

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 22, 2006, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Oharah was excused on excused absence by the Speaker.

Prayer by Rep. Brown:

People are often unreasonable, illogical and self-centered. Forgive them anyway.

If you are kind, people may accuse you of selfish, ulterior motives. Be kind anyway.

If you are successful, you will win some false friends and some true enemies. Succeed anyway.

If you are honest and frank, people may cheat you. Be honest and frank anyway.

What you spend years building, someone could destroy overnight. Build anyway.

If you find serenity and happiness, some people may be jealous. Be happy anyway.

Give the world the best you have, and it may never be enough. Give the world your best you have anyway.

You see, in the final analysis, it is between you and God. It was never between you and them anyway.

In the name of the Father, the Son, and the Holy Spirit. Amen.

This prayer is attributed to Mother Theresa of Calcutta. It is entitled, "Do It Anyway."

The Pledge of Allegiance was led by Rep. McKinney.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Appropriations: **HB 3019; HCR 5043.**

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **Sub. SB 323.**

Federal and State Affairs: **SB 319, SB 398.**

CONSENT CALENDAR

No objection was made to **HB 2819** appearing on the Consent Calendar for the first day.

No objection was made to **SB 510** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2966** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2966, An act concerning the militia; amending K.S.A. 48-241 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Oharah.

The bill passed.

Sub. HB 2245, An act concerning fireworks; enacting the Kansas fireworks act, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 22; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yonally.

Nays: Brunk, Carlson, Carter, Faber, Freeborn, Gordon, Hayzlett, Huebert, Huntington, Hutchins, Huy, Landwehr, Mast, Otto, Peck, Pilcher-Cook, Powell, Schwartz, Tafanelli, Watkins, Weber, Yoder.

Present but not voting: None.

Absent or not voting: Oharah.

The substitute bill passed.

HB 2912, An act concerning crimes and punishment; relating to promoting obscenity; amending K.S.A. 21-4301 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Mor-

risson, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Henderson, Kirk.

Present but not voting: None.

Absent or not voting: Oharah.

The bill passed.

HB 3004. An act concerning certified public accountants; relating to admission to examination; amending K.S.A. 2005 Supp. 1-302a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 70; Nays 53; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Cox, Dahl, Decker, Faber, George, Goico, Grange, Hayzlett, Hill, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Loganbill, Mast, Masterson, Mays, McCreary, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peterson, Pilcher-Cook, Powers, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Swenson, Tafanelli, Treaster, Vickrey, Ward, Watkins, Wilk, Yoder, Yonally.

Nays: Ballard, Burroughs, Carlin, Colloton, Craft, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Holland, C. Holmes, Huntington, Hutchins, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Long, Loyd, Lukert, Mah, McKinney, McLeland, Menghini, Myers, Peck, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Schwartz, Svaty, Thull, Trimmer, Weber, Williams, Winn, Wolf.

Present but not voting: Edmonds.

Absent or not voting: Oharah.

The bill passed, as amended.

HCR 5032. A Proposition to amend section 24 of article 2 of the constitution of the state of Kansas, relating to appropriations.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 24 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

“§24. Appropriations. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. *The executive and judicial branches shall have no authority to direct the legislative branch to make any appropriation of money or to redirect the expenditure of funds appropriated by law, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. Any existing order directing the legislative branch to make an appropriation of money shall be unenforceable as of the date this provision is adopted.*”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. The purpose of this amendment is to clarify that the executive and judicial branches shall not direct the legislative branch to make any appropriation of money or to redirect the expenditures of funds appropriated by law, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. Any existing court order which is inconsistent with this amendment is unenforceable.

“A vote for this amendment would clarify that section 24 of article 2 of the Kansas Constitution provides that neither the judicial branch nor the executive branch can

force the legislative branch to appropriate money, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. The amendment would also prohibit the judicial branch from ordering a change in how money is spent after it has been appropriated by the legislative branch, except as the legislative branch may provide by law or as may be required by the Constitution of the United States. If money is appropriated for a particular purpose the judicial branch could not stop that money from being spent for that purpose. Finally, the amendment would void any current court order directing the legislative branch to make an appropriation of money.

“A vote against this amendment would provide no change to the Kansas Constitution and ~~the~~ **any** existing order that directs the legislative branch to make an appropriation of money shall remain in effect.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on November 7, 2006.

On roll call, the vote was: Yeas 66; Nays 58; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Lukert, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk, Williams, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: Oharah.

A two-thirds majority of the members elected to the House not having voted in the affirmative, the resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: This is not about funding our schools and this is not a slap at the court as opponents would say. This resolution is about the integrity of our republic, and the future of our state. There is clear deviation from the understanding past courts have had on separation of powers since our founding. This threatens our future. Following the line of thought of those against this resolution, with enough independent studies and law suits, an activist court, unaccountable to our people, could bankrupt our state. I vote yes on **HCR 5032**.—TY MASTERSON, STEVE HUEBERT, PEGGY MAST, VIRGIL PECK, JR.

MR. SPEAKER: I vote yes on **HCR 5032**. As a freshman in the legislature and certainly not an attorney, I just don’t understand the complexities of the legislature. During last session and again this session I listened to all the reasons we don’t need TABOR to control state spending with the main reason being we are the elected representatives of the people and we control all appropriations from the treasury. Now I listen to all the reasons as to why the legislature should abdicate appropriations to the Courts and reject the constitutional amendment. To me it would seem we need both TABOR and the constitutional amendment.—RICHARD CARLSON, BRENDA LANDWEHR

MR. SPEAKER: I vote yes on **HCR 5032**. The Constitution clearly places appropriation of state funds under the responsibilities of the Legislature. The Executive Branch approves

or disapproves appropriations. The Constitution gives the court the right to review legislation including the appropriateness/constitutionality of the school finance law. A court remedy which requires that a specific legislative appropriation be made, upsets the balance of powers because appropriation of funds is NOT found under the Judicial section. The court does have other remedies at its disposal. Requiring the legislature to appropriate a specific level of funding has the potential to bankrupt the state because of future litigation.—DEENA HORST

Sub. SB 253. An act concerning signs; relating to the department of transportation; concerning the highway advertising control act of 1972; restricting location of sexually-oriented signs; amending K.S.A. 68-2232, 68-2233, 68-2234, 68-2235, 68-2236, 68-2240 and 68-2243 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 8; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelsey, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Gordon, Huntington, Kelley, Kiegerl, Landwehr, F. Miller, Powers, Schwab.

Present but not voting: None.

Absent or not voting: Oharah.

The substitute bill passed, as amended.

Sub. SB 264. An act concerning municipalities; relating to depositories for public funds; amending K.S.A. 9-1401, 9-1408 and 12-1675a and K.S.A. 2005 Supp. 12-1675 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 24; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Brown, Brunk, Burgess, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Huntington, Hutchins, Huy, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Beamer, Bethell, Carlson, Dahl, Faber, Feuerborn, Freeborn, Henry, Huebert, Humerickhouse, D. Johnson, Kelley, Krehbiel, McCreary, McKinney, Myers, Neufeld, Peck, Powell, Schwartz, Treaster, Vickrey, Watkins, Weber.

Present but not voting: None.

Absent or not voting: Oharah.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: As a policy maker, I can find no benefit for my constituents or even for Kansas Banks. As a matter of fact, the only benefactor of this legislation appears to be the large national banks whose only connection to Kansas is a few branches here and there. Current law keeps Kansans' cash in Kansas where it can be loaned to Kansas and reinvested

in Kansas communities. **Sub. SB 264** changes that and will send Kansas money to places many of them will never even visit. That's bad policy! I vote no on **Sub. SB 264**.—JASON WATKINS, STEVE HUEBERT

SB 330. An act concerning family postsecondary education savings accounts; amending K.S.A. 2005 Supp. 75-646 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 15; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Freeborn, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Long, Loyd, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Carlin, Crow, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Holland, Kirk, Kuether, Lane, Loganbill, Mah, Phelps, Ward.

Present but not voting: None.

Absent or not voting: Oharah.

The bill passed.

SB 371. An act amending the Kansas uniform commercial drivers' license act; providing for penalties; relating to certain notifications; amending K.S.A. 8-2,131, 8-2,138 and 8-2,141 and K.S.A. 2005 Supp. 8-2,128, 8-2,142 and 66-1,142b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Oharah.

The bill passed.

SB 411. An act regulating traffic; concerning vehicles engaged in highway construction or maintenance operations; providing for certain traffic infractions; amending K.S.A. 8-1520a and 8-1531 and K.S.A. 2005 Supp. 8-2118 and 66-1,130 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Ed-

monds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Loyd.

Present but not voting: None.

Absent or not voting: Oharah.

The bill passed, as amended.

SB 432. An act concerning traffic regulation; relating to juvenile traffic offenders; relating to suspension of drivers' licenses for nonpayment of damages; amending K.S.A. 8-2117 and K.S.A. 40-3104 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Oharah.

The bill passed, as amended.

SB 550. An act concerning form of statutory and legal documents; prescribing certain duties on the judicial council; amending K.S.A. 19-4710, 19-4712, 19-4713, 19-4715, 19-4738 and 38-133 and K.S.A. 2005 Supp. 26-506 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.
 Present but not voting: None.
 Absent or not voting: Oharah.
 The bill passed.

SB 553, An act concerning land acquisition and conveyance by state agencies; prescribing certain procedures for acquisition by the department of wildlife and parks; authorizing the state historical society to convey property to Audubon of Kansas; authorizing the secretary of administration to transfer certain land and amending the property description of such land; authorizing the state board of regents to convey certain real estate; concerning the conveyance of certain real property located in Miami county to the city of Osawatomie by the secretary of social and rehabilitation services; amending K.S.A. 32-844 and K.S.A. 2005 Supp. 76-2135 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Davis, Dillmore, Faber, Flora, Henderson, Kuether, Landwehr, Peck, Peterson, Ward, Watkins.

Present but not voting: None.
 Absent or not voting: Oharah.
 The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Freeborn, the House concurred in Senate amendments to **S. Sub. for HB 2875**, An act concerning sand and gravel pits; relating to the beneficial use of water; amending K.S.A. 2005 Supp. 82a-734 and repealing the existing section.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.
 Present but not voting: None.
 Absent or not voting: Oharah.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Siegfried in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Siegfried, Committee of the Whole report, as follows, was adopted: Recommended that **SB 405**, **SB 500** be passed.

HB 2329 (see Committee of the Whole, Afternoon Session), **HB 2982** (see Committee of the Whole, Afternoon Session); **SB 305** (see Committee of the Whole, Afternoon Session), **SB 329** be passed over and retain a place on the calendar.

Committee report to **SB 408** be adopted; also, on motion of Rep. Powell to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 480** be adopted; also, on motion of Rep. Neufeld be amended on page 16, in line 8, by striking all before "Alberta";

Also, on motion of Rep. Schwartz to amend **SB 480**, the motion did not prevail.

Also, on motion of Rep. Feuerborn, **SB 480** be amended on page 13, in line 17, by subtracting \$900 from the dollar amount and by adjusting the dollar amount in line 17 accordingly; in line 26, by subtracting \$900 from the dollar amount and by adjusting the dollar amount in line 26 accordingly; in line 35, by subtracting \$900 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 14, in line 3, by subtracting \$900 from the dollar amount and by adjusting the dollar amount in line 3 accordingly; in line 20, by subtracting \$900 from the dollar amount and by adjusting the dollar amount in line 20 accordingly; and **SB 480** be passed as amended.

