

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 18, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.

The roll was called with 121 members present.

Rep. O'Brien was excused on verified illness.

Reps. Beggs, O'Neal and Stone were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

We thank you God for Sabbath rest, for the chance to step aside from toil and worry. We thank you for the opportunity to be refreshed in worship. We thank you for the chance to spend time with family and friends and to be renewed in their love. We thank you for recreation (re-creation). We thank you that in your wisdom, you called us to weekly rest and renewal.

As we gather this morning, O Lord, we come with new energy and spirit. We gather in the shadow of last week's difficult deliberations and debate but also in the face of new possibilities. The difficulties of the past now belong to history, the promises of the future wait to be written.

Carry us through our work this week in a spirit of joy and with thanksgiving for a place in your world and for the chance to make a difference. Help us to set aside the things that thwart your will for your children, so that at the end of this week's work we may be seen as your good and faithful servants. Amen.

The Pledge of Allegiance was led by Rep. Crow.

MESSAGES FROM THE GOVERNOR

HB 2622 approved on March 15, 2002.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Children's Cabinet and Trust Fund, Recommendations to the Governor and Kansas Legislature, for State Fiscal Year 2003, October 2001.

From Mark S. Beck, Director of Property Valuation, Department of Revenue, pursuant to K.S.A. 1996 Supp. 79-1490, 2001 Preliminary Real Estate Appraisal/Sales Ratio Study, March 2002.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

Objection was made to **SB 390** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 446** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2754. An act concerning telecommunications; amending K.S.A. 2001 Supp. 66-2005 and 66-2008 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 66-2012 and 66-2016, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 1; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Neufeld, Toplikar.

Present but not voting: Krehbiel.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote aye on **Sub. HB 2754**, but I am concerned that the compromise on the substitute left out issues which could have benefitted Kansas consumers. I urge the Corporation Commission to re-examine its requirements for KUSF eligibility so the fund does not grow while supporting declining service standards. All Kansans should get the benefits of high quality service, reasonable data speeds and the customer's choice of long-distance company from any local service provider receiving KUSF support.—DENNIS MCKINNEY, ALAN GOERING, JIM MORRISON, ANNIE KUETHER, LAURA MCCLURE, BILL LIGHT, WARD LOYD, RALPH OSTMEYER

HB 2799. An act relating to commercial driver's licenses; concerning exempt vehicles; amending K.S.A. 8-2,127 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Dillmore, Klein, Tomlinson.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The bill passed.

HB 2808. An act relating to the division of vehicles; concerning driver's licenses and identification cards; providing information for an organ donation registry program; amending K.S.A. 8-247 and 8-1325 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The bill passed, as amended.

HB 2823. An act relating to the division of vehicles; concerning driver's licenses and identification cards; selective service registration requirements; amending K.S.A. 8-240 and 8-1324 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 46; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Bethell, Boston, Campbell, Compton, Cook, Crow, Dahl, DeCastro, DiVita, Feuerborn, Findley, Freeborn, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Klein, Larkin, Levinson, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mays, McClure, McLeland, Merrick, Minor, Jim Morrison, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Owens, Patterson, Pauls, J. Peterson, Phelps, L. Powell, T. Powell, Pyle, Reardon, Ruff, Showalter, Shriver, Shultz, Sloan, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson.

Nays: Barnes, Benlon, Burroughs, Cox, Dillmore, Dreher, Edmonds, Faber, Flaharty, Flora, Garner, Gatewood, Goering, Henderson, Howell, Huebert, Huy, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Loganbill, Loyd, Mayans, McCreary, McKinney, Miller, Judy Morrison, Myers, Nichols, Palmer, E. Peterson, Pottorff, Powers, Ray, Rehorn, Schwartz, Sharp, Spangler, Storm, Swenson, R. Toelkes, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The bill passed.

HB 2879. An act concerning insurance; relating to cancellation of automobile insurance policies; amending K.S.A. 40-276a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 22; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Vickrey, Weber, Wells, D. Williams, J. Williams, Wilson.

Nays: Ballou, Barnes, Burroughs, Dillmore, Edmonds, Flora, Goering, Kirk, Klein, Kuether, Landwehr, Loyd, Mayans, McLeland, Nichols, T. Powell, Rehorn, Spangler, Toplikar, Welshimer, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The bill passed, as amended.

Sub. HB 3012. An act concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 53; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballou, Benlon, Bethell, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Landwehr, Lane, Levinson, Light, Lightner, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Ray, Schwartz, Shultz, Swenson, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wilk, D. Williams.

