs, Campbell, Carlin, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, Jack, Kassebaum, Kirk, Klein, Kuether, Lane, Larkin, Light, Loganbill, M. Long, McKinney, J. Miller, Minor, Jim Morrison, Neighbor, Newton, O'Malley, Owens, Patterson, Pauls, Phelps, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Carter, Compton, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Howell, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Krehbiel, Landwehr, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Pottorff, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Wilk, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: Huebert.

Part C of the motion of Rep. Neighbor prevailed.

Roll call was demanded on Part D of the motion of Rep. Neighbor to amend **HB 2940** in

Sec. 7. K.S.A. 2003 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals.* Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

If the taxable income is:	The tax is:
Not over \$30,000 .....	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000 .....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000 .....	\$2,925 plus 6.45% of excess over \$60,000

(2) *All other individuals.*

## (A) For tax year 1997:

If the taxable income is:	The tax is:
Not over \$20,000 .....	4.1% of Kansas taxable income
Over \$20,000 but not over \$30,000 .....	\$820 plus 7.5% of excess over \$20,000
Over \$30,000 .....	\$1,570 plus 7.75% of excess over \$30,000

## (B) For tax year 1998, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000 .....	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000 .....	\$525 plus 6.25% of excess over \$15,000
Over \$30,000 .....	\$1,462.50 plus 6.45% of excess over \$30,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

- (1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and
- (2) the surtax shall be in an amount equal to 3.35% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

(e) *In addition to the tax imposed pursuant to subsections (a) and (b), for tax years commencing after December 31, 2003, a surcharge shall be imposed on resident individuals and nonresident individuals in the amount of 4.5% of the tax due pursuant to subsections (a) and (b), computed without regard to any applicable income tax credits.*

Sec. 8. K.S.A. 2003 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3% on and after July 1, 2002, and before July 1, 2004, ~~5.2% and 5.5% on and after July 1, 2004, before July 1, 2005, and 5% on and after July 1, 2005;~~ and, within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) (1) the gross receipts from intrastate telephone or telegraph services; (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service is located; (B) any interstate private

communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001; and (3) the gross receipts from the provision of services taxable under this subsection which are billed on a combined basis with nontaxable services, shall be accounted for and the tax remitted as follows: The taxable portion of the selling price of those combined services shall include only those charges for taxable services if the selling price for the taxable services can be readily distinguishable in the retailer's books and records from the selling price for the nontaxable services. Otherwise, the gross receipts from the sale of both taxable and nontaxable services billed on a combined basis shall be deemed attributable to the taxable services included therein. Within 90 days of billing taxable services on a combined basis with nontaxable services, the retailer shall enter into a written agreement with the secretary identifying the methodology to be used in determining the taxable portion of the selling price of those combined services. The burden of proving that any receipt or charge is not taxable shall be upon the retailer. Upon request from the customer, the retailer shall disclose to the customer the selling price for the taxable services included in the selling price for the taxable and nontaxable services billed on a combined basis;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior

to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 *et seq.*, and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, recon-

struction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility; and

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) the gross receipts received from the sale of computer software, the sale of the service of providing computer software other than prewritten computer software and the sale of the services of modifying, altering, updating or maintaining computer software, whether the computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services, mobile telecommunication services, beeper services and other similar services. On and after August 1, 2002, the provisions of the federal mobile telecommunications sourcing act as in effect on January 1, 2002, shall be applicable to all sales of mobile telecommunication services taxable pursuant to this subsection. The secretary of revenue is hereby authorized and directed to perform any act deemed necessary to properly implement such provisions;

(u) the gross receipts received from the sale of prepaid calling service as defined in K.S.A. 2003 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701, et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 9. K.S.A. 2003 Supp. 79-3620 is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsection (c) and (d), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collec-

tions and held by the state treasurer for prompt payment of all sales tax refunds including refunds authorized under the provisions of K.S.A. 79-3635, and amendments thereto. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit  $\frac{5}{100}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit  $\frac{5}{100}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) ~~The state treasurer shall credit  $\frac{1}{20}$  of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~ *The state treasurer shall credit  $\frac{1}{20}$  of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.5%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.*

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce ~~and housing~~ to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

Sec. 10. K.S.A. 2003 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3% on and after July 1, 2002, and before July 1, 2004, and 5.5% on and after July 1, 2004 July 1, 2006, and 5% on and after July 1, 2006. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.;

On roll call, the vote was: Yeas 77; Nays 48; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Beggs, Boyer, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, Jack, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Jim Morrison, Judy Morrison, Neighbor, Newton, O'Malley, O'Neal, Owens, Patterson, Pauls, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff,

Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Carter, Dahl, De-Castro, Decker, Edmonds, Faber, Goering, Goico, Gordon, Hayzlett, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Landwehr, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Wilk, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: None.

Part D of the motion of Rep. Neighbor prevailed.

On Part E of the motion of Rep. Neighbor, **HB 2940** be amended in

“Section 1. K.S.A. 2003 Supp. 72-978 is hereby amended to read as follows: 72-978. (a) (1) In each school year, ~~in accordance with appropriations for special education and related services provided under this act, each school district which has~~ *school districts which have* provided special education and related services in compliance with the provisions of this act shall be entitled to receive *state aid in an amount which shall be computed by the state board as provided in this section. The state board shall:*

(1) *Determine the total amount of general fund and local option budgets of all school districts for the preceding school year;*

(2) *subtract from the amount determined in provision (1) the total amount attributable in the preceding school year to assignment of transportation weighting, program weighting and at-risk pupil weighting to enrollment of all school districts in such school year;*

(3) *divide the remainder obtained in provision (2) by the total number of pupils enrolled in all school districts on September 20 of the preceding school year;*

(4) *determine the total full-time equivalent enrollment of exceptional children in special education services provided by all school districts in the preceding school year;*

(5) *multiply the amount of the quotient obtained in provision (3) by the full-time equivalent enrollment determined in provision (4);*

(6) *determine the amount of federal funds received by all school districts for the provision of special education services in the preceding school year;*

(7) *determine the amount of revenue received by all school districts in the preceding school year for services rendered under contracts with the state institutions for the provisions of special education services by the state institution;*

(8) *add the amounts determined under (6) and (7) to the amount of the product obtained under (5);*

(9) *determine the total amount of expenditures of all school districts for the provision of special education services in the preceding school year;*

(10) *subtract the amount of the sum obtained under (8) from the amount determined under (9);*

(11) *The amount compute under paragraph (10) is the amount of state special education aid school districts are entitled to receive for the provision of special education services.*

(b) *Each school district shall be entitled to receive:*

~~(A)~~ (1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

~~(B)~~ (2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;

~~(C)~~ (3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such

child for the purpose of providing special education or related services; such reimbursement shall not exceed \$600 per exceptional child per school year; and

~~(D)~~ (4) except for those school districts entitled to receive reimbursement under subsection (b) or (c), after subtracting the amounts of reimbursement under paragraphs ~~(A)~~, ~~(B)~~ and ~~(C)~~ (1), (2) and (3) of this subsection (a) from the total amount appropriated of state aid for special education and related services under ~~this act subsection (a)~~, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

~~(2)~~ Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as  $\frac{2}{3}$  full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(b) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall be entitled to receive reimbursement under subsection ~~(a)(1)(D)~~ (4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(c) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall be entitled to receive reimbursement under subsection ~~(a)(1)(D)~~ (4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(d) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Beloit juvenile correctional facility, the Larned juvenile correctional facility, or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

Sec. 2. K.S.A. 72-979 is hereby amended to read as follows: 72-979. (a) Payments under this act shall be made in the manner and at such times during each school year as are determined by the state board. All amounts received by a district under this section shall be deposited in the general fund of the district and transferred to its special education fund. If any district is paid more than it is entitled to receive under ~~any distribution made as state aid for the provision of special education services~~ under this act, the state board shall notify the district of the amount of such overpayment, and such district shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. If any such district fails so to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such district. If any district is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the school year in which the underpayment was made or within 60 days after the end of such school year. *If the amount of appropriations for special education services is insufficient to pay in full the amount of state aid each school district is entitled to receive*

for the school year, the state board shall prorate the amount appropriated among all school districts.

(b) The state board shall prescribe all forms necessary for reporting under this act.

(c) Every board shall make such periodic and special reports of information to the state board as it may request in order to carry out its responsibilities under this act.

Sec. 3. K.S.A. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) "Base state aid per pupil" means an amount of state financial aid per pupil. ~~Subject to the other provisions of this subsection, the amount of base state aid per pupil is \$3,890.~~

(2) *Subject to the provisions of paragraph (3) of this subsection:*

(A) *For school year 2003-2004, the amount of base state aid per pupil shall be \$3,863.*

(B) *For school year 2004-2005, and each school year thereafter, the amount of base state aid per pupil shall be \$3,963.*

(3) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 75% of the federal impact aid of the district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

Sec. 4. K.S.A. 72-6413 is hereby amended to read as follows: 72-6413. The program weighting of each district shall be determined by the state board as follows:

(a) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by ~~0.2~~ .22;

(b) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by 0.5;

(c) add the products obtained under ~~(a) and (b)~~ subsections (a) and (b). The sum is the program weighting of the district.

~~(d) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 5. K.S.A. 72-6414 is hereby amended to read as follows: 72-6414. (a) The at-risk pupil weighting of each district shall be determined by the state board by ~~multiplying~~ as follows:

(1) ~~multiply~~ the number of at-risk pupils included in enrollment of the district by ~~10~~.15.

(b) The product *obtained under subsection (a)* is the at-risk pupil weighting of the district.

~~(c)~~ (c) Except as provided in subsection ~~(d)~~ (e), of the amount a district receives from the at-risk pupil weighting, an amount produced by a pupil weighting of .01 shall be used by the district for achieving mastery of basic reading skills by completion of the third grade in accordance with standards and outcomes of mastery identified by the state board under K.S.A. 72-7534, and amendments thereto.

~~(d)~~ (d) A district shall include such information in its at-risk pupil assistance plan as the state board may require regarding the district's remediation strategies and the results thereof in achieving the third grade reading standards and outcomes of mastery identified by the state board. The reporting requirements shall include information documenting remediation strategies and improvement made by pupils who performed below the expected standard on the second grade diagnostic reading test prescribed by the state board.

~~(e)~~ (e) A district whose pupils substantially achieve the state board standards and outcomes of mastery of reading skills upon completion of third grade may be released, upon request, by the state board from the requirements of subsection (b).;

"Sec. 14. K.S.A. 72-979, 72-1101, 72-1103, 72-1117, 72-6410, 72-6413, 72-6414, 72-6433 and 72-6441 and K.S.A. 2003 Supp. 72-978, 72-6407, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 are hereby repealed.";

On page 1, in the title, by striking all of lines 10 through 12 and inserting "AN ACT concerning school finance; relating to sources of revenue therefor; relating to required courses of study; amending K.S.A. 72-979, 72-1101, 72-6410, 72-6413, 72-6414, 72-6433 and 72-6441 and K.S.A. 2003 Supp. 72-978, 72-6407, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 72-1103 and 72-1117.";

Also, roll call was demanded on motion to recommend **HB 2940** favorably for passage.

On roll call, the vote was: Yeas 81; Nays 43; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beggs, Boyer, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Davis, Decker, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Jim Morrison, Judy Morrison, Neighbor, Newton, O'Malley, O'Neal, Owens, Patterson, Pauls, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Bethell, Brunk, Burgess, Carter, Dahl, DeCastro, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Powell, Schwab, Schwartz, Siegfried, Tafanelli, Vickrey, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner.

The motion prevailed, and **HB 2940** be passed as amended.

Committee report to **Sub. SB 296** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 260** be adopted; also, on motion of Rep. Edmonds be amended on page 32, after line 29, by inserting the following:

“New Sec. 15. (a) (1) Notwithstanding the provisions of K.S.A. 74-4971 and amendments thereto, on or after the effective date of this act, the Kansas highway patrol shall affiliate with the Kansas police and firemen’s retirement system established under the provisions of K.S.A. 74-4951 *et seq.* and amendments thereto pursuant to the provisions of this act for membership in the system of members of the capitol area security patrol who have successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto. For purposes of such affiliation for membership in the system of members of the capitol area security patrol, the Kansas highway patrol shall be considered a new participating employer. The Kansas highway patrol shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954 and amendments thereto, to be effective on July 1 next following application. The Kansas highway patrol shall affiliate for membership in the system of such members of the capitol area security patrol for participating service credit.