Committee report to **SB 271** be adopted; and the bill be passed as amended.

Committee report to **SB 498** be adopted; also, on motion of Rep. Storm be amended on page 1, in line 30, by striking "or" and inserting a comma; in line 31, before the period, by inserting ", community college, technical school or technical college";

On page 2, after line 23, by inserting the following:

"Sec. 2. K.S.A. 2005 Supp. 12-1509 is hereby amended to read as follows: 12-1509. (a) Any county or city requiring the licensure of plumbers practicing within the county or city may conduct examinations designated by K.S.A. 12-1508, and amendments thereto, for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license annually to obtain not less than 12 hours biennially of continuing education approved by such local governing body. Continuing education may be provided by the local governing body or, a nationally recognized trade association, *community college, technical school or technical college*. All 12 hours of education may consist of code up-date training on the code currently adopted in the county or city where licensing is being requested.

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1508, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of plumbers practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1508, and amendments thereto, shall bear a distinctive notation of such fact. All such licenses shall be valid in any other county or city which requires examination and licensure of plumbers for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated as such under the provisions of article 15 of chapter 12 of Kansas Statutes Annotated, and whose certificate or license was issued by a political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

(e) Before sitting for the standard examination designated by K.S.A. 12-1508, and amendments thereto, an applicant for a journeyman certificate shall demonstrate documented

proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

(f) Before sitting for the standard examination designated by K.S.A. 12-1508, and amendments thereto, an applicant for a master certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years.

Sec. 3. K.S.A. 2005 Supp. 12-1542 is hereby amended to read as follows: 12-1542. (a) Any county or city requiring the licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics practicing within the county or city may conduct examinations designated by K.S.A. 12-1541 for the purpose of determining the competency of applicants for such licensure and shall not be allowed to ask further questions not designated on such examination. The board of county commissioners of such county or the governing body of such city shall adopt rules and regulations: (1) Governing the conduct and grading of such examinations; (2) prescribing a minimum score of 75% for passage of examinations; (3) fixing a uniform fee to be charged all applicants taking each such examination; and (4) requiring all persons receiving such license annually to obtain not less than 12 hours biennially of continuing education approved by such local governing body. Continuing education may be provided by the local governing body or, a nationally recognized trade association, *community college, technical school or technical college*. All 12 hours of education may consist of code up-date training on the code currently adopted in the county or city where licensing is being requested.

(b) The certificate of competency received by any person who successfully passes an examination designated by K.S.A. 12-1541, and amendments thereto, shall be valid proof of competency for licensure, without additional examination, in any county or city of the state which requires licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics practicing within such county or city. The county or city shall issue the appropriate license to any applicant therefor who presents such a certificate of competency. The county or city shall fix a uniform fee to be charged all such applicants for licensure.

(c) All licenses issued by a county or city upon the basis of successful passage of an examination designated by K.S.A. 12-1541, and amendments thereto, shall bear a distinctive notation of such fact. All such licenses shall be valid in any other county or city which requires examination and licensure of mechanical heating, ventilation and air conditioning contractors and master and journeyman heating, ventilation and air conditioning mechanics for practice in such county or city.

(d) No person who was certified or licensed prior to July 1, 1989, upon the basis of passage of a standard examination designated by the political subdivision and whose certificate or license was issued by such political subdivision which prescribed a minimum score of not less than 70% for passage of such examination, shall be required to be reexamined for renewal of certification or licensure.

(e) Before sitting for the standard examination designated by K.S.A. 12-1541, and amendments thereto, an applicant for a journeyman heating, ventilation and air conditioning mechanic certificate shall demonstrate documented proof of a minimum of two years field experience. "Field experience" means working under the direct supervision of a person having a valid journeyman certificate or master certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of minimum of 240 hours classroom training.

(f) Before sitting for the standard examination designated by K.S.A. 12-1541, and amendments thereto, an applicant for a master heating, ventilation and air conditioning mechanic certificate shall demonstrate documented proof of having a valid journeyman certificate for a minimum of two years or having field experience for a minimum of four years.";

By renumbering sections accordingly;

Also on page 2, in line 24, by striking “is” and inserting “and K.S.A. 2005 Supp. 12-1509 and 12-1542 are”;

In the title, in line 13, after “and” by inserting “K.S.A. 2005 Supp. 12-1509 and 12-1542 and”; in line 14, by striking “section” and inserting “sections”; and **SB 498** be passed as amended.

Committee report to **SB 386** be adopted; also, on motion of Rep. Freeborn be amended on page 3, in line 29, by striking “or”; in line 30, by striking “interlocal”; and the bill be passed as amended.

On motion of Rep. Kilpatrick, **HB 2754** be amended on page 2, in line 4, by striking “10, nonperson felony” and inserting “5, person felony. Any violation of any of the provisions of such act, including all duties set out in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto, which continues for more than 30 consecutive days shall upon the 31st consecutive day constitute a new and separate offense and a new and separate offense shall occur upon the completion of every 30 days thereafter so long as the offense is ongoing”;

Also, on further motion of Rep. Kilpatrick to amend **HB 2754**, the motion was withdrawn. Also, having voted on the prevailing side, Rep. Kilpatrick moved to reconsider the action in adoption of her first amendment. The motion prevailed.

Rep. Burroughs requested the question be divided. The question was divided.

On Part A of the motion of Rep. Kilpatrick, **HB 2754** be amended on page 2, in line 4, by striking “10, nonperson felony” and inserting “5, person felony.”

On Part B of the motion of Rep. Kilpatrick, the motion did not prevail, and **HB 2754** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Economic Development** recommends **SB 1** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 1,” as follows:

“HOUSE Substitute for SENATE BILL No. 1

By Committee on Economic Development

“AN ACT concerning bioscience; creating the special committee on bioscience oversight.”; and the substitute bill be passed.

(**H. Sub. for SB 1** was thereupon introduced and read by title.)

Committee on **Economic Development** recommends **Substitute for SB 260** be amended by substituting a new bill to be designated as “HOUSE Substitute for Substitute for SENATE BILL No. 260,” as follows:

“HOUSE Substitute for Substitute for SENATE BILL No. 260

By Committee on Economic Development

“AN ACT concerning workforce development; relating to older Kansans.”; and the substitute bill be passed.

(**H. Sub. for Sub. SB 260** was thereupon introduced and read by title.)

Committee on **Economic Development** recommends **SB 324** be amended on page 2, in line 21, by striking “2003” and inserting “2005”;

On page 3, in line 20, by striking “2003” and inserting “2005”; by striking all in lines 21 through 23;

On page 6, in line 26, by striking all following “made” and inserting “. The provisions of this section shall be applicable to all taxable years beginning after December 31, 2005.”; in line 28, by striking “be-”; in line 29, by striking “ginning in the year 2006.”;

On page 7, by striking all in lines 19 through 21; and the bill be passed as amended.

Committee on **Education** recommends **HB 3012** be amended on page 3, in line 6, after “Sec. 4.” by inserting “(a)”;

after line 11, by inserting the following:

“(b) No shared school bonds may be issued by the participating school districts unless the bond issue is approved by the voters pursuant to section 5. The aggregate amount of bonds outstanding for each participating school district shall be subject to the statutory debt limitations specified by K.S.A. 72-6761, and amendments thereto, and any modifications thereto by the state board of education pursuant to article 23 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(c) When a bond issue has been approved by the voters, the participating school districts may combine district valuation for the calculation of the payment of state aid, pursuant to

K.S.A. 72-2319, and amendments thereto. The debt service for new facilities shall be divided proportionately among the participating districts based on each district's enrollment in the shared school.”;

Also on page 3, by striking all in lines 12 through 43;

On page 4, by striking all in lines 1 through 27 and inserting the following:

“Sec. 5. Before the participating schools issue any bonds for a shared school, each participating school district board shall adopt a resolution stating the purpose for which the bonds are to be issued and the estimated amount thereof. Each board of the participating school districts shall give notice of the bond election in the manner prescribed by K.S.A. 10-120, and amendments thereto, and the election shall be held in accordance with the general bond law and this section in all of the participating school districts. If a majority of the voters in the participating school districts vote in the aggregate to approve the bond issue, each participating district may issue bonds therefor.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 31, by striking “as well as the following two years” and inserting “pursuant to K.S.A. 72-6415, and amendments thereto. School facilities weighting may be assigned to the enrollment of the participating districts only in the school year in which operation of a new school facility is commenced and the next succeeding school year”; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 547** be passed.

Committee on **Insurance** recommends **SCR 1619** be adopted.

Committee on **Insurance** recommends **SB 422** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 422,” as follows:

“HOUSE Substitute for SENATE BILL No. 422

By Committee on Insurance

“AN ACT enacting the asbestos compensation fairness act; concerning asbestos claims.”; and the substitute bill be passed.

(**H. Sub. for SB 422** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 442** be amended on page 4, after line 15, by inserting the following:

“Sec. 2. K.S.A. 19-621 is hereby amended to read as follows: 19-621. Within ~~ten (10)~~ 10 days after receiving a certificate of the order ~~appointing him or her~~, of appointment to the office specified in K.S.A. 19-620, and amendments thereto, it shall be the duty of such ~~person appointee~~ to file with the district clerk of ~~his or her~~ such appointee's county a bond, with ~~at least two sufficient sureties~~ a sufficient surety, in the sum of ~~twenty thousand dollars (\$20,000)~~ \$20,000, to the proper county, conditioned that ~~he or she~~ such appointee will faithfully perform the duties of ~~his or her office~~ the office of county auditor, which bond and sureties thereon shall be approved by the district court of the proper county, which approval shall be made part of the records of ~~said~~ such court. A bond conditioned as here-in-before recited, and executed by a bonding company authorized to do business under the laws of this state, shall upon approval of the district judge be construed to be and constitute sufficient surety, and the premium on ~~said~~ such bond shall be paid by the county.

Sec. 3. K.S.A. 32-950 is hereby amended to read as follows: 32-950. Any action of the secretary pursuant to K.S.A. 32-949, and amendments thereto, is subject to review in accordance with the act for judicial review and civil enforcement of agency actions upon the petitioner's filing, with the clerk of the reviewing court, a bond with ~~two or more sufficient sureties~~ a sufficient surety, conditioned on the payment of all costs of the review if the decision of the secretary is sustained.