Nays: Ballard, Barnes, Boston, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Hutchins, Kirk, Klein, Krehbiel, Kuether, Larkin, Lloyd, Loganbill, M. Long, McClure, McKinney, Minor, Newton, Nichols, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Tafanelli, Thimesch, R. Toelkes, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The substitute bill passed.

SB 507. An act relating to certificates of title; concerning certain boat trailers; amending K.S.A. 8-135 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 8; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Freeborn, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Flora, Garner, Gatewood, Henderson, Kirk, Klein, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, O'Neal, Stone.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **SB 398** be passed.

On motion of Rep. Feuerborn **SB 445** be amended on page 1, after line 30, by inserting the following:

“New Sec. 2. (a) Grain contained in a public warehouse, including grain owned by the public warehouseman, is subject to a first priority lien in favor of outstanding receipt holders. The lien created pursuant to this section shall be preferred to any lien or security interest in favor of any creditor of the public warehouseman regardless of the time when the creditor’s lien or security interest attached to the grain. Notice of the lien created under this section need not be filed in order to perfect the lien. The lien created by this section is discharged as to grain sold by the public warehouseman to a buyer in the ordinary course of business. Such sale does not discharge the lien in favor of an individual receipt holder in the remaining grain in the public warehouse.

(b) As used in this section:

(1) “Person” means any individual, association, firm, partnership, profit or nonprofit corporation, trust, organization or any other business entity.

(2) “Public warehouse” and “public warehouseman” shall have the meanings ascribed thereto in K.S.A. 34-223, and amendments thereto, and shall include state and federally licensed public warehousemen.

(3) “Receipt holder” means a person who:

(A) Is storing or depositing grain in the public warehouse;

(B) has sold grain to the public warehouseman and has not received the check or the check has been received but returned for insufficient funds.

Sec. 3. K.S.A. 2001 Supp. 84-9-102 is hereby amended to read as follows: 84-9-102.[(a)]

Definitions. In this article:

(1) “Accession” means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) “Account,” except as used in “account for,” means a right to payment of a monetary obligation, whether or not earned by performance, (A) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (B) for services rendered or to be rendered, (C) for a policy of insurance issued or to be issued, (D) for a secondary obligation incurred or to be incurred, (E) for energy provided or to be provided, (F) for the use or hire of a vessel under a charter or other contract, (G) arising out of the use of a credit or charge card or information contained on or for use with the card, or (H) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include: (A) rights to payment evidenced by chattel paper or an instrument, (B) commercial tort claims, (C) deposit accounts, (D) investment property, (E) letter-of-credit rights or letters of credit, or (F) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) “Account debtor” means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) “Accounting,” except as used in “accounting for,” means a record:

(A) Authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) “Agricultural lien” means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor’s farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

(i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor’s farming operation; or

(ii) leased real property to a debtor in connection with the debtor’s farming operation;

and

(C) whose effectiveness does not depend on the person’s possession of the personal property. Agricultural lien shall not include statutory liens.

(6) "As-extracted collateral" means: (A) Oil, gas, or other minerals that are subject to a security interest that:

- (i) Is created by a debtor having an interest in the minerals before extraction; and
- (ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) To sign; or

(B) to execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify the person and adopt or accept a record.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) the claimant is an individual and the claim:

(i) arose in the course of the claimant's business or profession; and

(ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

- (18) "Communicate" means:
- (A) To send a written or other tangible record;
 - (B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or
 - (C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.
- (19) "Consignee" means a merchant to which goods are delivered in a consignment.
- (20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and: (A) The merchant:
- (i) Deals in goods of that kind under a name other than the name of the person making delivery;
 - (ii) is not an auctioneer; and
 - (iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;
- (B) with respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;
- (C) the goods are not consumer goods immediately before delivery; and
 - (D) the transaction does not create a security interest that secures an obligation.
- (21) "Consignor" means a person that delivers goods to a consignee in a consignment.
- (22) "Consumer debtor" means a debtor in a consumer transaction.
- (23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.
- (24) "Consumer-goods transaction" means a consumer transaction in which:
- (A) An individual incurs an obligation primarily for personal, family, or household purposes; and
 - (B) a security interest in consumer goods secures the obligation.
- (25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.
- (26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.
- (27) "Continuation statement" means an amendment of a financing statement which:
- (A) Identifies, by its file number, the initial financing statement to which it relates; and
 - (B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.
- (28) "Debtor" means:
- (A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;
 - (B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or
 - (C) a consignee.
- (29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.
- (30) "Document" means a document of title or a receipt of the type described in section [84-7-201] (2).
- (31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.
- (32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.
- (33) "Equipment" means goods other than inventory, farm products, or consumer goods.
- (34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are: (A) Crops grown, growing, or to be grown, including:
- (i) Crops produced on trees, vines, and bushes; and