(2) The Kansas highway patrol shall appropriate and pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system and the employer contributions of the Kansas highway patrol shall be as provided in subsection (1) of K.S.A. 74-4967 and amendments thereto.

(b) (1) Each such member of the capitol area security patrol employed by the Kansas highway patrol on the date of affiliation, may become a member of the Kansas police and firemen’s retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the Kansas highway patrol as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the Kansas highway patrol as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such member of the capitol area security patrol who is on an authorized leave of absence or is in the military service on the entry date of the Kansas highway patrol as provided in this section may become a member of the Kansas police and firemen’s retirement system on the first day of the first payroll period of such member, coinciding with such member’s return to active employment and payroll of the Kansas highway patrol, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Every such person who is employed as a member of the capitol area security patrol on or after the entry date of the Kansas Highway patrol into the Kansas police and firemen’s retirement system as provided in this section shall become a member of the Kansas police and firemen’s retirement system on the first day of such employment.

(d) If the Kansas highway patrol affiliates as provided in this act and each such member of the capitol area security patrol who elects to become a member as provided in this act, the Kansas highway patrol and each such member shall be subject to the provisions of K.S.A. 74-4951 *et seq.* and amendments thereto as applicable.

(e) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer’s obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) The determination of retirement, death or disability benefits shall be computed upon the basis of “credited service” as used in K.S.A. 74-4951 *et seq.*, and amendments thereto, but shall include only participating service with the person’s participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and fireman’s retirement system.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, after the third semicolon by inserting "Kansas police and firemen's retirement system, affiliation and membership;"

Also, on further motion of Rep. Edmonds, **H. Sub. for SB 260** be amended on page 32, after line 29, by inserting the following:

"New Sec. 15. (a) (1) Notwithstanding the provisions of K.S.A. 74-4971 and amendments thereto, on or after the effective date of this act, the Kansas highway patrol shall affiliate with the Kansas police and firemen's retirement system established under the provisions of K.S.A. 74-4951 *et seq.* and amendments thereto pursuant to the provisions of this act for membership in the system of members of the motor carriers inspection staff of the Kansas highway patrol who have successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto. For purposes of such affiliation for membership in the system of such members, the Kansas highway patrol shall be considered a new participating employer. The Kansas highway patrol shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954 and amendments thereto, to be effective on July 1 next following application. The Kansas highway patrol shall affiliate for membership in the system of such members for participating service credit.

(2) The Kansas highway patrol shall appropriate and pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system and the employer contributions of the Kansas highway patrol shall be as provided in subsection (1) of K.S.A. 74-4967 and amendments thereto.

(b) (1) Each such member of the motor carriers inspection staff employed by the Kansas highway patrol on the date of affiliation, may become a member of the Kansas police and firemen's retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the Kansas highway patrol as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the Kansas highway patrol as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such member of the motor carriers inspection staff of the Kansas highway patrol who is on an authorized leave of absence or is in the military service on the entry date of the Kansas highway patrol as provided in this section may become a member of the Kansas police and firemen's retirement system on the first day of the first payroll period of such member, coinciding with such member's return to active employment and payroll of the Kansas highway patrol, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Every such person who is employed as a member of the motor carriers inspection staff of the Kansas highway patrol on or after the entry date of the Kansas Highway patrol into the Kansas police and firemen's retirement system as provided in this section shall become a member of the Kansas police and firemen's retirement system on the first day of such employment.

(d) If the Kansas highway patrol affiliates as provided in this act and each such member of the motor carriers inspection staff of the Kansas highway patrol who elects to become a member as provided in this act, the Kansas highway patrol and each such member shall be subject to the provisions of K.S.A. 74-4951 *et seq.* and amendments thereto as applicable.

(e) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) The determination of retirement, death or disability benefits shall be computed upon the basis of "credited service" as used in K.S.A. 74-4951 *et seq.*, and amendments thereto,

but shall include only participating service with the person's participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and fireman's retirement system.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, after the third semicolon by inserting “Kansas police and firemen's retirement system, affiliation and membership.”;

Also, on motion of Rep. Swenson to amend **H. Sub. for SB 260**, the motion did not prevail. Also, on further motion of Rep. Swenson to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Toelkes to amend **H. Sub. for SB 260** on page 14, after line 18, by inserting the following:

“(10) The actuarial accrued liability incurred for the provisions of section 15, and amendments thereto, shall be amortized over 15 years.”;

Also on page 14, in line 19, by striking “(10)” and inserting “(11)”;

in line 24, by striking “(11)” and inserting “(12)”;

in line 33, by striking “(12)” and inserting “(13)”;

in line 36, by striking “(13)” and inserting “(14)”;

On page 32, after line 29, by inserting the following:

“New Sec. 15. (a) Each retirant who is entitled to receive a retirement benefit, pension or annuity payment from a retirement system or who is a local school annuitant shall be entitled to receive a retirant dividend payment as specified in this section. Such retirant dividend payment shall be paid in addition to the amount of the annual retirement benefit, pension or annuity payment to which the retirant is otherwise entitled and shall be paid in the form of an additional payment which shall be made on October 1, 2004.

(b) Each such retirement dividend payment as provided in this section shall be payable to the retirant in an amount equal to 100% of the retirement benefit payment such retirant is entitled to receive on July 1, 2004.

(c) Each such retirant dividend payment shall be paid by the retirement system to the retirant and the local school annuitant and shall be payable from the Kansas public employees retirement fund.

(d) As used in this section:

(1) “Retirant” means (A) any person who is a member of a retirement system and who retired prior to July 1, 2003, (B) any person who is a special member of a retirement system and who retired prior to July 1, 2003, (C) any person who is a joint annuitant or beneficiary of any member described in clause (A) or any special member described in clause (B), and (D) any insured disability benefit recipient.

(2) “Retirement system” means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges.

(3) “Local school annuitant” means (A) any person who is an annuitant with 10 or more years of service, who is receiving an annuity, whose annuity is not included, in whole or in part, in payments made to such school district under K.S.A. 72-5512b and amendments thereto, and who is not a member of a group I or of group II as defined in K.S.A. 72-5518 and amendments thereto, and (B) any person who is receiving an annuity and who retired prior to September 1, 1981.

(4) “Insured disability benefit recipient” means any person receiving an insured disability benefit under K.S.A. 74-4927, and amendments thereto, prior to July 1, 2003.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, after the third semicolon, by inserting “retirant dividend payment.”;

On roll call, the vote was: Yeas 96; Nays 22; Present but not voting: 3; Absent or not voting: 4.

Yeas: Ballard, Beggs, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Craft, Crow, Dahl, Davis, DeCastro, Dillmore, Dreher, Faber, Feuerborn, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, O'Malley, Owens, Patterson, Pauls, Phelps,

Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Aurand, Ballou, Bethell, Carter, Cox, Decker, Edmonds, Freeborn, Kauffman, Krehbiel, Light, McCreary, McLeland, Neufeld, Novascone, Osborne, Ostneyer, Schwab, Schwartz, Shriver, Shultz, Wilk.

Present but not voting: Flaharty, Powers, Yonally.

Absent or not voting: Barbieri-Lightner, Faust-Goudeau, Kassebaum, O'Neal.

The motion of Rep. Toelkes prevailed, and **H. Sub. for SB 260** be passed as amended.

Committee report to **HB 2882** be adopted; also, roll call was demanded on motion of Rep. Larkin to amend on page 1, in line 20, by striking "\$500" and inserting "\$600";

On page 5, after line 38, by inserting the following:

"Sec. 4. K.S.A. 79-32,109 is hereby amended to read as follows: 79-32,109. As used in this act, unless the context otherwise requires:

(a) Any term used in this act shall have the same meaning as when used in a comparable context in the federal internal revenue code. Any reference in this act to the "federal internal revenue code" shall mean the provisions of the federal internal revenue code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective at any time, or from time to time, for the taxable year.

(b) "Resident individual" means a natural person who is domiciled in this state. A natural person who spends in the aggregate more than six months of the taxable year within this state shall be presumed to be a resident for purposes of this act in absence of proof to the contrary. A nonresident individual means an individual other than a resident individual.

(c) "Resident estate" means the estate of a deceased person whose domicile was in this state at the time of such person's death. "Nonresident estate" means an estate other than a resident estate.

(d) "Resident trust" means ~~a trust which is administered in this state. A trust shall not be deemed to be administered in this state solely because it is subject to the jurisdiction of a district court within this state.~~ (1) A trust created by will of a decedent who at the time of death was domiciled in Kansas, and such trust has at least one income beneficiary who, on the last day of the taxable year, was a resident of Kansas; (2) a trust created by, or consisting of property of, a person domiciled in Kansas on the date the trust or portion of the trust became irrevocable, and such trust has at least one income beneficiary who, on the last day of the taxable year, was a resident of Kansas; or (3) a trust administered in this state. "Nonresident trust" means a trust other than a resident trust.

(e) "Resident partner" means a partner who is a resident individual, a resident estate, or a resident trust. "Nonresident partner" means a partner other than a resident partner.

(f) "Resident beneficiary" means a beneficiary of an estate or trust which beneficiary is a resident individual, a resident estate, or a resident trust. "Nonresident beneficiary" means a beneficiary other than a resident beneficiary.

(g) "Director" means the director of taxation.

(h) "Modified Kansas source income" means that part of a nonresident individual's Kansas adjusted gross income as set forth in K.S.A. 79-32,117, and amendments thereto, derived from sources in Kansas. Items of income including unemployment compensation, gain, loss or deduction reflected in Kansas adjusted gross income shall be considered derived from sources in Kansas to the extent that they are attributable to: (1) The ownership of any interest in real or tangible personal property in this state; (2) a business, trade, profession or occupation carried on in this state; (3) a business, trade, profession or occupation carried on partly within and partly without this state as determined by the uniform division of income for tax purposes act as set forth in K.S.A. 79-3271 through K.S.A. 79-3293, and amendments thereto; (4) the distributive share of partnership income, gain, loss and deduction determined under this section as if the partnership were a nonresident individual; (5) the share of estate or trust income, gain, loss and deduction determined under K.S.A. 79-32,137, and amendments thereto; (6) prizes won from lottery games conducted by the Kansas lottery; (7) any winnings from parimutuel wagering derived from the conduct of parimutuel activities

within this state; or (8) income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property to the extent that such income is from property employed in a trade, business, profession or occupation carried on in Kansas. A nonresident, other than a dealer holding property primarily for sale to customers in the ordinary course of such dealer's trade or business, shall not be deemed to carry on a business, trade, profession or occupation in Kansas solely by reason of the purchase and sale of property for such nonresident's own account.

"Modified Kansas source income" shall not include: (1) Compensation paid by the United States for service in the armed forces of the United States, performed during an induction period by an individual not domiciled in this state; or (2) such individual's share of distributed or undistributed taxable income or net operating loss of a corporation which is an electing small business corporation unless an agreement is filed as provided in K.S.A. 79-32,139, and amendments thereto, in which event, the "modified Kansas source income" of such non-resident individual shall include such individual's share of such corporation's distributed and undistributed taxable income or net operating loss as such share is determined under the internal revenue code only to the extent, however, that such income, gain or loss is at the corporate level, derived from sources within Kansas.

Sec. 5. K.S.A. 79-4508 is hereby amended to read as follows: 79-4508. The amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued and/or rent constituting property tax accrued.

(1)		(2)
Claimants household income		Deduction from property tax accrued and/or rent constituting property tax accrued
At least	But not more than	
\$0	<del>\$3,000</del>	<del>\$0</del>
<del>3,001</del>	<del>4,000</del>	<del>12%</del>
<del>4,001</del>	<del>25,000</del>	<del>12% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$4,001</del>
\$0	\$6,000	\$0
6,001	7,000	10%
7,001	17,000	10% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,000 but less than or equal to \$17,000
17,001	25,000	50% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$17,000 but less than or equal to \$25,000
25,001	26,300	95%

The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest \$1.