Sec. 4. K.S.A. 41-805 is hereby amended to read as follows: 41-805. (1) Any room, house, building, boat, vehicle, airplane, structure or place of any kind where alcoholic liquors are sold, manufactured, bartered or given away, in violation of this act, or any building, structure or boat where persons are permitted to resort for the purpose of drinking alcoholic liquors, in violation of this act, or any place where such liquors are kept for sale, barter or gift, in violation of this act, and all such liquors, and all property kept in and used in maintaining such a place, are each and all of them hereby declared to be a common nuisance. Any person who maintains or assists in maintaining such common nuisance is guilty of a misdemeanor punishable by imprisonment for not more than one year or by a fine not exceeding \$25,000,

or by both. If the court finds that the owner of real property knew or should have known under the circumstances of the maintenance of a common nuisance on such property, contrary to the liquor laws of this state, and did not make a bona fide attempt to abate such nuisance under the circumstances, such property shall be subject to a lien for, and may be sold to pay all fines and costs assessed against the occupant of such building or premises for any violation of this act; and such lien shall be immediately enforced by civil action, in any court having jurisdiction, by the county or district attorney of the county wherein such building or premises may be located, or by the attorney for the director, when ordered by the director. For purposes of this section, evidence of a bona fide attempt to abate such nuisance by the owner of the property shall include, but not be limited to, the filing of a written report, by such owner or at such owner's direction, to the local law enforcement agency that the property is suspected by the owner of the property of being used in maintaining a common nuisance as set forth in K.S.A. 22-3901, and amendments thereto, contrary to the liquor laws of this state. If a tenant of any building or premises uses the building or premises, or any part thereof, in maintaining a common nuisance as hereinbefore defined, or knowingly permits such use by another, such use shall render void the lease under which the tenant holds, and shall cause the right of possession to revert to the owner or lessor, who may make immediate entry upon the premises, or may invoke the remedy provided for the forcible detention thereof.

(2) Upon the filing of a complaint or information charging that a vehicle or airplane is a common nuisance as above declared, a warrant shall be issued authorizing and directing the officer to whom it is directed to arrest the person or persons described in the complaint or information or the person or persons using the vehicle or airplane in violation of this act and to seize and take into the officer's custody all such vehicles and airplanes so used which the officer finds, and safely keep them subject to the order of the court. In the complaint or information it shall not be necessary to accurately describe the vehicle or airplane so used, but only such description shall be necessary as will enable the officer executing the warrant to identify it properly.

Whenever any vehicles or airplanes shall be seized under any such warrant, whether an arrest has been made or not, a notice shall issue within 48 hours after the return of the warrant in the same manner as a summons, directed to the defendant in such action and to all persons claiming any interest in such vehicles or airplanes, fixing a time, to be not less than 60 days, and place at which all persons claiming any interest therein may appear and answer the complaint made against such vehicles or airplanes and show cause why they should not be adjudged forfeited and sold as hereinafter provided. Such notice shall be served upon the defendant in the action in the same manner as a summons if the defendant be found within the jurisdiction of the court, and a copy thereof shall also be posted in one or more public places in the county in which the cause is pending. If at the time for filing answer the notice has not been duly served or sufficient cause appear, the time for answering shall be extended by the court and such other notice issued as will supply any defect in the previous notice and give reasonable time and opportunity for all persons interested to appear and answer. At or before the time fixed by notice, any person claiming an interest in the vehicles or airplanes seized, may file an answer in writing, setting up a claim thereto, and shall thereupon be admitted as a party defendant to the proceedings against such vehicles or airplanes. The complaint or information and answer or answers that may be filed shall be the only pleadings required. At the time fixed for answer, or at any other time to be fixed by the court, a trial shall be held in a summary manner before the court on the allegation of the complaint or information against the property seized. Whether any answer shall be filed or not, it shall be the duty of the county or district attorney to appear and adduce evidence in support of such allegation.

(3) If the court finds that such vehicles or airplanes were at the time a common nuisance, as defined in this section, the court shall adjudge forfeited so much thereof as the court finds to be a common nuisance, and shall order the officer in whose custody they are to sell them publicly. The officer shall cause notice to be given by publication for at least one week in the official county paper of the time and place of the sale of the property and shall file in the court a return showing the sale of the property and the amount received therefor and shall pay the same into court to await the order of the court. The court, if it approves such

sale, shall declare forfeited the proceeds of the sale and, after paying out of the proceeds of the sale the costs of the action, including costs of sale and the keeping and maintenance of the property, shall out of the balance of the money received from the property at the sale, pay all liens, according to their priorities, which are established by intervention or otherwise at the hearing or another proceeding brought for that purpose as being bona fide and for value and as having been created without the lienor having any notice that the vehicle or airplane was being used in so violating the provisions of this act and without the lienor having any notice at any time subsequent to the creation of the lien and prior to the seizure in time to have protected the lien that the vehicle was so being used. The balance remaining shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto, except that, if upon proper proof, a lien as herein provided is established in excess of the value of the vehicle as found by the court, the court may order, without sale, the surrender of such vehicle to such lienor upon the payment of all costs as is herein provided.

(4) Either the state or any defendant or other person claiming the vehicle or airplane seized, or an interest therein, may appeal from the judgment of the court in any such proceedings against the property seized in the manner provided for taking appeals in criminal cases. Any claimant of such property who appeals, in order to stay proceedings, must enter into an undertaking with ~~two or more sureties~~ *a sufficient surety* to the state of Kansas, to be approved by the judge of the district court, in the sum of not less than \$100 nor less than double the amount of the value of the property as fixed by the court and the costs adjudged against the property, conditioned that the claimant will prosecute the appeal without unnecessary delay, and if judgment is entered against the claimant on appeal, the claimant will satisfy the judgment and costs, and no bond shall be required for an appeal by the state, and such appeal shall stay the execution of the judgment.

Sec. 5. K.S.A. 58-2802 is hereby amended to read as follows: 58-2802. (a) No license shall be issued to any applicant until the applicant files with the board a bond and a policy of insurance as provided in this section. The bond shall be in an amount established by the board of not less than \$25,000. Such insurance shall be a policy of errors and omissions in an amount not less than \$25,000, with a deductible permitted of not to exceed 10% of the amount of the insurance coverage, as determined by the abstracters' board of examiners, and shall be issued by a company authorized to transact business in the state of Kansas.

(b) If the \$25,000 liability insurance is unavailable to any applicant, the abstracters' board of examiners may issue a license to the applicant upon (1) the applicant furnishing a bond in the amount of the total of both the insurance coverage required under subsection (a) and the amount of the bond required from the applicant by the board of examiners under subsection (a). Such bond may be furnished in lieu of filing both the insurance policy and the bond required under subsection (a). The applicant shall file a copy of such bond, certified by the chairperson of the board as true and correct, with the county clerk of the county for which the bond was given. The bond shall be executed by a surety company authorized to transact business in this state; or (2) the applicant furnishing a bond signed by ~~three or more good and sufficient sureties~~ *a sufficient surety* to be approved by the board of examiners. The bond shall be in the penal sum of not less than \$5,000 conditioned for payment by the applicant of any and all actual damages that may be sustained or may accrue to any person, firm, corporation or body politic by reason of or on account of any error, deficiency or mistake in any abstract or continuation thereof made and issued by the applicant. A cause of action for such damages shall not be deemed to have accrued until the error, deficiency or mistake giving rise to the cause of action first causes substantial injury or, if the fact of injury is not reasonably ascertainable until some time after the initial error, deficiency or mistake, the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable to the injured party. In no event shall the period of limitation be extended more than 15 years beyond the time of the act giving rise to the cause of action.

(c) In cases where there is filed of record a right-of-way or other easement grant over or under lands for public utility or private or common carrier purposes if the title of the instrument or proceeding in condemnation granting or creating right-of-way or easement, together with a description of the character thereof, the names of the parties thereto, and index and date of recording, is shown on the abstract, it shall not be necessary to show on the abstract (1) any subsequent mortgages, deeds of trust or other encumbrances of the

right-of-way or easement rights or of fixtures located thereon owned by the holder of the right-of-way or easement, or (2) any subsequent releases of such mortgages, deeds of trust or encumbrances, or (3) any documents showing the corporate character of such owner or of any mortgagee or trustee of such right-of-way or easement. It shall not be necessary to show on the abstract any privileged or confidential document or proceeding which is not open for inspection on file or of record in the district court and a failure to show such matters shall not be deemed incompleteness, imperfection or error on the part of those compiling the abstract. No abstracter shall be held liable for not showing such matters and, if the abstracter does show them, the abstracter shall not be permitted to charge compensation therefor unless express request to show any or all of such matters is made in writing to the abstracter.

(d) Any licensee doing business in more than one county shall furnish an additional bond for each county where the licensee does business to be executed, approved and filed as required by the board. Any license issued under the provisions of this act shall be in a form approved by the board except that such form shall recite that such bond has been filed and approved. No licensee, unless duly licensed to practice law, shall for hire examine and furnish an opinion on an abstract of title nor draw wills or other legal instruments not in connection with the licensee's own business, and for violation thereof, the license shall be revoked.

Sec. 6. K.S.A. 68-1402 is hereby amended to read as follows: 68-1402. The reconstruction, improvement, removal and relocation of bridges or approaches thereto provided for in this act shall be by written contract separately made and awarded as to each bridge, to the lowest responsible bidder, upon sealed proposals, based upon plans and specifications therefor on file in the office of the county clerk of the county. The county surveyor of the county, when so directed to do by the board of county commissioners, shall make all necessary surveys and investigations and prepare plans and specifications for the reconstruction, improvement, removal or relocation of any bridge or the approaches thereto, and grade separation structures connected therewith, together with an estimate under oath of the cost thereof, and file such plans, specifications and estimate in the office of the county clerk of the county. No contract shall be awarded for any such improvement at a price in excess of said estimated cost.

The board of county commissioners shall have power, if they deem it necessary, to employ engineers to assist the county surveyor in preparing plans and specifications or superintending the construction of such improvements, and to pay such engineers out of the proceeds of bonds issued on account of the cost thereof. After considering and approving plans and specifications, prepared and filed as aforesaid, the board of county commissioners shall advertise for three consecutive weeks in the official county paper for sealed proposals for the construction of such improvements or works, in accordance with the plans and specifications therefor. The board of county commissioners shall require any contractor to whom any such contract is awarded to enter into a written contract, and to secure the performance thereof by a bond signed by ~~two or more surety companies~~ *a surety company*. All bids for the construction of any such improvement or work shall be presented simultaneously to the board of county commissioners and opened forthwith by them, in the presence of the public and all bidders present.

Sec. 7. K.S.A. 75-110 is hereby amended to read as follows: 75-110. The governor may distribute the quota of arms and military equipments which the state may receive from the government of the United States. The governor shall require the officers to whom such arms or equipments are distributed and delivered to execute to the state of Kansas a bond, with ~~two sufficient sureties~~ *a sufficient surety*, to be approved by the governor, in a sum not less than double the value of said arms or equipments, conditioned for the safekeeping and delivery of the same on the order of the governor.

Sec. 8. K.S.A. 78-102 is hereby amended to read as follows: 78-102. Whenever any recognition, stipulation, bond or undertaking conditioned for faithful performance of any contract of duty, or for the doing or refraining from doing anything in such recognition, stipulation, bond or undertaking specified, is by the law of the state of Kansas required or permitted to be given with one surety, or with ~~two or more sureties~~ *a sufficient surety*, the execution of the same or the guaranteeing of the performance of the conditions thereof

shall be sufficient when executed or guaranteed solely by a corporation, incorporated under the laws of the United States, or of any state, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds and undertakings in judicial proceedings. ~~Provided, That such corporation, however, such corporation must be authorized to do business in the state of Kansas, and that such recognition, stipulation, bond or undertaking must be approved by the head of the department, court, judge, officer, board or body executive, legislative or judicial required to approve or accept the same. And provided further, That~~ It shall be no defense in a suit to recover on such recognizance, stipulation, bond or undertaking, that any false statement or misrepresentation were made in the application therefor by the person or party named as principal therein or giving the same.