- (ii) aquatic goods produced in aquacultural operations;
 - (B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;
 - (C) supplies used or produced in a farming operation; or
 - (D) products of crops or livestock in their unmanufactured states.
- (35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.
- (36) "File number" means the number assigned to an initial financing statement pursuant to K.S.A. 2001 Supp. 84-9-519(a) and amendments thereto.
- (37) "Filing office" means an office designated in K.S.A. 2001 Supp. 84-9-501 and amendments thereto as the place to file a financing statement.
- (38) "Filing-office rule" means a rule adopted pursuant to K.S.A. 2001 Supp. 84-9-526 and amendments thereto.
- (39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.
- (40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying K.S.A. 2001 Supp. 84-9-502(a) and (b) and amendments thereto. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.
- (41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.
- (42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.
- (43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.
- (44) "Goods" means all things that are movable when a security interest attaches. The term includes (A) fixtures, (B) standing timber that is to be cut and removed under a conveyance or contract for sale, (C) the unborn young of animals, (D) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (E) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (A) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (B) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.
- (45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.
- (46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.
- (47) "Instrument" means a negotiable instrument, a writing that would otherwise qualify as a certificate of deposit (defined in subsection (j) of K.S.A. 84-3-104, and amendments thereto) but for the fact that the writing contains a limitation on transfer, or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment

arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:

- (A) Are leased by a person as lessor;
- (B) are held by a person for sale or lease or to be furnished under a contract of service;
- (C) are furnished by a person under a contract of service; or
- (D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) an assignee for benefit of creditors from the time of assignment;

(C) a trustee in bankruptcy from the date of the filing of the petition; or

(D) a receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured-home transaction" means a secured transaction:

(A) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as a debtor under K.S.A. 2001 Supp. 84-9-203(d) and amendments thereto by a security agreement previously entered into by another person.

(57) "New value" means (A) money, (B) money's worth in property, services, or new credit, or (C) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (A) owes payment or other performance of the obligation, (B) has provided property other than the collateral to secure payment or other performance of the obligation, or (C) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor" means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under K.S.A. 2001 Supp. 84-9-203(d) and amendments thereto.

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

- (62) "Person related to," with respect to an individual, means:
- (A) The spouse of the individual;
 - (B) a brother, brother-in-law, sister, or sister-in-law of the individual;
 - (C) an ancestor or lineal descendant of the individual or the individual's spouse; or
 - (D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.
- (63) "Person related to," with respect to an organization, means:
- (A) A person directly or indirectly controlling, controlled by, or under common control with the organization;
 - (B) an officer or director of, or a person performing similar functions with respect to, the organization;
 - (C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);
 - (D) the spouse of an individual described in subparagraph (A), (B), or (C); or
 - (E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual.
- (64) "Proceeds" means the following property:
- (A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;
 - (B) whatever is collected on, or distributed on account of, collateral;
 - (C) rights arising out of collateral;
 - (D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or
 - (E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.
- (65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.
- (66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to K.S.A. 2001 Supp. 84-9-620, 84-9-621 and 84-9-622 and amendments thereto.
- (67) "Public-finance transaction" means a secured transaction in connection with which:
- (A) Debt securities are issued;
 - (B) all or a portion of the securities issued have an initial stated maturity of at least 20 years; and
 - (C) the debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.
- (68) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.
- (69) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.
- (70) "Registered organization" means an organization organized solely under the law of a single state or the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized.
- (71) "Secondary obligor" means an obligor to the extent that:
- (A) The obligor's obligation is secondary; or
 - (B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.
- (72) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) a person that holds an agricultural lien;

(C) a consignor;

(D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) a person that holds a security interest arising under K.S.A. 84-2-401, 84-2-505, 84-2-711(3), 84-2a-508(5), 84-4-210 and 84-5-118 and amendments thereto.

(73) "Security agreement" means an agreement that creates or provides for a security interest.

(74) "Send," in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(75) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(77) "Statutory lien" means liens created by *section 2*, K.S.A. 2-1319, 2-2608, 2-3007, 34-239, 47-836, 58-201, 58-203, 58-204, 58-207, 58-218, 58-220, 58-221, 58-241, 58-242, 58-2524, 58-2525, 58-2526, 58-2527, 58-2528 and 84-7-209, and amendments thereto.