The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

Sec. 6. K.S.A. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued, rent constituting property taxes accrued or their sum exceeds ~~\$600~~ \$720 for a household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been ~~\$600~~ \$720.";

And by renumbering sections accordingly;

Also on page 5, in line 39, after “79-32,107” by inserting “, 79-32,109, 79-4508 and 79-4509”;

On page 1, in the title, in line 10, by striking “income”; in line 12, after the semicolon, by inserting “resident trust; homestead property tax;”; also in line 12, after “79-32,107” by inserting “, 79-32,109, 79-4508 and 79-4509”;

On roll call, the vote was: Yeas 77; Nays 40; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Beggs, Bethell, Boyer, Burgess, Burroughs, Campbell, Carlin, Craft, Crow, Davis, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Holmes, Howell, Huebert, Hutchins, Huy, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, M. Long, Long-Mast, McCreary, McKinney, J. Miller, Minor, Jim Morrison, Judy Morrison, Neighbor, Newton, Osborne, Patterson, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Brunk, Carter, Compton, Cox, Dahl, Freeborn, Goering, Gordon, Hayzlett, Horst, Huff, Humerickhouse, Huntington, D. Johnson, E. Johnson, Light, Loyd, Mason, Mays, McLeland, Merrick, F. Miller, Myers, Neufeld, Novascone, O’Malley, Ostmeyer, Owens, Powell, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, DeCastro, Goico, Jack, Landwehr, Loganbill, O’Neal, Pottorff.

The motion of Rep. Larkin prevailed.

Also, roll call was demanded on motion to recommend **HB 2882** favorably for passage.

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Bethell, Boyer, Burgess, Burroughs, Campbell, Carlin, Craft, Crow, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Horst, Howell, Huy, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, M. Long, McKinney, J. Miller, Minor, Neighbor, Osborne, Patterson, Pauls, Phelps, Pottorff, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Brunk, Carter, Compton, Cox, Dahl, Decker, Dreher, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O’Malley, Ostmeyer, Owens, Powell, Reitz, Schwab, Schwartz, S. Sharp, Siegfried, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, DeCastro, Jack, Landwehr, Loganbill, O’Neal.

The motion prevailed and **HB 2882** be passed as amended.

Committee report to **SB 501** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 45** be adopted; also, roll call was demanded on motion of Rep. Compton to amend on page 6, after line 35, by inserting:

“Sec. 2. K.S.A. 75-52,133 is hereby repealed.”;

In the title, in line 8, before “creating” by inserting “concerning crimes and punishments;”; in line 10, before the period, by inserting “; relating to facilities for placement or confinement of certain inmates; repealing K.S.A. 75-52,133”;

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Ballou, Beggs, Brunk, Burgess, Burroughs, Carter, Compton, Dreher, Freeborn, Goering, Goico, Gordon, Grant, Hill, Howell, Huebert, Humerickhouse, Huy, Jack, E. Johnson, Kauffman, M. Long, Long-Mast, Mays, McCreary, McLeland, Merrick,

F. Miller, Jim Morrison, Judy Morrison, Neufeld, Newton, Novascone, Ostmeyer, Patterson, Pottorff, Powell, Schwab, Schwartz, S. Sharp, Siegfried, Tafanelli, D. Williams, J. Williams.

Nays: Ballard, Bethell, Boyer, Campbell, Carlin, Cox, Craft, Crow, Dahl, Davis, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Hayzlett, Henderson, Henry, Holland, Holmes, Horst, Huff, Huntington, Hutchins, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Loganbill, Loyd, Mason, McKinney, J. Miller, Minor, Neighbor, O'Malley, Osborne, Owens, Pauls, Phelps, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Toelkes, Vickrey, Ward, Wilk, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, DeCastro, Faber, Gilbert, Landwehr, Light, Myers, O'Neal, Thimesch, Wilson.

The motion of Rep. Compton did not prevail, and **H. Sub. for SB 45** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 28** be adopted; and the substitute bill be passed.

Committee report to **SB 364** be adopted; also, roll call was demanded on motion of Rep. Powell to amend on page 7, in line 17, by striking all after "any"; in line 18, by striking all before the first comma and inserting "person"; in line 24, by striking all after the period; by striking all in lines 25 and 26;

On roll call, the vote was: Yeas 66; Nays 49; Present but not voting: 0; Absent or not voting: 10.

Yeas: Bethell, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Cox, Dahl, DeCastro, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Hill, Holmes, Howell, Huebert, Huff, Huntington, Huy, Jack, E. Johnson, Kauffman, Krehbiel, Landwehr, Larkin, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neighbor, Neufeld, Newton, Osborne, Ostmeyer, Patterson, Powell, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Thimesch, Vickrey, D. Williams, J. Williams, Wilson, Yoder.

Nays: Aurand, Ballard, Beggs, Burroughs, Craft, Crow, Dreher, Edmonds, Faust-Goudeau, Flaharty, Gilbert, Henderson, Henry, Holland, Horst, Humerickhouse, Hutchins, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Lane, Loganbill, M. Long, Judy Morrison, Novascone, O'Malley, Owens, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Toelkes, Ward, Wilk, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Ballou, Barbieri-Lightner, Davis, Decker, Dillmore, Flora, Light, O'Neal, Powers, B. Sharp.

The motion of Rep. Powell prevailed.

Also, on motion of Rep. Hayzlett, **SB 364** be amended on page 18, following line 34, by inserting:

"Sec. 12. K.S.A. 32-901 is hereby amended to read as follows: 32-901. (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid park and recreation motor vehicle permit is required to use a motor vehicle in any state park, or any portion thereof, or in any other area designated by the secretary pursuant to subsection (f), which is posted in accordance with subsection (g).

(b) (1) The secretary shall issue annual and temporary park and recreation motor vehicle permits.

(2) The annual permit shall be issued to certificate of titleholders for each calendar year as provided in K.S.A. 32-983, 32-984 and 32-985, and amendments thereto, and shall not be transferable. An additional vehicle permit may be issued to the owner of an original annual permit. The fee for an annual permit and the fee for an additional vehicle permit shall be fixed by the secretary by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto. The fee for an annual permit for a motor vehicle of any Kansas resident certificate of title holder who is 65 or more years of age or who is a person with a disability and displays a special license plate or placard issued pursuant to K.S.A. 8-1,125 and amendments thereto shall be an amount equal to ½ the fee fixed by the secretary for other annual park and recreation motor vehicle permits, except a nonresident regardless

of age shall pay the full fee. A duplicate permit may be issued upon proof of loss of the original permit for the remainder of the calendar year for a fee fixed by the secretary by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto. If the motor vehicle for which an annual permit has been issued is sold or traded during the calendar year for which the permit was issued and the original permit is surrendered to the department, a new permit effective for the remainder of the calendar year may be issued to the person who sold or traded the motor vehicle for a fee fixed by the secretary by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto. Before any duplicate or new permit is issued, the purchaser thereof must show by evidence that the purchaser was issued the original permit and that the purchaser is the holder of a valid certificate of title to the motor vehicle for which the duplicate or new permit is issued.

(3) A temporary permit shall be issued for a day, shall be issued for a specific vehicle and shall not be transferable. The fee for such a temporary permit shall be fixed by the secretary by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto. The fee for a temporary permit for a motor vehicle of any Kansas resident certificate of title holder who is 65 or more years of age or who is a person with a disability and displays a special license plate or placard issued pursuant to K.S.A. 8-1,125 and amendments thereto shall be an amount equal to  $\frac{1}{2}$  the fee fixed by the secretary for other temporary park and recreation motor vehicle permits, except a nonresident regardless of age shall pay the full fee.

(c) The provisions of subsection (a) do not apply to:

(1) A motor vehicle used in the operation or maintenance of state parks or other areas under the secretary's control, emergency motor vehicles, state-owned motor vehicles, law enforcement motor vehicles or private or government motor vehicles being operated on official business for a governmental agency;

(2) a motor vehicle of a nonresident who secures a special fee, license or permit required by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto, relating to the use of the park or other area;

(3) a motor vehicle for which a special permit or pass has been issued pursuant to subsection (d);

(4) a motor vehicle in a state park or other area to which subsection (d) applies on dates designated pursuant to subsection (e); ~~or~~

(5) a motor vehicle in an area or at a time not designated pursuant to subsection (f) as an area or time which requires a permit; *or*

(6) *a motor vehicle of a member of the Kansas army or air national guard.*

(d) The secretary may issue a special permit or pass for a motor vehicle used for the purpose of sightseeing, attending a church service, attending an approved special event by members of the news media or emergency reasons, as provided by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

(e) The secretary may designate by resolution two days each calendar year during which persons may use motor vehicles in state parks and other areas under the secretary's control without having a valid park and recreation motor vehicle permit.

(f) The secretary shall designate the state parks and other areas under the secretary's control, or portions thereof, and the time periods in which motor vehicle permits shall be required hereunder.

The secretary shall cause signs to be posted and maintained at the entrances to all such designated state parks or other areas, or portions thereof, which signs shall display a legend that a motor vehicle entering and using the state park or area, or portion thereof, is required to display on the motor vehicle a permit of the type described in this section.

(g) All fees, licenses and other charges, and rules and regulations relating to the use of and conduct of persons in a state park or other area under the secretary's control, or any facility therein, shall be posted in a convenient and conspicuous place in each such park, area or facility. Except as otherwise provided in this section, each and every person using any such park, area or facility shall be charged the same fees, licenses and every other charge.

Sec. 13. K.S.A. 2003 Supp. 32-906 is hereby amended to read as follows: 32-906. (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas fishing license is required to fish or to take any bullfrog in this state.

(b) The provisions of subsection (a) do not apply to fishing by:

(1) A person, or a member of a person's immediate family domiciled with such person, on land owned by such person or on land leased or rented by such person for agricultural purposes;

(2) a resident of this state who is less than 16 years of age or who is 65 or more years of age;

(3) a nonresident who is less than 16 years of age;

(4) a person fishing in a private water fishing impoundment unless waived pursuant to K.S.A. 32-975 and amendments thereto;

(5) a resident of an adult care home, as defined by K.S.A. 39-923 and amendments thereto, licensed by the secretary of aging;

(6) an inmate in an honor camp operated by the secretary of corrections, pursuant to an agreement between the secretary of corrections and the secretary of wildlife and parks;

(7) a person on dates designated pursuant to subsection (f);

(8) a person fishing under a valid institutional group fishing license issued pursuant to subsection (g); ~~or~~

(9) a participant in a fishing clinic sponsored or cosponsored by the department, during the period of time that the fishing clinic is being conducted; *or*

(10) *a member of the Kansas army or air national guard.*

(c) The fee for a fishing license shall be the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto.

(d) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid throughout the state.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a:

(1) Permanent license pursuant to K.S.A. 32-929 and amendments thereto;

(2) lifetime license pursuant to K.S.A. 32-930 and amendments thereto;

(3) nonresident fishing license valid for a period of five days; and

(4) resident or nonresident fishing license valid for a period of 24 hours.

(f) The secretary may designate by resolution two days each calendar year during which persons may fish by legal means without having a valid fishing license.

(g) The secretary shall issue an annual institutional group fishing license to each facility operating under the jurisdiction of or licensed by the secretary of social and rehabilitation services and to any veterans administration medical center in the state of Kansas upon application by such facility or center to the secretary of wildlife and parks for such license.

All applications for facilities under the jurisdiction of the secretary of social and rehabilitation services shall be made with the approval of the secretary of social and rehabilitation services and shall provide such information as the secretary of wildlife and parks requires. All applications for any veterans administration medical center shall be made with the approval of the director of such facility and shall provide such information as the secretary of wildlife and parks requires. Persons who have been admitted to and are currently residing at the facility or center, not to exceed 20 at any one time, may fish under an institutional group fishing license within the state while on a group trip, group outing or other group activity which is supervised by the facility or center. Persons fishing under an institutional group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and to all rules and regulations relating to fishing.

The staff personnel of the facility or center supervising the group trip, group outing or other group activity shall have in their possession the institutional license when engaged in supervising any activity requiring the license. Such staff personnel may assist group members in all aspects of their fishing activity.

(h) The secretary may issue a special nonprofit group fishing license to any community, civic or charitable organization which is organized as a not-for-profit corporation, for use by such community, civic or charitable organization for the sole purpose of conducting group fishing activities for handicapped or developmentally disabled individuals. All applications for a special nonprofit group fishing license shall be made to the secretary or the secretary's designee and shall provide such information as required by the secretary.

Handicapped or developmentally disabled individuals, not to exceed 20 at any one time, may fish under a special nonprofit group fishing license while on a group trip, outing or activity which is supervised by the community, civic or charitable organization. Individuals fishing under a special nonprofit group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and rules and regulations relating to fishing.

The staff personnel of the community, civic or charitable organization supervising the group trip, outing or activity shall have in their possession the special nonprofit group fishing license when engaged in supervising any activity requiring the special nonprofit group fishing license. Such staff personnel may assist group members in all aspects of their fishing activity.

Sec. 14. K.S.A. 32-919 is hereby amended to read as follows: 32-919. (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas hunting license is required to hunt in this state.