Sec. 9. K.S.A. 40-3209 is hereby amended to read as follows: 40-3209. (a) All forms of group and individual certificates of coverage and contracts issued by the organization to enrollees or other marketing documents purporting to describe the organization's health care services shall contain as a minimum:

(1) A complete description of the health care services and other benefits to which the enrollee is entitled;

(2) The locations of all facilities, the hours of operation and the services which are provided in each facility in the case of individual practice associations or medical staff and group practices, and, in all other cases, a list of providers by specialty with a list of addresses and telephone numbers;

(3) the financial responsibilities of the enrollee and the amount of any deductible, copayment or coinsurance required;

(4) all exclusions and limitations on services or any other benefits to be provided including any deductible or copayment feature and all restrictions relating to pre-existing conditions;

(5) all criteria by which an enrollee may be disenrolled or denied reenrollment;

(6) service priorities in case of epidemic, or other emergency conditions affecting demand for medical services;

(7) in the case of a health maintenance organization, a provision that an enrollee or a covered dependent of an enrollee whose coverage under a health maintenance organization group contract has been terminated for any reason but who remains in the service area and who has been continuously covered by the health maintenance organization *or under any group policy providing similar benefits which it replaces* for at least three months *immediately prior to termination* shall be entitled to obtain a converted contract or have such coverage continued under the group contract for a period of six months following which such enrollee or dependent shall be entitled to obtain a converted contract in accordance with the provisions of this section. The converted contract shall provide coverage at least equal to the conversion coverage options generally available from insurers or mutual nonprofit hospital and medical service corporations in the service area at the applicable premium cost. The group enrollee or enrollees shall be solely responsible for paying the premiums for the alternative coverage. The frequency of premium payment shall be the frequency customarily required by the health maintenance organization, mutual nonprofit hospital and medical service corporation or insurer for the policy form and plan selected, except that the insurer, mutual nonprofit hospital and medical service corporation or health maintenance organization shall require premium payments at least quarterly. The coverage shall be available to all enrollees of any group without medical underwriting. The requirement imposed by this subsection shall not apply to a contract which provides benefits for specific diseases or for accidental injuries only, nor shall it apply to any employee or member or such employee's or member's covered dependents when:

(A) Such person was terminated for cause as permitted by the group contract approved by the commissioner;

(B) any discontinued group coverage was replaced by similar group coverage within 31 days; or

(C) the employee or member is or could be covered by any other insured or noninsured arrangement which provides expense incurred hospital, surgical or medical coverage and benefits for individuals in a group under which the person was not covered prior to such termination. Written application for the converted contract shall be made and the first

premium paid not later than 31 days after termination of the group coverage or receipt of notice of conversion rights from the health maintenance organization, whichever is later, and shall become effective the day following the termination of coverage under the group contract. The health maintenance organization shall give the employee or member and such employee's or member's covered dependents reasonable notice of the right to convert at least once within 30 days of termination of coverage under the group contract. The group contract and certificates may include provisions necessary to identify or obtain identification of persons and notification of events that would activate the notice requirements and conversion rights created by this section but such requirements and rights shall not be invalidated by failure of persons other than the employee or member entitled to conversion to comply with any such provisions. In addition, the converted contract shall be subject to the provisions contained in paragraphs (2), (4), (5), (6), (7), (8), (9), (13), (14), (15), (16), (17) and (19) of subsection (j) of K.S.A. 40-2209, and amendments thereto;

(8) (A) group contracts shall contain a provision extending payment of such benefits until discharged or for a period not less than 31 days following the expiration date of the contract, whichever is earlier, for covered enrollees and dependents confined in a hospital on the date of termination;

(B) a provision that coverage under any subsequent replacement contract that is intended to afford continuous coverage will commence immediately following expiration of any prior contract with respect to covered services not provided pursuant to subparagraph (8)(A); and

(9) an individual contract shall provide for a 10-day period for the enrollee to examine and return the contract and have the premium refunded, but if services were received by the enrollee during the 10-day period, and the enrollee returns the contract to receive a refund of the premium paid, the enrollee must pay for such services.

(b) No health maintenance organization or medicare provider organization authorized under this act shall contract with any provider under provisions which require enrollees to guarantee payment, other than copayments and deductibles, to such provider in the event of nonpayment by the health maintenance organization or medicare provider organization for any services which have been performed under contracts between such enrollees and the health maintenance organization or medicare provider organization. Further, any contract between a health maintenance organization or medicare provider organization and a provider shall provide that if the health maintenance organization or medicare provider organization fails to pay for covered health care services as set forth in the contract between the health maintenance organization or medicare provider organization and its enrollee, the enrollee or covered dependents shall not be liable to any provider for any amounts owed by the health maintenance organization or medicare provider organization. If there is no written contract between the health maintenance organization or medicare provider organization and the provider or if the written contract fails to include the above provision, the enrollee and dependents are not liable to any provider for any amounts owed by the health maintenance organization or medicare provider organization. Any action by a provider to collect or attempt to collect from a subscriber or enrollee any sum owed by the health maintenance organization to a provider shall be deemed to be an unconscionable act within the meaning of K.S.A. 50-627 and amendments thereto.

(c) No group or individual certificate of coverage or contract form or amendment to an approved certificate of coverage or contract form shall be issued unless it is filed with the commissioner. Such contract form or amendment shall become effective within 30 days of such filing unless the commissioner finds that such contract form or amendment does not comply with the requirements of this section.

(d) Every contract shall include a clear and understandable description of the health maintenance organization's or medicare provider organization's method for resolving enrollee grievances.

(e) The provisions of subsections (A), (B), (C), (D) and (E) of K.S.A. 40-2209 and 40-2215 and amendments thereto shall apply to all contracts issued under this section, and the provisions of such sections shall apply to health maintenance organizations.

(f) In lieu of any of the requirements of subsection (a), the commissioner may accept certificates of coverage issued by a medicare provider organization in conformity with requirements imposed by any appropriate federal regulatory agency.”;

Renumber the remaining sections accordingly;

Also on page 4, in line 16, by striking "40-955 is" and inserting "19-621, 32-950, 40-955, 40-3209, 41-805, 58-2802, 68-1402, 75-110 and 78-102 are";

On page 1, in the title, in line 10, after the semicolon, by inserting "eliminating requirements for multiple sureties; pertaining to continuation of certain group policies;"; in line 11, by striking "40-955" and inserting "19-621, 32-950, 40-955, 40-3209, 41-805, 58-2802, 68-1402, 75-110 and 78-102"; also in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Insurance** recommends **Substitute for SB 539** be amended on page 4, in line 28, after "4" by inserting a comma"; also in line 28, preceding the period by inserting " , except that insurance of the type described in paragraph (2) of subsection (a) of section 4, and amendments thereto, may be modified upon written application of the insured, stating the insured's reasons therefore, filed and not disapproved by the commissioner within 10 days after filing such application"; and the substitute bill be passed as amended.

Committee on **Judiciary** recommends **SB 505** be amended on page 1, after line 14, by inserting the following:

"New Section 1. Notwithstanding any statute, law, rule, regulation or supreme court rule to the contrary, any county may provide electronic access to district court records that are otherwise publicly available. A county may charge reasonable fees, not to exceed those authorized by law, for providing electronic access to such records. No statute, law, rule, regulation or supreme court rule shall charge a fee in addition to a county fee, if any, for providing electronic access to district court records.

Sec. 2. K.S.A. 20-1a12 is hereby amended to read as follows: 20-1a12. (a) There is hereby established in the state treasury a judiciary technology fund.

(b) Moneys in the judiciary technology fund shall be used to:

(1) *Establish, operate and maintain a state-wide system of electronic remote access, at no cost to users, to court records that are otherwise publicly available;*

(2) implement technological improvements in the Kansas court system; and

(3) ~~to~~ fund meetings of the judicial council technology advisory committee at the judicial council reimbursement rate pursuant to K.S.A. 20-2206, and amendments thereto. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas Supreme Court or a person designated by the chief justice.";

And by renumbering the remaining sections accordingly;

On page 6, in line 16, before "K.S.A." by inserting "K.S.A. 20-1a12 and";

In the title, in line 11, before "amending" by inserting "use of moneys in the judiciary technology fund;"; also in line 11, before "K.S.A." by inserting "K.S.A. 20-1a12 and"; and the bill be passed as amended.

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

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2554** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Tafanelli in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2520**; **SB 407**, **SB 420** be passed.

HCR 5025 be adopted.

HB 2345 be passed over and retain a place on the calendar.

On motion of Rep. Ward, **SB 497** be amended on page 1, in line 26, after "(c)", by inserting "(1)"; in line 27, by striking "(1)" and inserting "(A)"; in line 28, by striking "(2)" and inserting "(B)"; following line 28, by inserting:

"(2) Notwithstanding the provisions of paragraph (1), each director elected on or before June 30, 2006, shall be allowed to serve the remainder of such director's current term of office.";

Also on page 1, following line 28, by inserting:

"Sec. 2. K.S.A. 19-2764 is hereby amended to read as follows: 19-2764. ~~That~~ (a) Regular meetings of the board of directors shall be held on the first Tuesday of each quarter, ~~and special~~. *Special* meetings may be held at any time when all the directors are voluntarily present or may be called by the president or any two directors at any time. Each meeting of the board, whether special or regular, shall be open to the public. ~~That~~ *Except as provided in subsection (b)*, each director shall receive as compensation for services as such, the sum of \$5 per day while actually and necessarily engaged in the performance of ~~his~~ *such director's* duties under this act. The assessors provided for by this act shall receive for their services each the sum of \$5 per day while actually and necessarily engaged in the performance of ~~his~~ *such assessor's* duty. The compensation of directors and assessors shall be paid out of the general fund of the improvement district authorized by this act.

(b) *The board of directors, by adoption of a resolution, may fix the amount of compensation to be received by the members of the board. Such resolution shall be published at least once each week for two consecutive weeks in a newspaper of general circulation within the improvement district. If the total amount of compensation to be received annually by each member of the board is \$100 or less, such resolution shall not be required to be published and shall be effective upon adoption of the resolution. A resolution providing for an increase in compensation shall not be effective until 30 days following the date of the last publication of the resolution.*;"

And by renumbering remaining sections accordingly;

Also on page 1, in line 29, by striking "is" and inserting "and 19-2764 are";

In the title, in line 10, before "amending", by inserting "pertaining to compensation of directors"; also in line 10, after "19-2760", by inserting "and 19-2764"; in line 11, by striking "section" and inserting "sections"; and **SB 497** be passed as amended.

Committee report to **HB 2882** be adopted; also, on motion of Rep. Swenson to amend, Rep. Edmonds requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

On motion of Rep. Bethell to amend **HB 2978**, the motion did not prevail, and the bill be passed.

Committee report to **SB 305** be adopted; also, on motion of Rep. Hutchins to amend, Rep. Sloan requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Hutchins challenged the ruling of the Rules Chair, the question being, "Shall the Rules Chair be sustained?" The Rules Chair was sustained, and **SB 305** be passed as amended.

On motion of Rep. Flora to amend **SB 361**, the motion did not prevail, and the bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 93** be adopted; and the substitute bill be passed.