(78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetically, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.** The following definitions in other articles apply to this article:

"Applicant"	K.S.A. 84-5-102
"Beneficiary"	K.S.A. 84-5-102
"Broker"	K.S.A. 84-8-102
"Certificated security"	K.S.A. 84-8-102
"Check"	K.S.A. 84-3-104
"Clearing corporation"	K.S.A. 84-8-102
"Contract for sale"	K.S.A. 84-2-106
"Customer"	K.S.A. 84-4-104
"Entitlement holder"	K.S.A. 84-8-102
"Financial asset"	K.S.A. 84-8-102
"Holder in due course"	K.S.A. 84-3-302
"Issuer" (with respect to a letter of credit or letter-of-credit right)	K.S.A. 84-5-102

“Issuer” (with respect to a security)	K.S.A. 84-8-102
“Lease”	K.S.A. 84-2a-103
“Lease agreement”	K.S.A. 84-2a-103
“Lease contract”	K.S.A. 84-2a-103
“Leasehold interest”	K.S.A. 84-2a-103
“Lessee”	K.S.A. 84-2a-103
“Lessee in ordinary course of business”	K.S.A. 84-2a-103
“Lessor”	K.S.A. 84-2a-103
“Lessor’s residual interest”	K.S.A. 84-2a-103
“Letter of credit”	K.S.A. 84-5-102
“Merchant”	K.S.A. 84-2-104
“Negotiable instrument”	K.S.A. 84-3-104
“Nominated person”	K.S.A. 84-5-102
“Note”	K.S.A. 84-3-104
“Proceeds of a letter of credit”	K.S.A. 84-5-114
“Prove”	K.S.A. 84-3-103
“Sale”	K.S.A. 84-2-106
“Securities account”	K.S.A. 84-8-501
“Securities intermediary”	K.S.A. 84-8-102
“Security”	K.S.A. 84-8-102
“Security certificate”	K.S.A. 84-8-102
“Security entitlement”	K.S.A. 84-8-102
“Uncertificated security”	K.S.A. 84-8-102

(c) **Article 1 definitions and principles.** Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Sec. 4. K.S.A. 2001 Supp. 84-9-201 is hereby amended to read as follows: 84-9-201. (a) **General effectiveness.** Except as otherwise provided in the uniform commercial code, a security agreement is effective according to its terms between the parties, against purchasers of the collateral, and against creditors.

(b) **Applicable consumer laws and other law.** A transaction subject to this article is subject to any applicable rule of law which establishes a different rule for consumers, to any other statute or rule and regulation of this state that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit, and to any consumer protection statute or rule and regulation of this state and, including, but not limited to, section 2, K.S.A. 2-1319, 2-2608, 2-3007, 34-239, 47-836, 58-201, 58-203, 58-204, 58-207, 58-218, 58-220, 58-221, 58-241, 58-242, 58-2524, 58-2525, 58-2526, 58-2527, 58-2528 and 84-7-209.

(c) **Other applicable law controls.** In case of conflict between this article and a rule of law, statute, or regulation described in subsection (b), the rule of law, statute, or regulation controls. Failure to comply with a statute or regulation described in subsection (b) has only the effect the statute or regulation specifies.

(d) **Further deference to other applicable law.** This article does not:

(1) Validate any rate, charge, agreement, or practice that violates a rule of law, statute, or regulation described in subsection (b); or

(2) extend the application of the rule of law, statute, or regulation to a transaction not otherwise subject to it.”;

And by renumbering sections accordingly;

Also on page 1, in line 31, by striking “is” and inserting “, 84-9-102 and 84-9-201 are”;

In the title, in line 9, by striking “judgment”; in line 10, after “60-2418”, by inserting “, 84-9-102 and 84-9-201”; also in line 10, by striking “section” and inserting “sections”; and **SB 445** be passed as amended

Committee report to **SB 95** be adopted; and the bill be passed as amended.