(b) The provisions of subsection (a) do not apply to hunting by:

(1) A person, or a member of a person's immediate family domiciled with such person, on land owned by such person or on land leased or rented by such person for agricultural purposes;

(2) a resident of this state who is less than 16 years of age or who is 65 or more years of age;

(3) a nonresident participating in a field trial for dogs, recognized by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto;

(4) a person who holds a valid permit issued to such person pursuant to subsection (f) and who hunts only waterfowl; ~~or~~

(5) a person hunting only moles or gophers; *or*

(6) *a member of the Kansas army or air national guard.*

(c) The fee for a hunting license shall be the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto.

(d) Unless otherwise provided by law or rules and regulations of the secretary, a hunting license is valid throughout the state, except that the secretary may issue a special controlled shooting area license which is valid only for licensed controlled shooting areas.

(e) Unless otherwise provided by law or rules and regulations of the secretary, a hunting license is valid from the date of issuance and expires on December 31 following its issuance, except that:

(1) The secretary may issue a permanent license pursuant to K.S.A. 32-929 and amendments thereto;

(2) the secretary may issue a lifetime license pursuant to K.S.A. 32-930 and amendments thereto.

(f) A 48-hour waterfowl permit may be issued which authorizes hunting of waterfowl in this state subject to all other provisions of law and rules and regulations of the secretary. The fee for such permit shall be the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. Such permit is valid throughout the state, is valid from the time designated on the permit and expires 48 hours after such time. Purchase of such permit shall not affect the requirement to purchase any federal migratory bird hunting and conservation stamp or state migratory waterfowl habitat stamp.”;

Also on page 18, by renumbering the remaining sections; in line 35, by striking “32-938 is” and inserting “32-901, 32-919 and 32-938 and K.S.A. 2003 Supp. 32-906 are”;

In the title, in line 15, before “amending” by inserting “relating to certain licenses and fees for members of the Kansas national guard;”; also in line 15, before “32-938” by inserting “32-901, 32-919;”; in line 16, after “Supp.” by inserting “32-906;”; and **SB 364** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 280** be adopted; also, on motion of Rep. D. Williams be amended on page 1, by striking all in lines 14 through 29 and inserting:

“(b) As used in this act:

(1) “Fetal demise” means termination of a pregnancy such that death of the fetus occurs.

(2) “Fetus” means a member of the species homo sapiens who is carried in the womb.

(3) "Unborn child" means a living fetus in utero at any stage of development or gestation from conception until live birth.

Sec. 2. (a) Causing injury or death to an unborn child is causing, in the commission of a felony or misdemeanor, fetal demise or injury to a fetus resulting in serious defect or disfigurement which exists at birth.

(b) The provisions of this section shall not apply to:

(1) Any act committed by the mother of the unborn child;

(2) any medical procedure, including abortion, performed by a licensed physician or other licensed medical professional at the request of the pregnant woman or her legal guardian; or

(3) the lawful dispensation or administration of lawfully prescribed medication.

(c) (1) Causing injury or death to an unborn child in the commission of a felony is a severity level 4, person felony.

(2) Causing injury or death to an unborn child in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413 or K.S.A. 21-3517, and amendments thereto, or a violation of K.S.A. 2003 Supp. 21-3412a, and amendments thereto, punishable pursuant to subsection (b)(1) or (b)(2) of that statute, is a severity level 5, person felony.

(3) Causing injury or death to an unborn child in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413 or K.S.A. 21-3517, and amendments thereto, or a violation of K.S.A. 2003 Supp. 21-3412a, and amendments thereto, punishable pursuant to subsection (b)(1) or (b)(2) of that statute, is a class A person misdemeanor.

Sec. 3. (a) Causing injury or death to an unborn child by vehicle is causing, in the unlawful operation of a motor vehicle, fetal demise or injury to a fetus resulting in serious defect or disfigurement which exists at birth.

(b) The provisions of this section shall not apply to any act committed by the mother of the unborn child.

(c) (1) Causing injury or death to an unborn child by vehicle while committing a violation of K.S.A. 8-1567, and amendments thereto, is a severity level 5, person felony.

(2) Causing injury or death to an unborn child by vehicle while committing a violation of law related to the operation of a motor vehicle other than K.S.A. 8-1567, and amendments thereto, is a class A person misdemeanor.”;

By renumbering the remaining sections accordingly;

In the title, in line 9, before the period, by inserting “defining the crimes of causing injury or death to an unborn child and causing injury or death to an unborn child by vehicle; providing penalties for violations”; and **H. Sub. for SB 280** be passed as amended.

On motion of Rep. Hayzlett, **HB 2919** be amended on page 1, by striking all in lines 13 through 40 and inserting:

“Section 1. K.S.A. 82a-734 is hereby amended to read as follows: 82a-734. (a) An operator will notify the chief engineer ~~of the division of water resources of the state board of agriculture~~ of the location and area extent of any existing or proposed sand and gravel pit to be excavated, expanded or operated by the operator.

(b) ~~Unless the chief engineer determines that it has a substantially adverse impact on the area groundwater supply,~~ The net evaporation of water exposed as the result of the opening or operation of sand and gravel pits shall ~~not~~ be construed to be a beneficial use or diversion of water for the purposes of the Kansas water appropriation act, K.S.A. 82a-701 *et seq.*, and amendments thereto, ~~if the sand and gravel pit is opened or operated in a township where the average annual potential net evaporation is great than 18 inches per year, as determined by the chief engineer.~~

(c) *If the chief engineer determines that an existing or proposed sand and gravel pit operation is a beneficial use of water, the operator shall apply to the chief engineer for a permit to appropriate water in accordance with the Kansas water appropriation act or otherwise acquire ownership or control of sufficient water rights, or by other methods pursuant to rules and regulations adopted by the chief engineer, or both, to offset net evaporation for the operation.*

(d) (1) *The period of time allowed to complete construction of diversion works pursuant to an approved application to appropriate water for the purpose of net evaporation from a*

*sand and gravel pit operation shall be reasonable and consistent with the proposed use, but not less than five years. The chief engineer may allow extension of such period by not to exceed two five-year extensions if it can be shown that the operation requires the additional time for the operator to satisfy the operator's market demand in the area. The two five-year extensions may be granted at the same time, to run consecutively, if the applicant submits to the chief engineer a written development plan.*

*(2) The period of time allowed to perfect an approved application to appropriate water for the purpose of net evaporation from a sand and gravel pit operation shall be not less than 20 years and, for good cause shown, the chief engineer may allow one or more 10-year extensions of such period. The chief engineer shall consider the time needed until exhaustion of proven reserves, closure in accordance with the surface land reclamation and mining act, K.S.A. 49-601 et seq., and amendments thereto, and the availability of water for the proposed use, but in no case shall allow longer than 60 years for perfection.*

*(3) Nothing herein shall require an extension of time to construct diversion works or to perfect a water right if there is demonstrable impairment of a use under an existing water right from the same source of supply, as determined pursuant to K.S.A. 82a-711, and amendments thereto.*

*(e) Evaporation from sand and gravel pits, as calculated by the chief engineer, will be reported as an industrial use to the director of taxation for the purpose of assessing the water protection fee pursuant to K.S.A. ~~92a-954~~ 82a-954, and amendments thereto.*

*(f) This section shall be part of and supplemental to the Kansas water appropriations act.*

New Sec. 2. The chief engineer of the division of water resources of the department of agriculture shall study and develop recommendations regarding: (a) The use of water banking as it pertains to sand and gravel pits; (b) calculation of the amount by which the removal of trees and other vegetation at sand and gravel pits offsets net evaporation from such pits, with special emphasis on salt cedar (tamarisk); and (c) the pollution control and flood control benefits of diverting water runoff into sand and gravel pits. On or before January 20, 2005, the chief engineer shall submit a report of the chief engineer's study and recommendations to the house standing committee on environment and the senate standing committee on natural resources.”;

By renumbering the remaining sections;

In the title, in line 9, before “amending” by inserting “requiring a study and recommendation regarding certain issues;”; and **HB 2919** be passed as amended.

On motion of Rep. Siegfried, **HB 2897** be amended on page 1, in line 19, after the stricken material, by inserting “Personal property which is moving in interstate commerce through or over the territory of the state of Kansas, except public utility inventories subject to taxation pursuant to K.S.A. 79-5a01 et seq., and amendments thereto;”; in line 20, before “Personal” by inserting “(b)”; in line 31, by striking “(b)” and inserting “(c)”;;

On page 2, in line 8, by striking “(c)” and inserting “(d)”; and **HB 2897** be passed as amended.

On motion of Rep. Loyd, **SB 487** be amended on page 3, following line 15, by inserting: “New Sec. 3. (a) The governing bodies of any three or more of counties of Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton or Stevens may enter into an agreement for interlocal cooperation under K.S.A. 12-2901, et seq., and amendments thereto, to create an Ogallala public improvement district for the purposes of constructing, operating and maintaining community facilities.

For the purposes of financing the cost of the construction, operation and maintenance of any such public improvements authorized and constructed, the improvement district shall be authorized to levy a tax upon all real and tangible personal property in an amount of not to exceed 1 mill per year, or any fraction thereof, or impose a sales tax of not to exceed .50% or any fraction thereof or both such mill levy and sales tax for a period of not to exceed 10 years.

No such tax shall be imposed by the Ogallala public improvement district until a question of the authority therefor shall be submitted to and approved by the electors of each such county which is a member of such improvement district.

No mill levy shall be imposed upon the property within any county nor sales taxes imposed within any such county under the provisions of this section if the residents of such county have not favorably approved such question.

If any such improvement is a building within which is provided higher education, the residents of Ogallala public improvement district shall receive an appropriate tuition credit as determined by the Kansas board of regents.

(b) The Ogallala public improvement district may:

(1) Acquire by gift, purchase, lease-purchase, condemnation or otherwise, and own, lease, use and operate property, whether real, personal, or mixed, or any interest therein, which is necessary or desirable for lawful purposes. Any lease-purchase agreement entered into under authority of this subsection shall be subject to the conditions set forth in K.S.A. 10-1116c, and amendments thereto. The term of any lease entered into under authority of this subsection may be for not to exceed 10 years. Such lease may provide for annual or other payment of rent or rental fees and may obligate the Ogallala public improvement district to payment of maintenance or other expenses. Any lease or lease-purchase agreement entered into under authority of this subsection shall be subject to change or termination at any time by the legislature. Any assignment of rights in any lease or lease-purchase made under this subsection shall contain a citation of this section and a recitation that the lease or lease-purchase agreement and assignment thereof are subject to change or termination by the legislature.

(2) Enter into lease agreements as lessor of any property, whether real, personal, or mixed, which is owned or controlled by the Ogallala public improvement district. Any such agreement may specify the purposes for which the property may be used, require that the property be maintained and operated by the lessee, and may contain such restrictions or limitations on the use of the property, be entered into for such period of time, and include such other terms and conditions as the governing body of the Ogallala public improvement district determines to be necessary and proper. Every such agreement shall be subject to change or termination at any time by the legislature. Any assignment of rights under any such agreement shall be subject to approval by the board of trustees and shall contain a citation of this section and a recitation that the lease agreement and assignment of rights thereunder are subject to change or termination by the legislature.

(c) The governing body of the Ogallala public improvement district may purchase or otherwise acquire land or land and improvements and may acquire, construct, reconstruct, repair or remodel improvements thereon or additions thereto, including furnishings, equipment, and architectural and incidental expense related thereto, and for such purposes the Ogallala public improvement district is authorized to issue and sell general obligation bonds. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the electors of the Ogallala public improvement district at a regular election or at a special election called for that purpose and the majority of the electors voting on the proposition in such district shall have voted in favor of the issuance of the bonds. Such election shall be called, noticed and held and the bonds issued, sold, delivered and retired in accordance with the provisions of the general bond law.”;

By renumbering sections accordingly;

In the title, in line 9, following “ACT” by inserting “relating to taxation;”; in line 11, preceding “amending” by inserting “providing for the Ogallala public improvement district”; and **SB 487** be passed as amended.

On motion of Rep. Mason to amend **SB 373**, the motion did not prevail, and the bill be passed.