Committee report to **SB 388** be adopted; also, on motion of Rep. Peck be amended on page 1, in line 26, by striking "state highway" and inserting "economic development initiatives"; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 278** be adopted; and the substitute bill be passed.

Committee report to **HB 2329** be adopted; and the bill be passed as amended.

Committee report to **HB 2982** be adopted; and the bill be passed as amended.

Committee report to **SB 544** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **Substitute for SB 85** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 85," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 85
By Committee on Appropriations

"AN ACT concerning Kansas educational institutions; requiring the provision of educational benefits for certain students who have been placed in foster care; providing for payment of tuition for such students."; and the substitute bill be passed.

(**H. Sub. for Sub. SB 85** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **SB 549** be amended on page 11, after line 24, by inserting the following:

"New Sec. 14. (a) This section may be cited as the children's internet protection act.

(b) As used in this section:

(1) "Electronic material harmful to minors" means any electronic source of print, picture, figure, image, description, film or recording which is harmful to minors, as defined in K.S.A. 21-4301c, and amendments thereto.

(2) "Internet filtering technology" means a device or technology which reduces access or exposure to internet web sites which contain or make reference to electronic material harmful to minors.

(3) "Minor" means any unmarried person under 18 years of age.

(4) "Public library" means any library maintained by a city, county, township or library district, or any combination thereof, and supported in whole or in part by public moneys.

(c) Except as provided by subsection (d), every public library shall require use of internet filtering technology for any of such library's computers while such computer is being used by a minor.

(d) A public library, or an officer, employee or agent thereof, may allow a minor to use a library computer for which internet filtering technology is not provided if the parent or guardian of such minor has given the library written consent for such minor to have access to the internet without use of internet filtering technology.

(e) The provisions of this section shall not be construed to:

(1) Prohibit any adult from having unfiltered or unrestricted access to the internet or an online service; or

(2) preempt the regulation of obscenity by municipalities.

(f) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are severable.

New Sec. 15. (a) Prior to receiving any grant-in-aid for calendar year 2007 pursuant to the state grants-in-aid to libraries act, a library shall certify to the state librarian that the library is undertaking action to comply with the provisions of section 1, and amendments thereto.

(b) Prior to receiving any grant-in-aid for calendar year 2008, or any calendar year thereafter, pursuant to the state grants-in-aid to libraries act, a library shall certify to the state librarian that the library is in compliance with the provisions of section 1, and amendments thereto.

(c) If a library fails to submit certification as required by this section, the library shall be ineligible to receive any grant-in-aid pursuant to the state grants-in-aid to libraries act until the library certifies such compliance.

(d) This section shall be part of and supplemental to the state grants-in-aid to libraries act.

New Sec. 16. No library shall be required to comply with the provisions of this act until such time as the state of Kansas appropriates sufficient funds to pay for internet filtering technology.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 15, after the semicolon, by inserting “enacting the children’s internet protection act; prohibiting certain acts and providing remedies for violations;”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **SB 379** be amended on page 1, in line 39, by striking “10%” and inserting “5%”;

On page 2, in line 5, by striking “10%” and inserting “5%”;

On page 4, in line 22, by striking all after the stricken material; in line 23, by striking all before “of” and inserting “a majority”; also in line 23, after “electors” by inserting “residing within each subdivision proposed to be consolidated”;

On page 6, in line 5, by striking “10%” and inserting “5%”;

On page 9, after line 16, by inserting the following:

“New Sec. 11. As used in sections 12 through 20:

(a) “Commission” means the consolidation study commission of Johnson county and Wyandotte county.

(b) “County” means Johnson county and Wyandotte county.

(c) (1) “Political subdivision” or “taxing subdivision” means any city, township, library district, fire district or other political or taxing subdivision within the county and any office, agency, department or instrumentality of the county or any political or taxing subdivision therein.

(2) “Political subdivision” or “taxing subdivision” shall not mean a school district or community college.

(d) “Office” means any elected or appointed office.

(e) “Municipality” means the governmental entity created by the consolidation of Johnson and Wyandotte county pursuant to this act.

New Sec. 12. This act is an alternative to all other laws which authorize the consolidation of counties, cities, townships and other political and taxing subdivisions thereof and the functions, services and operations thereof.

New Sec. 13. (a) Within 10 days of the effective date of this act, the governor shall appoint a eight-member consolidation study commission. No more than four members shall reside in the same county. No more than four members of the commission shall be from the same political party. Members of the commission shall include, but not be limited to, persons with experience in accounting, business management, municipal finance, law, education, political science or public administration. No elected official of the counties or any political or taxing subdivision, nor any person appointed to fill a vacancy in an elected office of such counties or any political or taxing subdivision, shall serve on the commission. No full-time paid employee of the counties or any political or taxing subdivision shall serve on the commission. Members of the commission shall be residents of Wyandotte county or Johnson county, but no more than five members shall be from the same county.

(b) Any expenses incurred by the commission shall be paid equally by each county.

(c) The governor shall appoint an executive director of the commission. The executive director shall receive compensation established by the governor, within the limits of appropriations for that purpose. The executive director shall employ other staff and may contract with consultants, as the executive director deems necessary to carry out the functions of the commission. Staff employed by the executive director shall receive compensation established by the executive director and approved by the governor, within the limits of appropriations for that purpose.

(d) Within 30 days following the appointment of all members of the commission, the commission shall meet and organize by the election of a chairperson and vice-chairperson and other officers deemed necessary. The commission may adopt rules governing the conduct of its meetings.

New Sec. 14. (a) The commission shall prepare and adopt a plan addressing the consolidation of the counties and any political or taxing subdivision or certain functions, services and operations of such counties or political or taxing subdivisions. The commission shall conduct such studies and investigations as it deems appropriate to complete its work. Such studies and investigations shall include, but not be limited to:

(1) Studies of the efficiency and effectiveness of the administrative operations of the counties and political and taxing subdivisions.

(2) Studies of the costs and benefits of consolidating such counties and any political or taxing subdivision or certain functions, services and operations of such counties or political or taxing subdivisions.

(b) The commission shall hold public hearings for the purpose of receiving information and materials which will aid in the drafting of the plan.

(c) For the purposes of performing its studies and investigations, the commission or its executive director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commission or executive director deems relevant or material to its studies and investigation.

(d) On or before November 30, 2006, the commission shall prepare and adopt a preliminary consolidation plan. Copies of the preliminary plan shall be filed with the county election officer, city clerk and each public library within each county and shall be available to members of the public for inspection upon request. The commission shall hold at least one public hearing in each county to obtain citizen views concerning the preliminary plan. Notice of such hearing or hearings shall be published at least once in a newspaper of general circulation within each county. Following the public hearings on the preliminary plan, the commission may adopt, or modify and adopt, the preliminary plan as the final plan.

(e) On or before January 8, 2007, the commission shall submit its final plan to the governor and legislature. The final plan shall include the full text and an explanation of the proposed plan, and comments deemed desirable by the commission, a written opinion by an attorney admitted to practice law in the state of Kansas and retained by the executive director for such purpose that the proposed plan is not in conflict with the constitution or the laws of the state, and any minority reports. Copies of the final plan shall be filed with the county election officer of each county and each public library and each library branch within the counties and shall be available to members of the public for inspection upon request. The commission shall continue in existence at least 90 days following the submission of the final plan pursuant to this subsection.

(f) Unless the legislature, by concurrent resolution adopted on or before February 6, 2007, rejects such plan, the plan shall be submitted to the qualified electors of the county at the school district general election on April 3, 2007. Such election shall be called and held by the county election officer in the manner provided by the general bond law. A summary of the final plan shall be prepared by the commission and shall be published once each week for two consecutive weeks in a newspaper of general circulation within each county. If a majority of the electors voting on the plan vote in favor thereof, the consolidation plan shall be implemented in the manner provided by the plan. If a majority of the electors vote against such plan, the proposed consolidation plan shall not be implemented.

If the commission submits a final plan which does not recommend the consolidation of the counties and political and taxing subdivisions or certain functions, services and operations of such counties or political and taxing subdivisions, the provisions of this subsection shall not apply.

New Sec. 15. (a) Any plan submitted by the commission shall provide for the exercise of powers of local legislation and administration not inconsistent with the constitution or other laws of this state.

(b) If the commission submits a plan providing for the consolidation of certain offices, functions, services and operations, the plan shall:

(1) Include a description of the form, structure, functions, powers and officers and the duties of such officers recommended in the plan.

(2) Provide for the method of amendment of the plan.

(3) Authorize the appointment of, or elimination of elective officials and offices.

(4) Specify the effective date of the consolidation.

(5) Include other provisions determined necessary by the commission.

(c) If the plan provides for the creation of a municipality through the consolidation of counties and political and taxing subdivisions, in addition to the requirements of subsection (b) the plan shall:

(1) Fix the boundaries of the municipality.

(2) Fix the boundaries of the governing body's election districts, provide a method for changing the boundaries from time-to-time, any at-large positions on the governing body, fix the number, term and initial compensation of the governing body of the municipality and the method of election.

(3) Determine whether elections of the governing body of the municipality shall be partisan or nonpartisan elections and the time at which such elections shall be held.

(4) Determine the distribution of legislative and administrative duties of the municipality officials, provide for consolidation or expansion of services as necessary, authorize the appointment of a municipality manager, if deemed advisable, and prescribe the general structure of the government of the municipality.

(5) Provide for the official name of the municipality.

(6) Provide for the transfer or other disposition of property and other rights, claims and assets of the county and political and taxing subdivisions.

(7) Fix the rate of any retailers' sales tax.

New Sec. 16. (a) If the voters approve a plan which provides for the consolidation of the county and political and taxing subdivisions, such municipality shall be subject to the provisions of this section.

(b) The municipality is hereby designated an urban area, as authorized under the provisions of section 17 of article 2 of the constitution of the state of Kansas, for the purpose of granting to such municipality and urban area powers of local government and consolidation of local government.

(c) The municipality shall be subject to the cash-basis and budget laws of the state of Kansas.

(d) Except as provided in subsection (e), and in any other statute which specifically exempts bonds from the statutory limitations on bonded indebtedness, the limitation on bonded indebtedness of a municipality under this act shall be 30% of the assessed value of all tangible taxable property within such county on the preceding August 25.

(e) The following shall not be included in computing the total bonded indebtedness of the municipality for the purposes of determining the limitations on bonded indebtedness:

(1) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon.

(2) Bonds issued pursuant to the provisions of article 46 of chapter 19 of the Kansas Statutes Annotated, and amendments thereto.

(3) Bonds issued for the purpose of financing the construction or remodeling of a courthouse, jail or law enforcement center facility, which bonds are payable from the proceeds of a retailers' sales tax.

(4) Bonds issued for the purpose of acquiring, enlarging, extending or improving any storm or sanitary sewer system.

(5) Bonds issued for the purpose of acquiring, enlarging, extending or improving any municipal utility.

(6) Bonds issued to pay the cost of improvements to intersections of streets and alleys or that portion of any street immediately in front of city or school district property.

(f) Any bonded indebtedness and interest thereon incurred by a county or any political or taxing subdivision prior to consolidation shall remain an obligation of the property subject to taxation for the payment thereof prior to such consolidation.