On motion of Rep. Flora **SB 444** be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 2001 Supp. 61-3803 is hereby amended to read as follows: 61-3803. Before a lawsuit to evict a person pursuant to K.S.A. 2001 Supp. 61-3801 through 61-3808,

and amendments thereto, is filed, the party desiring to file such lawsuit shall deliver to the other party a notice to leave the premises for which possession is sought. The notice shall be delivered at least three days before commencing the lawsuit, by leaving a written copy with the other party or by leaving a copy thereof with any person over the age of 12 years residing on the premises described in such notice, or if no such person is found upon the premises, by posting a copy of such notice in a conspicuous place thereon, or by mailing a copy of the notice to the other party at the address of the premises described in the notice. The three day notice period provided for in this section shall be computed as three consecutive 24-hour periods to commence at the time the notice is delivered, posted or mailed. If the notice is mailed, an additional two days from the date of mailing shall be allowed for the person to leave the premises before the lawsuit is filed. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation of the notice period. The form of the notice shall be substantially in the form set forth in the rules of the supreme court of this state. *The notice may be combined with any notice provided for in K.S.A. 58-2540, et seq., and amendments thereto.*”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 23, after “Supp.” by inserting 61-3803 and “; also in line 23, by striking “is” and inserting “are”;

Also on page 1, in the title, in line 10, after “Supp.” by inserting “61-3803 and”; in line 11, by striking “section” and inserting “sections”; and **SB 444** be passed as amended.

Committee report to **HB 2949** be adopted; and the bill be passed as amended.

Committee report to **HB 2764** be adopted; also, on motion of Rep. DiVita to amend, Rep. Nichols requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. DiVita to amend, which did not prevail.

Also, on motion of Rep. Nichols to amend **HB 2764**, the motion did not prevail and the bill be passed as amended.

Committee report to **SB 502** be adopted; also, on motion of Rep. Flaharty to amend, the motion did not prevail and the bill be passed as amended.

Committee reports to **HB 2666** be adopted; and the bill be passed as amended.

Committee report to **SB 470** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Environment** recommends **SB 430** be amended by substituting a new bill to be designated as “House Substitute for SENATE BILL No. 430,” as follows:

“HOUSE Substitute for SENATE BILL No. 430

By Committee on Environment

“AN ACT concerning groundwater management districts; amending K.S.A. 82a-1028 and K.S.A. 2001 Supp. 82a-1903 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 430** was thereupon introduced and read by title.)

The Committee on **Taxation** recommends **HB 2804** be amended on page 1, in line 33, after the period, by inserting “Except as provided further, in any election held pursuant to this section, no school district funds shall be expended to promote or reject such budget adoption. The school district may print and distribute a two-page informational document concerning such election 14 days prior to the date of the election.”;

On page 2, in line 36, after the period, by inserting “Except as provided further, in any election held pursuant to this section, no school district funds shall be expended to promote or reject such school district tax. The school district may print and distribute a two-page informational document concerning such election 14 days prior to the date of the election.”;

On page 5, after line 13, by inserting the following:

“Sec. 5. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) “Pupil” means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233,

and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{3}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{3}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

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

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

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than 3,756 preschool-aged at-risk pupils to be counted in the 2001-02 school year and not more than 5,500 preschool-aged at-risk pupils to be counted in any school year thereafter.

(e) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (1) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (2) the sum of enrollment in the current school year of preschool-aged at-risk

pupils, if any such pupils are enrolled and the average (mean) of the sum of (A) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (B) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (C) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled.

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

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

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

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

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

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

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

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

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

Sec. 6. K.S.A. 2001 Supp. 72-6407 is hereby repealed.;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 11, before the period, by inserting "; relating to school facilities weighting; amending K.S.A. 2001 Supp. 72-6407 and repealing the existing section" and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6010—

By Committee on Utilities

A RESOLUTION urging the Federal Trade Commission to adopt and implement a national “do not call” registry.

WHEREAS, Most consumers agree that telephone solicitations are a great annoyance and an invasion of privacy; and

WHEREAS, A number of states have enacted legislation to prohibit telephone solicitors from calling consumers who have registered their telephone numbers with a “do not call” registry; and

WHEREAS, The Federal Trade Commission (FTC) in January proposed a national “do not call” registry to allow consumers nationwide to remove their telephone numbers from lists that telephone solicitors use in making consumer calls; and

WHEREAS, A national registry would benefit both consumers and telephone solicitors by creating a single uniform nationwide registry, enabling consumers, with a single action, to remove their telephone numbers from telephone solicitors’ lists and establishing a single national set of rules for telephone solicitors’ conduct; and

WHEREAS, The FTC has requested public comments by March 29, 2002, on the establishment of the national registry: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the legislature of the state of Kansas supports the establishment of a national “do not call” registry and urges the FTC to act in a timely manner to adopt and implement such a registry; and

Be it further resolved: That the Secretary of State be directed to send six enrolled copies of this resolution to the Office of the Secretary, Room 159, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, DC 20580.

REPORT ON ENGROSSED BILLS

HB 2808, HB 2879 reported correctly engrossed March 15, 2002.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, March 19, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