Committee report to **Sub. SB 335** be adopted; also, on motion of Rep. Gatewood be amended on page 6, in line 14, by striking “civil”; in line 15, by striking “penalty” and inserting “fines”;

Also, on motion of Rep. Neufeld, **Sub. SB 335** be amended on page 6, following line 41, by inserting:

“Sec. 8. A liquefied petroleum gas marketer shall have full responsibility for maintenance of that portion of the liquefied petroleum gas system which is outside of and up to the outer wall of residential premises served by such marketer but shall not be responsible for main-

tenance of the remainder of such system. A liquefied petroleum marketer is hereby granted necessary access rights to carry out the responsibility imposed by this section.”;

By renumbering the remaining section;

In the title, in line 12, before the period, by inserting “; prescribing certain responsibility”;

Also, roll call was demanded on motion of Rep. Dahl to amend **Sub. SB 335** on page 3, by striking all in lines 14 through 17;

On roll call, the vote was: Yeas 58; Nays 56; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Bethell, Brunk, Burgess, Carlin, Carter, Compton, Cox, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goering, Goico, Grant, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kauffman, Krehbiel, Landwehr, M. Long, Long-Mast, Mason, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Patterson, Powell, Powers, Ruff, Schwab, S. Sharp, Siegfried, Sloan, Toelkes, D. Williams, J. Williams.

Nays: Ballard, Ballou, Beggs, Burroughs, Campbell, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Gordon, Henderson, Henry, Holland, Huff, D. Johnson, Kirk, Klein, Lane, Larkin, Loganbill, Mays, McKinney, J. Miller, Minor, O'Malley, Owens, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Vickrey, Ward, Wilk, Wilson, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Boyer, Craft, Kassebaum, Kuether, Light, Loyd, Neighbor, O'Neal, Schwartz, Shultz.

The motion of Rep. Dahl prevailed.

Also, roll call was demanded on further motion of Rep. Dahl to amend **Sub. SB 335** on page 5, in line 33, by striking all after “(b)”;

by striking all in lines 34 through 43; On page 6, by striking all in lines 1 through 7; in line 8, by striking “(c)”;

in line 17, by striking “(d)” and inserting “(c)”;

in line 19, by striking “(e)”;

in line 21, before “(1)” by inserting “(d)”;

after line 29, by inserting the following:

“(e) The state fire marshal shall not have the authority to charge and collect fees or charges pursuant to this act nor promulgate rules and regulations establishing any fees or charges pursuant to this act.”;

Also on page 6, by striking all in lines 30 through 41;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 40; Nays 77; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballou, Bethell, Carlin, Carter, Dahl, DeCastro, Edmonds, Faber, Goico, Hayzlett, Holland, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kauffman, Krehbiel, Long-Mast, Mason, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Neufeld, Newton, Osborne, Ostmeyer, Patterson, Powell, Powers, Ruff, Schwartz, Shultz, Siegfried, Storm, Yoder.

Nays: Aurand, Ballard, Beggs, Boyer, Brunk, Burgess, Burroughs, Campbell, Compton, Cox, Craft, Crow, Davis, Decker, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Hill, Horst, Huff, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, M. Long, Loyd, Mays, J. Miller, Minor, Jim Morrison, Neighbor, Novascone, O'Malley, Owens, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Gordon, Light, Loganbill, McKinney, Myers, O'Neal, Swenson.

The motion of Rep. Dahl did not prevail, and **Sub. SB 335** be passed as amended.

Committee report to **SB 29** be adopted; also, roll call was demanded on motion of Rep. Burroughs to amend on page 108, following line 17, by inserting:

“Sec. 93. K.S.A. 2003 Supp. 17-2223a is hereby amended to read as follows: 17-2223a. (a) Subject to the rules and regulations of the administrator, no credit union, except credit unions organized under the laws of the state of Kansas or, the “federal credit union act,” 12 U.S.C. 1751 *et seq.*, and amendments thereto, or *foreign credit unions allowed under subsection (d)*, shall do business in this state until it has received the approval of the credit union administrator.

(b) The administrator may require any such credit union to submit at least every 18 months an examination report made by or under the authority of the national credit union administration or its successor or successors, by any such other appropriate federal or state agency or by an independent auditor or certified public accountant. Such report shall meet the standards which the administrator has established.

(c) If after a hearing or an opportunity for a hearing has been given such credit union in accordance with the provisions of the Kansas administrative procedure act, the administrator determines that such credit union has violated any provision of this act, the administrator may revoke such credit union’s authority to do business in this state.

*(d) The administrator may authorize a foreign credit union to open an office in Kansas if the administrator finds that the credit union has insurance of accounts comparable to that required of Kansas credit unions, the field of membership to be served is not now being adequately served, the credit union has designated a registered agent in Kansas, and reciprocal recognition is given by the chartering state of the credit union to Kansas credit unions. If authorization is given, the foreign credit union must abide by Kansas limits on loan interest rates, pay all fees as prescribed by subsection (e) of K.S.A. 17-2206, and amendments thereto, follow all provisions of Kansas law relating to credit unions and allow the director to examine its records and affairs. The fees imposed on foreign credit unions by the administrator shall be equivalent to the fees imposed on Kansas credit unions.”;*

By renumbering the remaining sections accordingly;

Also on page 108, in line 27, following “Supp.” by inserting “17-2223a.”;

In the title, in line 25, following “Supp.” by inserting “17-2223a.”;

On roll call, the vote was: Yeas 46; Nays 74; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Carlin, Dahl, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Huy, Kauffman, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, Long-Mast, McKinney, J. Miller, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Storm, Svaty, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Crow, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Krehbiel, Landwehr, Light, Loyd, Mason, Mays, McCreary, Merrick, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O’Malley, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, Schwartz, Scoggins-Waite, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Huntington, McLeland, O’Neal, D. Williams.

The motion of Rep. Burroughs did not prevail, and **SB 29** be passed as amended.

Committee report to **SB 432** be adopted; also, on motion of Rep. Ruff to amend, Rep. Jack requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Ruff to amend on page 8, after line 37 by inserting the following:

“Sec. 4. K.S.A. 75-4321 is hereby amended to read as follows: 75-4321. (a) The legislature hereby finds and declares that:

(1) The people of this state have a fundamental interest in the development of harmonious and cooperative relationships between government and its employees;

(2) the denial by some public employers of the right of public employees to organize and the refusal by some to accept the principle and procedure of full communication between

public employers and public employee organizations can lead to various forms of strife and unrest;

(3) the state has a basic obligation to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government;

(4) there neither is, nor can be, an analogy of statuses between public employees and private employees, in fact or law, because of inherent differences in the employment relationship arising out of the unique fact that the public employer was established by and is run for the benefit of all the people and its authority derives not from contract nor the profit motive inherent in the principle of free private enterprise, but from the constitution, statutes, civil service rules, regulations and resolutions; and

(5) the difference between public and private employment is further reflected in the constraints that bar any abdication or bargaining away by public employers of their continuing legislative discretion and in the fact that constitutional provisions as to contract, property, and due process do not apply to the public employer and employee relationship.

(b) ~~Subject to the provisions of subsection (c)~~; It is the purpose of this act to obligate public agencies, public employees and their representatives to enter into discussions with affirmative willingness to resolve grievances and disputes relating to conditions of employment, acting within the framework of law. It is also the purpose of this act to promote the improvement of employer-employee relations within the various public agencies of the state and its political subdivisions by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice, or to refrain from joining, and be represented by such organizations in their employment relations and dealings with public agencies.

(c) The governing body of any public employer, other than the state and its agencies *that employ less than 100 employees*, by a majority vote of all the members may elect to bring such public employer under the provisions of this act, and upon such election the public employer and its employees shall be bound by its provisions from the date of such election. Once an election has been made to bring the public employer under the provisions of this act it continues in effect unless rescinded by a majority vote of all members of the governing body. No vote to rescind shall take effect until the termination of the next complete budget year following such vote.”;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 38, after “74-5611a” by inserting “and 75-4321”;

On page 1, in the title, in line 12, after “concerning” by inserting “public employees; relating to”; also in line 12, by striking “relating to”; in line 13, after the semicolon where it appears the third time by inserting “public employer-employee relations act; the applicability of the act to local units of government; in line 14, after “74-5611a” by inserting “and 75-4321”;

Roll call was demanded.

On roll call, the vote was: Yeas 54; Nays 66; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Ballou, Burgess, Burroughs, Carlin, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Horst, Howell, Huy, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Judy Morrison, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Beggs, Bethell, Boyer, Brunk, Campbell, Carter, Compton, Cox, Craft, Crow, Dahl, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O’Malley, Osborne, Ostmeyer, Owens, Pottorff, Powell, Reitz, Schwab, Schwartz, Shultz, Siegfried, Sloan, Tafanelli, Wilk, D. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Neighbor, O’Neal, Patterson, S. Sharp.

The motion of Rep. Ruff did not prevail, and **SB 432** be passed as amended.

Committee report to **SB 304** be adopted; also, on motion of Rep. Wilson be amended on page 3, following line 13, by inserting the following:

“New Sec. 2. (a) There is hereby established the center for innovative school leadership. The center shall be a cooperative endeavor of Emporia state university, Pittsburg state university and Fort Hays state university.

(b) The center for innovative school leadership shall:

(1) Provide consultation and assistance, upon request of school districts, for the purpose of improving administrative efficiency.

(2) Provide consultation and assistance, upon request of school districts, for the purpose of assisting school districts in administrative evaluation and problem solving.

(3) Form teams which include representatives from the fields of education, business and industry to consult with and assist school districts with improvements in administrative and efficiency issues.

(4) Form cooperative or outsourcing arrangements among school districts to assist districts in improving administrative efficiency.

(5) Provide assistance to school districts, for the purpose of improving academic efficiencies.

(c) Subject to appropriations therefor, the presidents of the three cooperating universities shall appoint a director for the center for innovative school leadership. The first three years of funding for the center shall be subject to appropriations by the state.

(d) The presidents of the three cooperating universities annually shall submit a report to the chairpersons of the senate committee on ways and means and the house committee on appropriations concerning the center’s consultation to local school districts and other activities of the center undertaken pursuant to this section.

(e) The center will negotiate with school districts on the costs for utilizing services of the center. Such costs may be based on: (1) A set flat fee for services; (2) a percentage of dollars saved; or (3) a combination of (1) and (2).

(f) Notwithstanding provisions of law to the contrary, any savings a school district realizes from services from the center may be retained by the school district and shall not be a deduction from any state aid.”;

By renumbering the remaining section accordingly;

In the title, in line 16, preceding the period, by inserting “; establishing the center for innovative school leadership”;

Also, roll call was demanded on motion of Rep. Long-Mast to amend **SB 304** on page 3, following line 13, by inserting the following:

“Sec. 2. Of the state financial aid provided for the 2004-2005 school year, each school district shall expend at least 80% of the increase in 2003-2004 school year state financial aid, if any, for the compensation of teachers.”;

By renumbering the remaining section accordingly;

In the title, in line 16, preceding the period, by inserting “providing for certain funds to be utilized for compensation of teachers.”;

On roll call, the vote was: Yeas 53; Nays 59; Present but not voting: 1; Absent or not voting: 12.

Yeas: Aurand, Boyer, Brunk, Burgess, Campbell, Carter, Dahl, DeCastro, Dillmore, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Patterson, Pottorff, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Thimesch, Thull, Vickrey, Ward, D. Williams.

Nays: Ballard, Bethell, Burroughs, Carlin, Compton, Cox, Craft, Crow, Davis, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Huff, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Lane, Larkin, Light, J. Miller, Minor, Judy Morrison, Neighbor, Newton, O’Malley, Owens, Pauls, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Toelkes, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Present but not voting: Horst.

Absent or not voting: Ballou, Barbieri-Lightner, Beggs, Decker, Flora, Klein, Krehbiel, Kuether, Loganbill, M. Long, O'Neal, B. Sharp.

The motion of Rep. Long-Mast did not prevail.

Also, on motion of Rep. Huebert, **SB 304** be amended on page 3, after line 13, by inserting the following:

“Sec. 2. K.S.A. 72-6439 is hereby amended to read as follows: 72-6439. (a) In order to accomplish the mission for Kansas education, the state board of education shall design and adopt a school performance accreditation system based upon improvement in performance that reflects high academic standards and is measurable.

(b) The state board of education shall provide for assessments in the core academic areas of mathematics, science, reading, writing, and social studies, and shall establish curriculum standards for such core academic areas. The assessments shall be administered at three grade levels, as determined by the state board. The curriculum standards shall be equal to the best standards and shall be reviewed at least every three years. The state board shall ensure compatibility between the statewide assessments and the curriculum standards. Nothing in this subsection shall be construed in any manner so as to impinge upon any district's authority to determine its own curriculum.

(c) The state board of education shall determine performance levels on the statewide assessments, the achievement of which represents excellence in the academic area at the grade level to which the assessment applies. The state board should specify the measure of excellence both for individual performance and school performance on the assessments.