(g) The municipality shall be a class D city for the purposes of levying a retailers' sales tax pursuant to K.S.A. 12-187 et seq., and amendments thereto.

(h) Upon the effective date of the consolidation of the territory of the municipality shall include:

(1) All of the territory of the municipality for purposes of exercising the powers, duties and functions of a county.

(2) All of the territory of the municipality located within the corporate limits of a city for purposes of exercising the powers, duties and functions of a city.

(i) For the purposes of section 1 of article 5 of the constitution of the state of Kansas, the "voting area" for the governing body of the municipality shall include all the territory within the municipality.

(j) Unless otherwise provided by law, the municipality shall be eligible for the distribution of any funds from the state and federal government as if no consolidation had occurred. Except as provided in this subsection, the population and assessed valuation of the territory of the municipality shall be considered its population and assessed valuation for purposes of the distribution of moneys from the state or federal government.

(k) The municipality shall be a county. The governing body of the municipality shall be considered county commissioners for the purposes of section 2 of article 4 of the constitution of the state of Kansas and shall have all the powers, functions and duties of a county and may exercise home rule powers in the manner and subject to the limitations provided by K.S.A. 19-101a, and amendments thereto, and other laws of this state.

The governing body of the municipality shall be responsible for any duties or functions imposed by the constitution of the state of Kansas and other laws of this state upon any county office abolished by the consolidation plan. Such duties may be delegated by the governing body or as provided in the consolidation plan.

(l) The municipality shall be a city of the first class. The governing body of the municipality shall have all the powers, functions and duties of a city of the first class and may exercise home rule powers in the manner and subject to the limitations provided by article 12 of section 5 of the constitution of the state of Kansas and other laws of this state.

(m) The governing body of the municipality may create special service districts within the municipality and may levy taxes for services provided in such districts.

(n) Changes in the form of government approved by the voters in accordance with the consolidation plan are hereby declared to be legislative matters and subject to initiative and referendum in accordance with K.S.A. 12-3013 et seq., and amendments thereto.

New Sec. 17. (a) The governing body of a municipality may not annex any land located outside the county.

(b) The governing body of a municipality may not initiate annexation procedures of land located within the county, but may annex land upon petition of the owners of any such land.

Sec. 18. K.S.A. 18-146 is hereby amended to read as follows: 18-146. *Subject to the provisions of section 14, and amendments thereto*, the county of Johnson is bounded as follows: Commencing at the point where the north line of township twelve south intersects the west boundary line of the state of Missouri; thence west on ~~said such~~ township line, to its intersection with the main channel of the Kansas river in range twenty-four east; thence up ~~said such~~ river, in the middle of the main channel thereof, to an intersection with the line between the second and third tiers of sections in range twenty-one east; thence south on section lines, to the corner of sections fourteen, fifteen, twenty-two and twenty-three, in township fifteen south, of range twenty-one east; thence east on section lines, to the western boundary line of the state of Missouri; thence north on ~~said such~~ boundary line, to the place of beginning.

Sec. 19. K.S.A. 18-1,105 is hereby amended to read as follows: 18-1,105. *Subject to the provisions of section 14, and amendments thereto*, the county of Wyandotte is bounded as follows: Commencing at a point on the west line of the state of Missouri, opposite the mouth of the Kansas river; thence south on the west boundary line of the state of Missouri, to the south line of township eleven south, being the northeast corner of Johnson county; thence west on township line, to the middle of the main channel of the Kansas river, in range twenty-four east; thence up ~~the said such~~ river, in the middle of the main channel thereof, to the intersection with the east line of range twenty-two east; thence north on ~~said such~~ range line, to the old Delaware reservation lines, the same being the dividing line between the original Delaware reserve and Delaware trust lands; thence east on ~~said such~~ line, to the west boundary line of the state of Missouri; thence southeasterly with the ~~said such~~ western boundary line of the state of Missouri, to the place of beginning.

Sec. 20. K.S.A. 2005 Supp. 19-205 is hereby amended to read as follows: 19-205. Except as provided by K.S.A. 12-344 ~~and~~, 12-345, *sections 8, 15 and 16, and amendments thereto*, no person holding any state, county, township or city office shall be eligible to the office of county commissioner in any county in this state.

Nothing in this section shall prohibit the appointment of any county commissioner to any state board, committee, council, commission or similar body which is established pursuant to statutory authority, so long as any county commissioner so appointed is not entitled to

“HOUSE Substitute for SENATE BILL No. 180

By Committee on Judiciary

“AN ACT concerning court fees and costs; amending K.S.A. 38-1511, 38-1613, 59-104, 60-1621, 60-2001, 60-2005, 60-2203a, 61-2704 and 61-4001 and K.S.A. 2005 Supp. 8-2107, 8-2110, 20-1a04, 20-362, 20-367, 23-108a, 28-110, 28-170 and 28-172a and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 180** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 337** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 337,” as follows:

“HOUSE Substitute for SENATE BILL No. 337

By Committee on Judiciary

“AN ACT concerning courts; relating to compensation for certain judicial personnel; evaluating the performance of judges and justices; establishing the commission on judicial performance; increasing docket fees; amending K.S.A. 59-104, 60-1621, 60-2001, 61-2704 and 61-4001 and K.S.A. 2005 Supp. 20-367, 21-4619, 22-2410, 28-172a, 75-3120g and 75-3120k and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 337** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 431** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 431,” as follows:

“HOUSE Substitute for SENATE BILL No. 431

By Committee on Judiciary

“AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3719, 31-155 and 65-4151 and K.S.A. 2005 Supp. 12-4516, 21-3436, 21-3608a, 21-3718, 21-3731, 21-4619, 21-4714 and 21-4729 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 431** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 506** be amended on page 2, in line 18, preceding “any” by inserting “or enforcing”; by striking all in line 22, following the period; by striking all in lines 23 and 24;

On page 4, in line 19, by striking “on the first anniversary of the date of application” and inserting “every year on the date of birth of the licensee”; in line 24, by striking “on every first anniversary of” and inserting “every year on”;

On page 10, preceding line 27, by inserting:

“(d) Any person who is required to register under this act shall report in person each year during the month of the person’s birthday and during the sixth month following the person’s birthday to the sheriff’s office in the county in which the person resides or is otherwise located. The sheriff’s office may determine the appropriate times and days for reporting by the person, consistent with this subsection. If any information reported by the person has changed and has not otherwise been updated, the person shall report those changes.

(e) Every person who is required to register under this act shall submit to the taking of an updated photograph by the sheriff’s office on each occasion when the person reports to the sheriff’s office in the county in which the person resides or is otherwise located.

(f) Every person who is required to register under this act shall remit payment to the sheriff in the amount of \$20 on each occasion when the person reports to the sheriff’s office in the county in which the person resides or is otherwise located.”;

On page 12, in line 43, by striking “Any” and inserting “Except as provided in subsection (d), any”;

On page 13, in line 26, by striking all following the period; by striking all in line 27; preceding line 28, by inserting:

“(d) Any person who has been convicted of any of the following offenses shall be required to register for such person’s lifetime:

(1) Aggravated trafficking, as defined in K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the victim is less than 14 years of age;

(2) rape, as defined in subsection (a)(2) of K.S.A. 2005 Supp. 21-3502, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto;

(4) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto;

(5) promoting prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age; or

(6) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto.”;

And by relettering the remaining subsections accordingly;

Also on page 13, in line 38, by striking all following “section”; in line 39, by striking all preceding the comma; in line 42, following the comma where it appears the second time by inserting “and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto.”;

On page 14, in line 8, by striking all following “(2)”; in line 9, by striking all preceding “if” and inserting “(A) A person who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto, may, by the court:

(i) Be required to register pursuant to the provisions of paragraph (1);

(ii) not be required to register”;

Also on page 14, in line 10, following “therefor”, by striking the period; also in line 10, before “If”, by inserting ”; or

(iii) be required to register with the sheriff pursuant to K.S.A. 22-4904, and amendments thereto, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto.

(B)”;

Also on page 14, preceding line 16, by inserting:

“(i) Any person moving to the state of Kansas who has been convicted in another state, and who was required to register under that state’s laws, shall register for the same length of time required by that state or Kansas, whichever length of time is longer.

Sec. 8. K.S.A. 2005 Supp. 22-4909 is hereby amended to read as follows: 22-4909. (a) *Except as prohibited by subsection (h) of K.S.A. 22-4906, and amendments thereto*, the statements or any other information required by this act shall be open to inspection by the public at the sheriff’s office, at the headquarters of the Kansas bureau of investigation and on any internet website sponsored or created by a sheriff’s department or the Kansas bureau of investigation that contains such statements or information, and specifically are subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except that the name, address, telephone number, or any other information which specifically and individually identifies the victim of any offender required to register as provided in this act shall not be disclosed other than to law enforcement agencies.

(b) Any information posted on an internet website sponsored or created by a sheriff’s office or the Kansas bureau of investigation shall identify, in a prominent manner, whether an offender is or is not a sex offender.

(c) The state department of education shall annually notify any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12 of the Kansas bureau of investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the school is located for the purposes of locating offenders who reside near such school.

(d) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website and any internet website containing information on the Kansas offender registration sponsored or created by the sheriff of the county in which the facility is located for the purposes of locating offenders who reside near such facility.

(e) Such notification required in subsections (c) and (d) shall include information that the sheriff of the county where such school or child care facility is located is available to the

school and child care facilities to assist in using the registry and providing additional information on the registered offenders.”;

By renumbering the remaining sections accordingly;

On page 20, in line 37, following “22-4906” by inserting “, 22-4909”;

In the title, in line 15, preceding “amending” by inserting “registration requirements”; in line 17, following “22-4906” by inserting “, 22-4909”; and the bill be passed as amended.

Committee on **Taxation** recommends **Sub. SB 358** be passed.

Committee on **Taxation** recommends **Substitute for HB 2689** be amended by substituting a new bill to be designated as “Substitute for Substitute for HOUSE BILL No. 2689,” as follows:

“Substitute for Substitute for HOUSE BILL No. 2689

By Committee on Taxation

“AN ACT concerning sales taxation; relating to authority for countywide retailers’ sales tax in certain counties; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. for Sub. HB 2689** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 359** be amended on page 12, after line 19, by inserting the following section:

“Sec. 14. K.S.A. 74-2426 is hereby amended to read as follows: 74-2426. (a) Orders of the board of tax appeals on any appeal, in any proceeding under the tax protest, tax grievance or tax exemption statutes or in any other original proceeding before the board shall be rendered and served in accordance with the provisions of the Kansas administrative procedure act. Notwithstanding the provisions of subsection (g) of K.S.A. 77-526 and amendments thereto, a final order of the board shall be rendered in writing and served within 120 days after the matter was fully submitted to the board unless this period is waived or extended with the written consent of all parties or for good cause shown.

(b) No final order of the board shall be subject to review pursuant to subsection (c) unless the aggrieved party first files a petition for reconsideration of that order with the board in accordance with the provisions of K.S.A. 77-529 and amendments thereto.

(c) Any action of the board pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions, except that:

(1) The parties to the action for judicial review shall be the same parties as appeared before the board in the administrative proceedings before the board. The board shall not be a party to any action for judicial review of an action of the board.

(2) There is no right to review of any order issued by the board in a no-fund warrant proceeding pursuant to K.S.A. 12-110a, 12-1662 et seq., 19-2752a, 79-2938, 79-2939 and 79-2951, and amendments thereto, and statutes of a similar character.

(3) The court of appeals has jurisdiction of any action for review pertaining to property appraised and assessed by the director of property valuation, excise, income or inheritance taxes assessed by the director of taxation and the exemption of any property from property taxation. The district court of the proper county has jurisdiction in all other cases.

(4) Review of orders issued by the board of tax appeals relating to the valuation or assessment of property for ad valorem tax purposes or relating to the tax protest shall be conducted by the district court of the county in which the property is located or, if located in more than one county, the district court of any county in which any portion of the property is located. *If the review of an order as provided in this subsection is sought by a county and the taxpayer prevails on such appeal, the court shall award to the taxpayer reasonable attorney fees and costs incurred by the taxpayer on such appeal.*

(5) In addition to the cost of the preparation of the transcript, the appellant shall pay to the board the other costs of certifying the record to the reviewing court. Such payment shall be made prior to the transmission of the agency record to the reviewing court.

(d) If review of an order of the board relating to excise, income or inheritance taxes, is sought by a person other than the director of taxation, such person shall give bond for costs at the time the petition is filed. The bond shall be in the amount of 125% of the amount of taxes assessed or a lesser amount approved by the court of appeals and shall be conditioned on the petitioner’s prosecution of the review without delay and payment of all costs assessed against the petitioner.

(e) If review of an order is sought by a party other than the director of property valuation or a taxing subdivision and the order determines, approves, modifies or equalizes the amount of valuation which is assessable and for which the tax has not been paid, a bond shall be given in the amount of 125% of the amount of the taxes assessed or a lesser amount approved by the reviewing court. The bond shall be conditioned on the petitioner's prosecution of the review without delay and payment of all costs assessed against the petitioner.”;

And by renumbering sections accordingly;

Also on page 12, in line 20, after “12-16,100,” by inserting “74-2426,”;

On page 1, in the title, in line 9, after the last semicolon by inserting “appeals of orders of the board of tax appeals;”; in line 10, after “12-16,100,” by inserting “74-2426,”; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 365** be amended on page 1, in line 19, after “1.” by inserting “(a)”; in line 20, after the period, by inserting “Unless otherwise specifically provided, any reference in sections 1 through 53, and amendments thereto, to the term “act” means the Kansas estate tax act.”; after line 20, by inserting the following subsection:

“(b) The provisions of the Kansas estate tax act as contained in sections 1 through 53, and amendments thereto, shall take effect and be in force from and after January 1, 2007.”;

On page 2, in line 40, by striking “\$1,000,000” and inserting “\$2,000,000”; by striking all in line 41; in line 42, by striking “\$30,000 plus”;

On page 3, in line 1, by striking “\$210,000” and inserting “\$180,000”; in line 3, by striking “\$610,000” and inserting “\$580,000”; in line 7, by striking “\$1,000,000” and inserting “\$2,000,000”; by striking all in lines 8 and 9; in line 11, by striking “\$10,000 plus”; in line 14, by striking “\$70,000” and inserting “\$60,000”; in line 16, by striking “\$320,000” and inserting “\$310,000”; in line 20, by striking “\$1,000,000” and inserting “\$3,500,000”; by striking all in lines 21 and 22; in line 23, by striking “\$2,000,000” and inserting “\$3,500,000”; in line 24, by striking “\$5,000 plus”; in line 25, by striking “\$2,000,000” and inserting “\$3,500,000”; in line 27, by striking “\$35,000” and inserting “\$15,000”; in line 29, by striking “\$135,000” and inserting “\$115,000”;

On page 23, after line 15, by inserting the following:

“New Sec. 54. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in commercial and industrial machinery and equipment in the state of Kansas, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation all newly purchased or leased commercial and industrial machinery and equipment, including machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. Commercial and industrial machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

Second. Commercial and industrial machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) Any purchase, lease or transportation of commercial and industrial machinery and equipment consummated for the purpose of avoiding taxation shall subject the property to the penalty provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto.

(d) As used in this section:

(1) “Commercial and industrial machinery and equipment” means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas;

(2) “qualified lease” means a lease of commercial and industrial machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and

equipment is physically transferred to the lessee to be used in the lessee's business or trade; and

(3) "qualified purchase" means a purchase of commercial and industrial machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser's business or trade.

(e) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

New Sec. 55. (a) There is hereby established in the state treasury the business machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the business machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 100% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008. On or before February 15, 2009, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 80% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 60% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 40% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on commercial and industrial machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 20% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make

any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the business machinery and equipment tax reduction assistance fund.

(2) The state treasurer shall apportion and distribute the moneys credited to the business machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision for the preceding tax year bears to the aggregate of such levies of all the taxing subdivisions among which the apportionment is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

New Sec. 56. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in telecommunications machinery and equipment and railroad machinery and equipment in the state of Kansas, to recognize the dramatic changes within the telecommunications industry, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation certain newly purchased or leased telecommunications machinery and equipment and railroad machinery and equipment, including all such machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. Telecommunications machinery and equipment and railroad machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

Second. Telecommunications machinery and equipment and railroad machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) As used in this section:

(1) "Qualified lease" means a lease of telecommunications machinery and equipment or railroad machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and equipment is physically transferred to the lessee to be used in the lessee's business or trade;

(2) "qualified purchase" means a purchase of telecommunications machinery and equipment or railroad machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser's business or trade;

(3) "railroad machinery and equipment" means railroad machinery and equipment classified for property tax purposes within subclass (3) of class 2 of section 1 of article 11 of the constitution of the state of Kansas; and

(4) "telecommunications machinery and equipment" means network administrative assets; central office equipment; information, station and customer equipment; and outside plant equipment of a telecommunication company.

(d) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

New Sec. 57. (a) There is hereby established in the state treasury the telecommunications and railroad machinery and equipment tax reduction assistance fund which shall be administered by the state treasurer. All expenditures from the telecommunications and railroad machinery and equipment tax reduction assistance fund shall be for the payments to counties for distribution to taxing subdivisions levying ad valorem taxes within the county in accordance with this section.

(b) The secretary of revenue shall adopt a policy using the most current information that is available, and that is determined to be practicable by the secretary for this purpose and shall calculate the following:

(1) On January 31, 2008, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2007. On or before February 15, 2008, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 100% of such difference for distribution as provided in subsection (d).

(2) On January 31, 2009, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2008. On or before February 15, 2009, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 80% of such difference for distribution as provided in subsection (d).

(3) On January 31, 2010, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2009. On or before February 15, 2010, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 60% of such difference for distribution as provided in subsection (d).

(4) On January 31, 2011, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2010. On or before February 15, 2011, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 40% of such difference for distribution as provided in subsection (d).

(5) On January 31, 2012, the secretary shall calculate for each county an amount equal to the difference in total ad valorem taxes levied by the county for all taxing subdivisions within the county imposing ad valorem taxes on telecommunications machinery and equipment and railroad machinery and equipment for tax year 2005, and the total of such ad valorem taxes levied for tax year 2011. On or before February 15, 2012, subject to the provisions of subsection (c), the state treasurer shall pay to the county treasurer of each county an amount equal to 20% of such difference for distribution as provided in subsection (d).

(6) There shall be no payments made pursuant to this section after the payments made by the state treasurer on or before February 15, 2012, and the provisions of this section shall expire at such time.

(c) If the amount calculated for the difference in subsections (b)(1) through (b)(5) is negative, the amount calculated for such county for such year shall be deemed to be zero and no amount shall be paid to the county treasurer of such county as otherwise provided in subsection (b). Nothing in this section shall be construed to require the county to make any payments to the state in such event that the amount calculated for the difference is negative for the county for such year.

(d) (1) On January 31 of each year specified in this section, the secretary of revenue shall certify to the director of accounts and reports the aggregate of all amounts determined for counties pursuant to subsection (b). Upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund.

(2) The state treasurer shall apportion and distribute the moneys credited to the telecommunications and railroad machinery and equipment tax reduction assistance fund to the county treasurers in accordance with subsection (b). Upon receipt of each such amount, each county treasurer shall apportion such amount among the ad valorem taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision for the preceding tax year bears to the aggregate of such levies of all the taxing subdivisions among which the apportionment is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them.

(e) Before January 31 of 2007 through 2013, the secretary of revenue shall make a detailed report of amounts calculated as required pursuant to subsection (b) for each individual county and in aggregate for all the counties for the current year along with any projections for future years, amounts distributed to the counties pursuant to this section, and all other relevant information related to the provisions of this section, and shall present such report before such date to the house committee on taxation of the house of representatives and the senate committee on assessment and taxation of the senate for consideration by the legislature in making any appropriate adjustments to the provisions of this section.

Sec. 58. K.S.A. 2005 Supp. 79-201w is hereby amended to read as follows: 79-201w. The following described property, to the extent specified by this section, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

Any item of machinery, equipment, materials and supplies which, except for the operation of the provisions of this section, would be required to be listed for the purpose of taxation pursuant to K.S.A. 79-306, and amendments thereto, and which is used or to be used in the conduct of the owner's business, or in the conduct of activities by an entity not subject to Kansas income taxation pursuant to K.S.A. 79-32,113, and amendments thereto, whose original retail cost when new is ~~\$250 or less for tax year 2002, and \$400 or less for tax year 2003~~ \$400 or less for tax years 2005 and 2006, and \$1,000 or less for tax year 2007, and all tax years thereafter.

Sec. 59. K.S.A. 2005 Supp. 79-213 is hereby amended to read as follows: 79-213. (a) Any property owner requesting an exemption from the payment of ad valorem property taxes assessed, or to be assessed, against their property shall be required to file an initial request for exemption, on forms approved by the board of tax appeals and provided by the county appraiser.

(b) The initial exemption request shall identify the property for which the exemption is requested and state, in detail, the legal and factual basis for the exemption claimed.

(c) The request for exemption shall be filed with the county appraiser of the county where such property is principally located.

(d) After a review of the exemption request, and after a preliminary examination of the facts as alleged, the county appraiser shall recommend that the exemption request either be granted or denied, and, if necessary, that a hearing be held. If a denial is recommended, a statement of the controlling facts and law relied upon shall be included on the form.

(e) The county appraiser, after making such written recommendation, shall file the request for exemption and the recommendations of the county appraiser with the board of tax appeals.

(f) Upon receipt of the request for exemption, the board shall docket the same and notify the applicant and the county appraiser of such fact.

(g) After examination of the request for exemption, and the county appraiser's recommendation related thereto, the board may fix a time and place for hearing, and shall notify the applicant and the county appraiser of the time and place so fixed. A request for exemption pursuant to: (1) Section 13 of article 11 of the Kansas constitution; or (2) K.S.A. 79-201a *Second*, and amendments thereto, for property constructed or purchased, in whole or in part, with the proceeds of revenue bonds under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, prepared in accordance with instructions and assistance which shall be provided by the department of commerce, shall be deemed approved unless scheduled for hearing within 30 days after the date of receipt of all required information and data relating to the request for exemption, and such hearing shall be conducted within 90 days after such date. Such time periods shall be determined without regard to any extension or continuance allowed to either party to such request. In any case where a party to such request for exemption requests a hearing thereon, the same shall be granted. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act. In all instances where the board sets a request for exemption for hearing, the county shall be represented by its county attorney or county counselor.