(d) Each school in every district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of pupils attending the school, the business community, and other community groups. *Commencing in the 2004-05 school year, at least one-third of the members of the site council shall be parents who have children in the school.* School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. *Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.*

(e) ~~On or before January 1, 1997, the state board of education shall prepare a public education performance report card consisting of statewide aggregated data pertaining to performance on statewide assessments and other measurable performance indicators specified by the state board as part of the accreditation system. The report card shall be designed to show comparative data over multiple years, as determined by the state board. In addition to the public education performance report card, the state board shall prepare a school building report card for each school building operated by a district and shall provide the board of each district with information showing the statewide data and school building data, including multiple year data.~~

~~(f) Under the direction of Kansas, Inc., and subject to appropriations therefor, a study evaluating changes in pupil performance attributable to the school accreditation system shall be conducted between July 1 and November 30, 1997. The main purpose of the study shall be to ascertain, through evaluation of the 48 school districts that began implementation of the school performance accreditation process in the 1991-92 school year, the extent of the change in pupil academic performance under the system and to provide an explanation of the factors that have contributed materially to the changes that have occurred. The study shall be based on data for the 1996-97 school year. The results of the study shall be reported to the legislature at the commencement of the 1998 session. Kansas, Inc. shall convene an advisory committee for assistance in designing the study, providing direction for the conducting of research, analyzing research findings, and preparing the report of the results of the study. The advisory committee shall consist of not less than seven and not more than 11 members and shall be representative of the state board of education, teachers, school~~

~~administrators, boards of education, business, and the public. Members of the advisory committee attending meetings of the committee or subcommittee meetings authorized by Kansas, Inc. shall be paid amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.~~

Sec. 3. K.S.A. 72-6439 is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 16, preceding the period by inserting “; amending K.S.A. 72-6439 and repealing the existing section.”;

Also, on motion of Rep. Goico, **SB 304** be amended on page 3, following line 13, by inserting the following:

“New Sec. 2. (a) As used in this section:

(1) “Medication” means a medicine for the treatment of asthma or allergies prescribed by: (A) A physician licensed to practice medicine and surgery; (B) an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto; or (C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

(2) “School” shall include any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of students enrolled in kindergarten or any of the grades one through 12 or at any school sponsored activity or event.

(b) A student in grades 4 through 12 who has asthma or allergies which may require the emergency use of medication may possess, carry and self-administer such medication in school or under the supervision of school personnel. A school and such school’s employees and agents shall not be liable in any action for damages arising from the student’s self-administration of such medication except as may be provided under the Kansas tort claims act.

(c) The student shall provide to the school administrator with a prescription from:

(1) The student’s health care practitioner prescribing such medication and containing the following information:

(A) The name and purpose of the medication;

(B) the prescribed dosage;

(C) the circumstances under which the medication is to be administered; and

(D) the length of time for which the medication is prescribed; and

(2) the student’s parent or guardian stating such student has been instructed on self-administration of the medication and is authorized to do so in school.

The statements required in this subsection shall be kept on file in the office of the school administrator or designee.

(d) The parent or guardian of the student shall sign a statement acknowledging that the school and such school’s employees and agents shall not be liable in any action for damages arising from the student’s self-administration of such medication except as may be provided under the Kansas tort claims act.

(e) The authorization for self-administration of medications shall be effective for the school year in which it is granted or such other period of time as may be stated in the authorization and shall be renewed each following school year upon fulfilling the requirements of subsections (c) and (d).”;

And by renumbering the remaining section accordingly;

In the title, in line 14, following “ACT” by inserting “relating to schools; concerning medications at schools;”; and **SB 304** be passed as amended.

Committee report to **HB 2938** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 48** be adopted; and the substitute bill be passed.

Committee report to **SB 463** be adopted; and the bill be passed as amended.

Committee report to **SB 422** be adopted; also, roll call was demanded on motion of Rep. Carter to amend on page 15, after line 37 by inserting the following:

"Sec. 6. K.S.A. 21-3439 is hereby amended to read as follows: 21-3439. (a) Capital murder is the:

(1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in K.S.A. 21-3420 and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;

(4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 21-3502 and amendments thereto, criminal sodomy, as defined in subsections (a)(2) or (a)(3) of K.S.A. 21-3505 and amendments thereto or aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, or any attempt thereof, as defined in K.S.A. 21-3301 and amendments thereto;

(5) intentional and premeditated killing of a law enforcement officer, as defined in K.S.A. 21-3110 and amendments thereto;

(6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or

(7) intentional and premeditated killing of a child under the age of 14 ~~in the commission of kidnapping, as defined in K.S.A. 21-3420 and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.~~

~~(b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 21-3502 and amendments thereto, aggravated indecent liberties with a child, as defined in K.S.A. 21-3504 and amendments thereto, aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, prostitution, as defined in K.S.A. 21-3512 and amendments thereto, promoting prostitution, as defined in K.S.A. 21-3513 and amendments thereto or sexual exploitation of a child, as defined in K.S.A. 21-3516 and amendments thereto.~~

~~(b)~~ (b) Capital murder is an off-grid person felony.

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

And by renumbering the remaining sections accordingly;

Also on page 15, in line 38, before "21-4622," by inserting "21-3439,";

On page 1, in the title, in line 13, after "to" by inserting "capital murder and"; in line 14, before "21-4622," by inserting "21-3439,";

On roll call, the vote was: Yeas 58; Nays 58; Present but not voting: 0; Absent or not voting: 9.

Yeas: Brunk, Burgess, Campbell, Carter, Compton, Dahl, Davis, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Grant, Hayzlett, Holland, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Landwehr, Lane, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Patterson, Pauls, Powers, Schwab, Schwartz, Scoggins-Waite, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, D. Williams, J. Williams, Yoder.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Burroughs, Carlin, Cox, Craft, Crow, Decker, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Gordon, Henderson, Henry, Hill, Horst, Huff, Huntington, Jack, D. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Larkin, Loganbill, Loyd, Minor, Jim Morrison, Neighbor, O'Malley, Owens, Phelps, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, S. Sharp, Showalter, Shriver, Storm, Svaty, Thimesch, Thull, Toelkes, Ward, Wilk, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, DeCastro, Klein, Light, M. Long, O'Neal, Pottorff, B. Sharp, Wilson.

The motion of Rep. Carter did not prevail, and **SB 422** be passed as amended.

Committee report to **SB 461** be adopted; also, on motion of Rep. Patterson to amend, the motion did not prevail.

Also, on motion of Rep. Carlin to amend **SB 461**, the motion did not prevail.

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Shriver moved that the Committee reconsider its action in not adopting the amendment by Rep. Patterson. The motion prevailed. The question then reverted back to the motion of Rep. Patterson and **SB 461** be amended on page 9, after line 10, by inserting the following:

"Sec. 6. On and after July 1, 2004, K.S.A. 26-504 is hereby amended to read as follows: 26-504. If the judge to whom the proceeding has been assigned finds from the petition: (1) The plaintiff has the power of eminent domain; and (2) the taking is necessary to the lawful corporate purposes of the plaintiff, the judge shall entertain suggestions from any party in interest relating to the appointment of appraisers and the judge shall enter an order appointing three disinterested residents of the county in which the petition is filed, at least two of the three of whom shall have experience in the valuation of real estate, to view and appraise the *compensation and* value of the lots and parcels of land found to be necessary, and to determine the damages to the interested parties resulting from the taking. Such order shall also fix the time for the filing of the appraisers' report at a time not later than ~~20~~ 45 days after the entry of such order except for good cause shown, the court may extend the time for filing by a subsequent order. The granting of an order determining that the plaintiff has the power of eminent domain and that the taking is necessary to the lawful corporate purposes of the plaintiff shall not be considered a final order for the purpose of appeal to the supreme court, but an order denying the petition shall be considered such a final order.

Appeals to the supreme court may be taken from any final order under the provisions of this act. Such appeals shall be prosecuted in like manner as other appeals and shall take precedence over other cases, except cases of a like character and other cases in which preference is granted by statute.

"Sec. 7. On and after July 1, 2004, K.S.A. 2003 Supp. 58-3502 is hereby amended to read as follows: 58-3502. Whenever any program or project is undertaken by the state of Kansas, any agency or political subdivision thereof, under which federal financial assistance will be available to pay all or part of the cost of such program by reason of a grant from or contract or agreement with the federal government, and which program or project will result in the displacement of any person by acquisition of real property, or by the direct result of building code enforcement activities, rehabilitation or demolition programs, the state, agency, or political subdivision shall:

(1) Provide fair and reasonable relocation payments and assistance to or for displaced persons as are required under sections 202, 203 and 204 of the federal act;

(2) provide relocation assistance programs offering to displaced persons and others occupying property immediately adjacent to the real property acquired, the services described in section 205 of the federal act on the conditions prescribed therein;

(3) in acquiring the real property be guided to the greatest extent practicable under state law by the land acquisition policies in section 301 and the provisions of section 302 of the federal act;

(4) pay or reimburse property owners for necessary expenses as specified in sections 303 and 304 of the federal act;

(5) share costs of providing payments and assistance with the federal government in the manner and to the extent required by sections 211 (a) and (b) of the federal act; ~~and~~

(6) appoint such officers, enter into such contracts, utilize federal funds for planning and providing comparable replacement housing, and take such other actions as may be necessary to comply with the conditions and requirements of the federal act; *and*

(7) *under circumstances where a displaced person demonstrates that receipt of such payments in advance of the actual relocation is required to enable the relocation and estimates are provided by the displaced person to the state, agency or political subdivision that will allow such governmental entity to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties*

*on behalf of the displaced person to facilitate the relocation. Any remaining payment due shall be made within 30 days after the relocation has been completed.*

New Sec. 8. On and after July 1, 2004: (a) Whenever federal funding is not involved, real property is acquired by any condemning authority through negotiation in advance of a condemnation action or through a condemnation action and the acquisition will result in the displacement of any person, the condemning authority shall:

(1) Provide the displaced person, as defined in the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, fair and reasonable relocation payments and assistance to or for displaced persons.

(2) Fair and reasonable relocation payments and assistance to or for displaced persons as provided under sections 202, 203 and 204 of the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, shall be deemed fair and reasonable relocation payments and assistance pursuant to this section.

(3) Nothing in this section shall preclude the voluntary negotiation of fair and reasonable relocation payments and assistance between the displaced person and condemning authority. If such negotiations lead to agreement between the displaced person and the condemning authority, that agreement shall be deemed fair and reasonable.

(4) Under circumstances where a displaced person demonstrates that receipt of such payments, in advance of the actual relocation, is required to enable the relocation and estimates are provided by the displaced person to the condemning authority that will allow such authority to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties on behalf of the displaced person to facilitate the relocation. Any remaining payment due will be made within 30 days after the relocation has been completed.

(b) This section shall be a part of and supplemental to article 35 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 9. On and after July 1, 2004: (a) Any displaced person entitled to benefits under this article may appeal by written notice to the state, agency or political subdivision a determination of relocation payments. If such an appeal is made to the state, agency or political subdivision within 60 days of the receiving notice of the determination being appealed, an independent hearing examiner shall be appointed by the state, agency or political subdivision within 10 days and a determination of the appeal made within 60 days. Any party wishing to appeal the ruling of the hearing examiner may do so by filing a written notice of appeal with the clerk of the district court within 30 days of the hearing examiner's decision. In the event any parties shall perfect an appeal to district court, copies of such notice of appeal shall be mailed to all parties affected by such appeal within three days after the date of perfection thereof. Any such appeal to district court shall be a trial de novo only on the issue of relocation benefits.

(b) This section shall be a part of and supplemental to article 35 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 10. On and after July 1, 2004, K.S.A. 26-504 and K.S.A. 2003 Supp. 58-3502 are hereby repealed.”;

By renumbering sections accordingly;

On page 1, in the title, in line 13, after the semicolon by inserting “relating to the filing of the appraisers’ report; concerning relocation assistance;”; in line 14, after “3408” by inserting “and 26-504”; also in line 14, by striking the second “and” and inserting a comma; also in line 14, after “19-101a” by inserting “and 58-2502”;

Also, on motion of Rep. Huy to amend **SB 461**, Rep. Ostmeier requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Huy to amend, which did not prevail.

Also, on motion of Rep. Hutchins to amend **SB 461**, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 106** be adopted; also, roll call was demanded on motion of Rep. Long-Mast to amend on page 2, after line 9 by inserting the following:

“Sec. 2. (a) As used in this section:

(1) “Secretary” means the secretary of health and environment.

(2) "Abortion clinic" means a facility, other than an accredited hospital, in which five or more first trimester surgical abortions in any month or any second or third trimester abortions are performed.

(3) "Department" means the department of health and environment.

(4) "Physician" means a person licensed to practice medicine and surgery in this state.

(5) "Gestational age" shall have the meaning ascribed to such term under K.S.A. 65-6701 and amendments thereto.

(6) "Viable" shall have the meaning ascribed to such term under K.S.A. 65-6701 and amendments thereto.

(b) The secretary shall adopt rules and regulations for an abortion clinic's physical facilities. At a minimum these rules and regulations shall prescribe standards for:

(1) Adequate private space that is specifically designated for interviewing, counseling and medical evaluations.

(2) Dressing rooms for staff and patients.

(3) Appropriate lavatory areas.

(4) Areas for preprocedure hand washing.

(5) Private procedure rooms.

(6) Adequate lighting and ventilation for abortion procedures.

(7) Surgical or gynecologic examination tables and other fixed equipment.

(8) Postprocedure recovery rooms that are supervised, staffed and equipped to meet the patients' needs.

(9) Emergency exits to accommodate a stretcher or gurney.

(10) Areas for cleaning and sterilizing instruments.

(11) Adequate areas for the secure storage of medical records and necessary equipment and supplies.

(12) The display in the abortion clinic, in a place that is conspicuous to all patients, of the clinic's current license issued by the department.

(c) The secretary shall adopt rules and regulations to prescribe abortion clinic supplies and equipment standards, including supplies and equipment that are required to be immediately available for use or in an emergency. At a minimum these rules and regulations shall:

(1) Prescribe required equipment and supplies, including medications, required for the conduct, in an appropriate fashion, of any abortion procedure that the medical staff of the clinic anticipates performing and for monitoring the progress of each patient throughout the procedure and recovery period.

(2) Require that the number or amount of equipment and supplies at the clinic is adequate at all times to assure sufficient quantities of clean and sterilized durable equipment and supplies to meet the needs of each patient.

(3) Prescribe required equipment, supplies and medications that shall be available and ready for immediate use in an emergency and requirements for written protocols and procedures to be followed by staff in an emergency, such as the loss of electrical power.

(4) Prescribe required equipment and supplies for required laboratory tests and requirements for protocols to calibrate and maintain laboratory equipment at the abortion clinic or operated by clinic staff.

(5) Require ultrasound equipment in those facilities that provide abortions after 12 weeks gestational age of the fetus.

(6) Require that all equipment is safe for the patient and the staff, meets applicable federal standards and is checked annually to ensure safety and appropriate calibration.

(d) The secretary shall adopt rules and regulations relating to abortion clinic personnel. At a minimum these rules and regulations shall require that:

(1) The abortion clinic designate a medical director of the abortion clinic who is licensed to practice medicine and surgery in Kansas.

(2) Physicians performing surgery in an abortion clinic are licensed to practice medicine and surgery in Kansas, demonstrate competence in the procedure involved and are acceptable to the medical director of the abortion clinic.

(3) A physician with admitting privileges at an accredited hospital in this state is available.

(4) Another individual is present in the room during a pelvic examination or during the abortion procedure and if the physician is male then the other individual shall be female.

(5) A registered nurse, nurse practitioner, licensed practical nurse or physician assistant is present and remains at the clinic when abortions are performed to provide postoperative monitoring and care until each patient who had an abortion that day is discharged.

(6) Surgical assistants receive training in the specific responsibilities of the services the surgical assistants provide.

(7) Volunteers receive training in the specific responsibilities of the services the volunteers provide, including counseling and patient advocacy as provided in the rules and regulations adopted by the director for different types of volunteers based on their responsibilities.

(e) The secretary shall adopt rules and regulations relating to the medical screening and evaluation of each abortion clinic patient. At a minimum these rules and regulations shall require:

(1) A medical history including the following:

(A) Reported allergies to medications, antiseptic solutions or latex.

(B) Obstetric and gynecologic history.

(C) Past surgeries.

(2) A physical examination including a bimanual examination estimating uterine size and palpation of the adnexa.

(3) The appropriate laboratory tests including:

(A) For an abortion in which an ultrasound examination is not performed before the abortion procedure, urine or blood tests for pregnancy performed before the abortion procedure.

(B) A test for anemia as indicated.

(C) Rh typing, unless reliable written documentation of blood type is available.

(D) Other tests as indicated from the physical examination.

(4) An ultrasound evaluation for all patients who elect to have an abortion after 12 weeks gestational age of the fetus. The rules shall require that if a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that the person completed a course in the operation of ultrasound equipment as prescribed in rules and regulations. The physician or other health care professional shall review, at the request of the patient, the ultrasound evaluation results with the patient before the abortion procedure is performed, including the probable gestational age of the fetus.

(5) That the physician is responsible for estimating the gestational age of the fetus based on the ultrasound examination and obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rules and regulations and shall verify the estimate in the patient's medical history. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file.

(f) The secretary shall adopt rules and regulations relating to the abortion procedure. At a minimum these rules and regulations shall require:

(1) That medical personnel is available to all patients throughout the abortion procedure.

(2) Standards for the safe conduct of abortion procedures that conform to obstetric standards in keeping with established standards of care regarding the estimation of fetal age as defined in rules and regulations.

(3) Appropriate use of local anesthesia, analgesia and sedation if ordered by the physician.

(4) The use of appropriate precautions, such as the establishment of intravenous access at least for patients undergoing second or third trimester abortions.

(5) The use of appropriate monitoring of the vital signs and other defined signs and markers of the patient's status throughout the abortion procedure and during the recovery period until the patient's condition is deemed to be stable in the recovery room.

(g) The secretary shall adopt rules and regulations that prescribe minimum recovery room standards. At a minimum these rules and regulations shall require that:

(1) Immediate postprocedure care consists of observation in a supervised recovery room for as long as the patient's condition warrants.

(2) The clinic arrange hospitalization if any complication beyond the management capability of the staff occurs or is suspected.

(3) A licensed health professional who is trained in the management of the recovery area and is capable of providing basic cardiopulmonary resuscitation and related emergency procedures remains on the premises of the abortion clinic until all patients are discharged.

(4) A physician or a nurse who is advanced cardiovascular life support certified shall remain on the premises of the abortion clinic until all patients are discharged and to facilitate the transfer of emergency cases if hospitalization of the patient or viable fetus is necessary. A physician or nurse shall be readily accessible and available until the last patient is discharged.

(5) A physician or trained staff member discusses Rho(d) immune globulin with each patient for whom it is indicated and assures it is offered to the patient in the immediate postoperative period or that it will be available to her within 72 hours after completion of the abortion procedure. If the patient refuses, a refusal form approved by the department shall be signed by the patient and a witness and included in the medical record.

(6) Written instructions with regard to postabortion coitus, signs of possible problems and general aftercare are given to each patient. Each patient shall have specific instructions regarding access to medical care for complications, including a telephone number to call for medical emergencies.

(7) There is a specified minimum length of time that a patient remains in the recovery room by type of abortion procedure and gestational age of the fetus.

(8) The physician assures that a licensed health professional from the abortion clinic makes a good faith effort to contact the patient by telephone, with the patient's consent, within 24 hours after surgery to assess the patient's recovery.

(9) Equipment and services are located in the recovery room to provide appropriate emergency resuscitative and life support procedures pending the transfer of the patient or viable fetus to the hospital.

(h) The secretary shall adopt rules and regulations that prescribe standards for follow-up visits. At a minimum these rules and regulations shall require that:

(1) A postabortion medical visit is offered and, if requested, scheduled within four weeks after the abortion, including a medical examination and a review of the results of all laboratory tests.

(2) A urine pregnancy test is obtained at the time of the follow-up visit to rule out continuing pregnancy. If a continuing pregnancy is suspected, the patient shall be evaluated and a physician who performs abortions shall be consulted.

(i) The secretary shall adopt rules and regulations to prescribe minimum abortion clinic incident reporting. At a minimum these rules and regulations shall require that:

(1) The abortion clinic records each incident resulting in a patient's or viable fetus' serious injury occurring at an abortion clinic and shall report them in writing to the department within 10 days after the incident. For the purposes of this paragraph, "serious injury" means an injury that occurs at an abortion clinic and that creates a serious risk of substantial impairment of a major body organ.

(2) If a patient's death occurs, other than a fetal death properly reported pursuant to law, the abortion clinic shall report such death to the department of health and environment not later than the next department business day.

(3) Incident reports are filed with the department of health and environment and appropriate professional regulatory boards.

(j) (1) The secretary shall adopt rules and regulations requiring each abortion clinic to establish and maintain an internal risk management program which, at a minimum, shall consist of: (A) A system for investigation and analysis of the frequency and causes of reportable incidents within the clinic; (B) measures to minimize the occurrence of reportable incidents and the resulting injuries within the clinic; and (C) a reporting system based upon the duty of all health care providers staffing the clinic and all agents and employees of the clinic directly involved in the delivery of health care services to report reportable incidents to the chief of the medical staff, chief administrative officer or risk manager of the clinic.

(2) As used in this subsection (j), "reportable incident" means an act by a health care provider which: (A) Is or may be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or (B) may be grounds for disciplinary action by the appropriate licensing agency.

(k) The secretary shall make or cause to be made such inspections and investigations of abortion clinics at such intervals as the secretary determines necessary to protect the public health and safety and to implement and enforce the provisions of this act and rules and regulations adopted hereunder. For that purpose, authorized agents of the secretary shall have access to an abortion clinic during reasonable business hours.

(l) Information received by the secretary through filed reports, inspections or as otherwise authorized under this act shall not be disclosed publicly in such manner as to identify individuals. Under no circumstances shall patient medical or other identifying information be made available to the public, and such information shall always be treated by the department as confidential.

(m) (1) No person shall operate an abortion clinic in this state unless such clinic holds a currently valid license as an abortion clinic under this act. Each such clinic shall be required annually to obtain a license from the department. The secretary shall adopt rules and regulations providing for the issuance of such licenses. At a minimum such rules and regulations shall require compliance with the standards adopted pursuant to this act. The secretary shall establish by rules and regulations the fee for such licenses in the amount required to cover costs of implementation and enforcement of this act.

(2) The department shall deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this act and rules and regulations adopted pursuant thereto, a failure to report any information required to be reported under subsections (i) and (j) or a failure to maintain a risk management program as required under subsection (j), after notice and an opportunity for hearing to the applicant or licensee in accordance with the provisions of the Kansas administrative procedure act.

(n) The rules and regulations adopted by the secretary pursuant to this section do not limit the ability of a physician or other health care professional to advise a patient on any health issue. The secretary periodically shall review and update current practice and technology standards under this act and based on current practice or technology adopt by rules and regulations alternative practice or technology standards found by the secretary to be as effective as those enumerated in this act.

(o) The provisions of this act and the rules and regulations adopted pursuant thereto shall be in addition to any other laws and rules and regulations which are applicable to facilities defined as abortion clinics under this section.

(p) In addition to any other penalty provided by law, whenever in the judgment of the secretary of health and environment any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this section, or any rules and regulations adopted under the provisions of this section, the secretary shall make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the secretary that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order or such other order as may be appropriate shall be granted by such court without bond.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 13 by striking “and establishing” and inserting “; including public health”; in line 14, before the period by inserting “and abortion clinic issues”;

On roll call, the vote was: Yeas 68; Nays 48; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballou, Brunk, Burgess, Campbell, Carter, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Ruff, Schwab, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thimesch, Vickrey, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Beggs, Boyer, Burroughs, Carlin, Compton, Cox, Crow, Davis, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Gordon, Henderson, Hill, Holland, Huff, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Loganbill, Loyd,

Minor, Neighbor, Owens, Pottorff, Rehorn, Reitz, Sawyer, Scoggins-Waite, S. Sharp, Showalter, Shriver, Sloan, Storm, Thull, Toelkes, Ward, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Bethell, Dillmore, Horst, Larkin, Light, M. Long, O'Neal, B. Sharp.