(h) Except as otherwise provided by subsection (g), in the event of a hearing, the same shall be originally set not later than 90 days after the filing of the request for exemption with the board.

(i) During the pendency of a request for exemption, no person, firm, unincorporated association, company or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon and the same becomes a final order. In the event that taxes have been assessed against the subject property, no interest shall accrue on any unpaid tax for the year or years in question nor shall the unpaid tax be considered delinquent from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon. In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, and interest shall accrue as prescribed therein.

(j) In the event the board grants the initial request for exemption, the same shall be effective beginning with the date of first exempt use except that, with respect to property the construction of which commenced not to exceed 24 months prior to the date of first exempt use, the same shall be effective beginning with the date of commencement of construction.

(k) In conjunction with its authority to grant exemptions, the board shall have the authority to abate all unpaid taxes that have accrued from and since the effective date of the exemption. In the event that taxes have been paid during the period where the subject property has been determined to be exempt, the board shall have the authority to order a refund of taxes for the year immediately preceding the year in which the exemption application is filed in accordance with subsection (a).

(l) The provisions of this section shall not apply to: (1) Farm machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (2) personal property exempted from ad valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing apparel, household goods and personal effects exempted from ad valorem taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) hay and silage exempted from ad valorem taxation by K.S.A. 79-201d, and amendments thereto; (6) merchants' and manufacturers' inventories exempted from ad valorem taxation by K.S.A. 79-201m and amendments thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n, and amendments thereto; (8) property exempted from ad valorem taxation by K.S.A. 79-201a *Seventeenth* and amendments thereto, including all property previously acquired by the secretary of transportation or a predecessor in interest, which is used in the administration, construction, maintenance or operation of the state system of highways. The secretary of transportation shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal

description of the property acquired; (9) property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*, and amendments thereto, including all property previously acquired by the Kansas turnpike authority which is used in the administration, construction, maintenance or operation of the Kansas turnpike. The Kansas turnpike authority shall at the time of acquisition of property notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (10) aquaculture machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in this section, "aquaculture" has the same meaning ascribed thereto by K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and amendments thereto; (12) property used exclusively by the state or any municipality or political subdivision of the state for right-of-way purposes. The state agency or the governing body of the municipality or political subdivision shall at the time of acquisition of property for right-of-way purposes notify the county appraiser in the county in which the property is located that the acquisition occurred and provide a legal description of the property acquired; (13) machinery, equipment, materials and supplies exempted from ad valorem taxation by K.S.A. 79-201w, and amendments thereto; (14) vehicles owned by the state or by any political or taxing subdivision thereof and used exclusively for governmental purposes; (15) property used for residential purposes which is exempted pursuant to K.S.A. 79-201x from the property tax levied pursuant to K.S.A. 72-6431, and amendments thereto; (16) from and after July 1, 1998, vehicles which are owned by an organization having as one of its purposes the assistance by the provision of transit services to the elderly and to disabled persons and which are exempted pursuant to K.S.A. 79-201 *Ninth*; ~~and~~ (17) from and after July 1, 1998, motor vehicles exempted from taxation by subsection (e) of K.S.A. 79-5107, and amendments thereto; (18) *commercial and industrial machinery and equipment exempted from property or ad valorem taxation by section 54, and amendments thereto; and (19) telecommunications machinery and equipment and railroad machinery and equipment exempted from property or ad valorem taxation by section 56, and amendments thereto.*

(m) The provisions of this section shall apply to property exempt pursuant to the provisions of section 13 of article 11 of the Kansas constitution.

(n) The provisions of subsection (k) as amended by this act shall be applicable to all exemption applications filed in accordance with subsection (a) after December 31, 2001.

Sec. 60. K.S.A. 2005 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) (1) Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act *by a claimant other than a claimant as described in subsection (a)(2)* 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
At least	But not more than	rent constituting property tax accrued
\$0	\$3,000	\$0
3,001	4,000	12%
4,001	26,300 27,000	12% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$4,001

(2) *Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act by a claimant who is a person who is 65 years of age or older shall be computed by deducting the amount computed under column (2) from the amount of the claimant's property tax accrued or rent constituting property tax accrued, or both.*

(1)		(2)
Claimants household income		Deduction from property tax accrued or rent
At least	But not more than	constituting property tax accrued, or both
\$0	\$3,000	\$0
3,001	4,000	6%
4,001	50,000	6% plus 2% of every \$1,000, or fraction thereof, of income in excess of \$4,001

(b) 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.

(c) 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.

(d) In the case of all tax years commencing after December 31, 2004, the upper limit threshold amount prescribed in ~~this section~~ *subsections (a)(1) and (a)(2)*, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.”;

And by renumbering sections accordingly;

Also on page 23, in line 16, after “Supp.” by inserting “79-201w, 79-213,”; in line 21, by striking “and” and inserting a comma; also in line 21, after “79-15,145” by inserting “and 79-4508”; in line 24, by striking “January 1, 2007, and”;

On page 1, in the title, in line 10, after “ACT” by inserting “concerning taxation,”; also in line 10, after the semicolon, by inserting “property tax exemptions, machinery and equipment; tax reduction assistance, payment to counties; homestead property tax refunds; amending K.S.A. 2005 Supp. 79-201w, 79-213 and 79-4508 and repealing the existing sections; also”; and the bill be passed as amended.

Committee on **Wildlife, Parks and Tourism** recommends **SB 578** be amended on page 1, in line 19, after “sociation” by inserting “, municipality”; in line 39, after “animals” by inserting “, except non-native, venomous snakes,”; in line 41, by striking “facilities and”; in line 42, after the period, by inserting “All dangerous regulated animals shall be caged in compliance with the provisions set forth in section 6, and amendments thereto.”;

On page 2, in line 28, before “under” by inserting “, except non-native, venomous snakes,”; in line 30, by striking “facilities and”; in line 32, after the period, by inserting “All dangerous regulated animals shall be caged in compliance with the provisions set forth in section 6, and amendments thereto.”;

On page 5, in line 24, by striking “the”, where it appears for the third time; in line 25, by striking “strength of the cage” and inserting “caging”; in line 26, by striking all after the period; by striking all in lines 27 through 29; in line 30, by striking all before the period and inserting “Any cage or confinement structure shall be constructed in such a manner that prohibits physical contact with any person other than such persons listed in subsection (d)”;

in line 35, after “animal” by inserting “weighing more than 15 pounds”; in line 38, after the period, by inserting “Animals weighing 15 pounds or less shall be allowed incidental contact with a person other than the person possessing the animal, the registered designated handler or a veterinarian administering medical examination, treatment or care. Except that non-native, venomous snakes shall not be allowed contact with any person other than the person possessing such non-native, venomous snakes, the registered designated handler or a veterinarian administering medical examination, treatment or care.”; in line 39, after “animal” by inserting “weighing more than 15 pounds”; in line 41, after the period, by inserting “Except that non-native, venomous snakes shall not be brought to any public property or commercial or retail establishment, except to bring the non-native, venomous snakes to a licensed veterinarian or veterinarian clinic.”;

On page 8, following line 29, by inserting the following:

“(c) The secretary of wildlife and parks shall provide educational training programs for the local animal control authority concerning the provisions of this act and the handling of dangerous regulated animals.”

By relettering the remaining subsection accordingly;

Also on page 8, in line 33, after the semicolon, by inserting “and”; in line 34, by striking all after “(2)”;

by striking all in lines 35 and 36; in line 37, by striking “(3)”;

and the bill be passed as amended.

Select Committee on Veterans Affairs recommends **HB 2894** be amended on page 3, after line 16, by inserting:

“(i) As used in this section, “veteran” means a person who was a member of the armed services, who separated from the armed services under honorable conditions, and who sub-

mits proof thereof in the form of documentation from the federal veterans administration or from a branch of the armed services.”;

On page 4, after line 11, by inserting:

“(g) As used in this section, “veteran” means a person who was a member of the armed services, who separated from the armed services under honorable conditions, and who submits proof thereof in the form of documentation from the federal veterans administration or from a branch of the armed services.”; and the bill be passed as amended.

Select Committee on Veterans Affairs recommends **SB 396** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 396,” as follows:

“HOUSE Substitute for SENATE BILL No. 396

By Select Committee on Veterans Affairs

“AN ACT concerning the Kansas commission on veterans affairs; establishing a veterans claims assistance program and a service grant program; prescribing guidelines and limitations; powers, duties and functions for the commission and veterans service organizations; establishing an advisory board; providing for annual reporting to and study and review by the legislative budget committee.”;

and the substitute bill be passed.

(**H. Sub. for SB 396** was thereupon introduced and read by title.)

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HOUSE CONCURRENT RESOLUTION No. 5044—

By Committee on Education

A CONCURRENT RESOLUTION relating to teacher training regarding ESOL and culturally responsive pedagogy.

WHEREAS, The state board of education has required since 2003 that teacher education programs provide training in English for speakers of other languages (ESOL) and culturally responsive pedagogy (techniques for teaching to persons of other cultures) for teaching these diverse students;

WHEREAS, Teachers completing their degree prior to 2003 may not have received such training;

WHEREAS, ESOL and culturally responsive pedagogy for teachers have proven beneficial in the education of limited English speaking students;

WHEREAS, The number of ESOL students has grown from 18,672 students in 1999-2000 to 30,351 students in 2005-2006: Now, Therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That when school districts have limited English speaking students and the school district has teachers who have not received ESOL or culturally responsive pedagogy, the state board of education is requested to provide assistance to such school districts in providing ESOL and culturally responsive pedagogy for teachers and staff.

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to each member of the state board of education.

MESSAGE FROM THE GOVERNOR

HB 2703, HB 2716, HB 2927 approved on March 22, 2006.

MESSAGE FROM THE SENATE

Announcing passage of **SB 516, SB 590**.

Announcing passage of **HB 2394, HB 2575, HB 2669; Sub. HB 2695; HB 2858**.

Announcing passage of **HB 2541**, as amended; **HB 2576**, as amended; **HB 2634**, as amended; **HB 2658**, as amended; **HB 2772**, as amended; **HB 2878**, as amended.

Announcing adoption of **SCR 1625**.

The Senate concurs in House amendments to **SB 139**.

The Senate nonconcur in House amendments to **SB 375**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills and concurrent resolution were thereupon introduced and read by title:

SB 516, SB 590; SCR 1625.

Speaker Mays announced that in accordance with House Rule 2107, the Senate amendments to **HB 2634** do materially change its subject and **HB 2634** therefor is not subject to Motions to Concur and Nonconcur.

HB 2634 was thereupon introduced and read by title.

Speaker Mays thereupon referred **HB 2634** to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 375**.

Speaker Mays thereupon appointed Reps. Sloan, E. Johnson and Carlin as conferees on the part of the House.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Merrick announced the referral of **Sub. SB 323** to Committee of the Whole.

REPORT ON ENGROSSED BILLS

HB 2532, HB 2616, HB 3005 reported correctly engrossed March 22, 2006.

On motion of Rep. Aurand, the House adjourned until 9:45 a.m., Thursday, March 23, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