The motion of Rep. Long-Mast prevailed, and **SB 106** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2688** be amended on page 2, in line 8, by striking all after "education"; by striking all in lines 9 through 14 and inserting "or any purchasing cooperative formed by one or more unified school district."; in line 18, by striking "committee" and inserting "director of purchases"; in line 19, by striking "and offered for sale";

On page 3, after line 1, by inserting the following:

"(e) The director of purchases shall convene quarterly meetings with qualified vendors, the state use law committee and agencies to discuss the state use law.";

Also on page 3, in line 4, after "committee", by inserting "qualified vendors"; in line 7, by striking "and offered for sale"; in line 22, before "Each", by inserting "The list of products and services shall be certified by the director of purchases."; in line 23, after "committee", by inserting "the director of purchases, state agencies and unified school districts"; also in line 23, by striking "and of-"; in line 24, by striking "fered for sale"; in line 27, by striking "and offered for sale"; in line 29 by striking all after the period; by striking all in lines 30 and 31; in line 32, by striking "and offered for sale"; after line 36 by inserting the following:

"(e) It shall be the responsibility of the qualified vendors to provide appropriate notice to state agencies and unified school districts of the addition of any product or service provided by a qualified vendor after the publication of the catalog, provided the additional product or service has been approved by the state use law committee.";

On page 4, by striking all in lines 5 through 8; after line 34 by inserting the following:

"(f) Waivers may be granted directly by the qualified vendor.

(g) If the qualified vendor does not grant the waiver, the state agency or unified school district can appeal this decision to the director of purchases. The qualified vendor may appeal the decision of the director of purchases to the state use law committee.";

Also on page 4, in line 38, by striking "14" and inserting "6"; by striking all in lines 41 through 43;

On page 5, by striking all in lines 1 through 19; after line 19, by inserting the following:

"(1) One member shall be appointed by the unified school superintendents.

(2) One member shall be appointed by the state board of regents.

(3) One member shall be appointed by the state director of purchases.

(4) Two members who are knowledgeable of the employment and training needs and concerns of the blind and disabled in Kansas shall be appointed by the governor.

(5) One member who is a qualified vendor shall be appointed by the governor.";

Also on page 5, in line 21, by striking "two" and inserting "one"; in line 22, by striking "two" and inserting "one"; by striking all in lines 38 through 43;

On page 6, by striking all in lines 1 through 43;

On page 7, by striking all in lines 1 through 43;

On page 8, by striking all in lines 1 through 6; after line 6, by inserting the following:

"(1) If anyone, including qualified vendors, becomes aware that state agencies or unified school districts are not complying with this law, they may forward to the state use law committee a report of such non-compliance.

(2) The state use law committee shall perform an evaluation of the report and make its own findings.

(3) Such findings shall be forwarded to the secretary of administration for administrative action including enforcement of the state use law.

(4) The state use law committee shall address the following issues and shall issue a report on these issues to qualified vendors, the director of purchases, the secretary of administration and the state board of regents on or before January 1, 2005:

(A) The pricing process used by the director of purchases for eligible products and services.

(B) Product and service eligibility process used by the director of purchases for state use law products and services.

(C) Review of waivers granted by vendors and the director of purchases.

(D) Application of the state use law to purchasing cards.

(E) Threshold dollar amount of purchase by state agencies or unified school districts for state use law to apply.

(F) Development of an electronic procurement system for the state use law system.

(G) Any other issue identified by interested parties.”;

And by relettering the remaining subsection accordingly;

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

Committee on **Federal and State Affairs** recommends **SB 405** be amended on page 3, in line 18, by striking “approves” and inserting “approve”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2609** be passed.

Committee on **Taxation** recommends **HB 2491** be amended on page 2, after line 33, by inserting the following:

“Sec. 2. K.S.A. 72-4523 is hereby amended to read as follows: 72-4523. (a) Subject to the provisions of ~~subsection~~ *subsections (b) and (c)*, the board of any school district may make an annual tax levy for a period of not to exceed five years in an amount not to exceed ½ mill upon the assessed taxable tangible property within the school district to maintain and operate an adult basic education program at a level approved by the state board and for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. Proceeds from the tax levy, except for an amount to pay a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district, shall be deposited in the adult education fund of the school district, which fund is hereby established. Notwithstanding any other provision of law, all moneys received by the school district from whatever source for adult basic education shall be credited to the adult education fund established by this section. The expenses of a school district directly attributable to adult basic education shall be paid from the adult education fund.

(b) No tax levy shall be made under this section until a resolution authorizing the levy is passed by the board and published once a week for three consecutive weeks in a newspaper having general circulation in the school district. The resolution shall specify the millage rate of the tax levy and the period of time for which the tax levy shall be made under authority thereof. After adoption of the resolution, the levy may be made unless, within 90 days following the last publication of the resolution, a petition in opposition to the levy, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district. In the event a petition is filed, the tax shall not be levied without the question of levying the same having been submitted to and approved by a majority of the qualified electors of the school district voting at an election which shall be called for that purpose or at the next general election.

(c) *No tax levy shall be made under this section by the board of any school district which is located within the territory of a technical college which has levied a tax on all taxable tangible property within the territory of such technical college to maintain and operate an adult basic education program pursuant to K.S.A. 72-4470a, and amendments thereto.*

(d) The board of any school district which has made a tax levy authorized under the provisions of this section may initiate procedures to renew its authority to make such a tax levy at any time after the final levy under a current authorization is certified to the county clerk.”;

And by renumbering sections accordingly;

Also on page 2, in line 34, before “K.S.A.” by inserting “K.S.A. 72-4523 and”; also in line 34, by striking “is” and inserting “are”;

On page 1, in the title, in line 9, by striking “technical colleges” and inserting “adult basic education programs”; in line 10, by striking “thereof; relating to adult education” and in-

serting “of technical colleges and school districts; tax levy authority”; in line 11, before “K.S.A.” by inserting “K.S.A. 72-4523 and”; also in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2610** be amended on page 1, in line 23, after “original” by inserting “invoices”; in line 24, before “approved” by inserting “or self-generated lists”; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 390** be amended on page 1, after line 14, by inserting the following:

“Section 1. K.S.A. 79-32,109 is hereby amended to read as follows: 79-32,109. As used in this act, unless the context otherwise requires:

(a) Any term used in this act shall have the same meaning as when used in a comparable context in the federal internal revenue code. Any reference in this act to the “federal internal revenue code” shall mean the provisions of the federal internal revenue code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective at any time, or from time to time, for the taxable year.

(b) “Resident individual” means a natural person who is domiciled in this state. A natural person who spends in the aggregate more than six months of the taxable year within this state shall be presumed to be a resident for purposes of this act in absence of proof to the contrary. A nonresident individual means an individual other than a resident individual.

(c) “Resident estate” means the estate of a deceased person whose domicile was in this state at the time of such person’s death. “Nonresident estate” means an estate other than a resident estate.

(d) “Resident trust” means ~~a trust which is administered in this state. A trust shall not be deemed to be administered in this state solely because it is subject to the jurisdiction of a district court within this state:~~ (1) *A trust created by will of a decedent who at the time of death was domiciled in Kansas, and such trust has at least one income beneficiary who, on the last day of the taxable year, was a resident of Kansas;* (2) *a trust created by, or consisting of property of, a person domiciled in Kansas on the date the trust or portion of the trust became irrevocable, and such trust has at least one income beneficiary who, on the last day of the taxable year, was a resident of Kansas;* or (3) *a trust administered in this state.* “Nonresident trust” means a trust other than a resident trust.

(e) “Resident partner” means a partner who is a resident individual, a resident estate, or a resident trust. “Nonresident partner” means a partner other than a resident partner.

(f) “Resident beneficiary” means a beneficiary of an estate or trust which beneficiary is a resident individual, a resident estate, or a resident trust. “Nonresident beneficiary” means a beneficiary other than a resident beneficiary.

(g) “Director” means the director of taxation.

(h) “Modified Kansas source income” means that part of a nonresident individual’s Kansas adjusted gross income as set forth in K.S.A. 79-32,117, and amendments thereto, derived from sources in Kansas. Items of income including unemployment compensation, gain, loss or deduction reflected in Kansas adjusted gross income shall be considered derived from sources in Kansas to the extent that they are attributable to: (1) The ownership of any interest in real or tangible personal property in this state; (2) a business, trade, profession or occupation carried on in this state; (3) a business, trade, profession or occupation carried on partly within and partly without this state as determined by the uniform division of income for tax purposes act as set forth in K.S.A. 79-3271 through K.S.A. 79-3293, and amendments thereto; (4) the distributive share of partnership income, gain, loss and deduction determined under this section as if the partnership were a nonresident individual; (5) the share of estate or trust income, gain, loss and deduction determined under K.S.A. 79-32,137, and amendments thereto; (6) prizes won from lottery games conducted by the Kansas lottery; (7) any winnings from parimutuel wagering derived from the conduct of parimutuel activities within this state; or (8) income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property to the extent that such income is from property employed in a trade, business, profession or occupation carried on in Kansas. A nonresident, other than a dealer holding property primarily for sale to customers in the ordinary course of such dealer’s trade or business, shall not be deemed

to carry on a business, trade, profession or occupation in Kansas solely by reason of the purchase and sale of property for such nonresident's own account.

"Modified Kansas source income" shall not include: (1) Compensation paid by the United States for service in the armed forces of the United States, performed during an induction period by an individual not domiciled in this state; or (2) such individual's share of distributed or undistributed taxable income or net operating loss of a corporation which is an electing small business corporation unless an agreement is filed as provided in K.S.A. 79-32,139, and amendments thereto, in which event, the "modified Kansas source income" of such non-resident individual shall include such individual's share of such corporation's distributed and undistributed taxable income or net operating loss as such share is determined under the internal revenue code only to the extent, however, that such income, gain or loss is at the corporate level, derived from sources within Kansas.";

And by renumbering sections accordingly;

Also on page 1, by striking all in lines 26 through 30 and by inserting the following:

"\$0	\$6,000	\$0
6,001	7,000	10%
7,001	17,000	10% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,000 but less than or equal to \$17,000
17,001	25,000	50% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$17,000 but less than or equal to \$25,000
25,001	26,300	95%";

Also on page 1, after line 43, by inserting the following:

"Sec. 3. K.S.A. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued, rent constituting property taxes accrued or their sum exceeds ~~\$600~~ \$720 for a household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been ~~\$600~~ \$720.";

And by renumbering sections accordingly;

On page 2, in line 1, after "K.S.A." by inserting "79-32,109,;" also in line 1, by striking "is" and inserting "and 79-4509 are";

On page 1, in the title, in line 10, after "to" by inserting "resident trust defined for income tax purposes,;" in line 11, after "K.S.A." by inserting "79-32,109,;" also in line 11, after "79-4508" by inserting "and 79-4509"; in line 12, by striking "section" and inserting "sections"; and the bill be passed as amended.

#### CHANGE OF CONFEREES

Speaker pro tem Ballou announced the appointment of Rep. Dillmore as a member of the conference committee on **SB 197** to replace Rep. Ward.

#### MESSAGES FROM THE SENATE

Announcing passage of **SB 561**.

Announcing adoption of **SCR 1623**.

Announcing passage of **Sub. HB 2435; HB 2487, HB 2528, HB 2530, HB 2603, HB 2615; Sub. HB 2635; HB 2693, HB 2717, HB 2718, HB 2746**.

Announcing passage of **Sub. HB 2143**, as amended; **HB 2352**, as amended by **S. Sub. for HB 2352; HB 2375**, as amended by **S. Sub. for HB 2375; HB 2404**, as amended by **S. Sub. for HB 2404; HB 2554**, as amended; **HB 2557**, as amended; **HB 2593**, as amended by **S. Sub. for HB 2593; HB 2600**, as amended; **HB 2604**, as amended; **HB 2606**, as amended; **HB 2624**, as amended; **HB 2641**, as amended; **HB 2652**, as amended; **HB 2653**, as amended; **HB 2712**, as amended; **HB 2713**, as amended as amended by **S.**

**Sub. for HB 2713; HB 2758**, as amended; **HB 2774**, as amended; **HB 2793**, as amended; **HB 2833**, as amended.

The Senate nonconcurrs in House amendments to **SB 384**, requests a conference and has appointed Senators Donovan, Salmans and Goodwin as conferees on the part of the Senate.

Also, announcing passage of **SB 536**, **SB 538**.

Announcing adoption of **HCR 5005**, as amended.

Announcing rejection of **HCR 5033**.

Also, announcing rejection of **HB 2525**.

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

The following Senate bills and concurrent resolution were thereupon introduced and read by title:

**SB 536**, **SB 538**, **SB 561**; **SCR 1623**.

#### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 384**.

Speaker pro tem Ballou thereupon appointed Reps. Hayzlett, Faber and M. Long as conferees on the part of the House.

#### **REPORT ON ENGROSSED BILLS**

**HB 2559**, **HB 2890**, **HB 2925** reported correctly engrossed March 25, 2004.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Friday, March 26, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

