

# Journal of the House

THIRTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 24, 2005, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Rep. Showalter was excused on verified illness.  
Rep. Henderson was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord of life, Author of justice and of mercy, we honor you this day as we lift your name in praise and thanksgiving.

We praise you as the source of our freedom and liberties. You reign over all the nations and grant them your blessing. You are the source of all power and it is only through you that the nations of the earth are governed.

Look down upon your servants who gather together today to work together to pass the laws that will govern your children. Grant them the humility that acknowledges that all human laws fall short of your perfect will. Guide them to look to the purity of your law and to the clarity of your word for the guidance that blesses all who govern. Sharpen their focus and make them aware of those who have no voice in the process or whose voice is drowned out by the noise of legislating.

May the results of their labor be a blessing for all of the citizens of our state so that we might honor your law by honoring human law. We pray to you the supreme law-giver and the one who answers every prayer. Amen.

The Pledge of Allegiance was led by Rep. Crow.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **SB 52**.  
Corrections and Juvenile Justice: **SB 71, SB 72**.  
Federal and State Affairs: **SB 110, SB 195**.  
Health and Human Services: **SB 91**.  
Insurance: **SB 175, SB 176**.  
Judiciary: **SB 181**.  
Taxation: **HB 2501; SB 13, SB 158**.  
Transportation: **HCR 5014; SB 56, SB 234**.  
Utilities: **SB 63**.

## MESSAGE FROM THE SENATE

Announcing passage of **SB 35, SB 55; Sub. SB 77; SB 81, SB 82, SB 93, SB 107, SB 114, SB 116, SB 121, SB 123, SB 133, SB 151, SB 154, SB 161, SB 178, SB 183, SB 210, SB 216, SB 225, SB 256, SB 258**.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 35, SB 55; Sub. SB 77; SB 81, SB 82, SB 93, SB 107, SB 114, SB 116, SB 121, SB 123, SB 133, SB 151, SB 154, SB 161, SB 178, SB 183, SB 210, SB 216, SB 225, SB 256, SB 258.**

#### CONSENT CALENDAR

No objection was made to **HB 2477** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2349** 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 2349.** An act concerning cities; relating to annexation; amending K.S.A. 12-519 and repealing the existing section, was considered on final action.

Call of the House was demanded.

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

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

Nays: Gatewood.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2014.** An act concerning the Kansas water authority; amending K.S.A. 2004 Supp. 74-2622 and repealing the existing section; also repealing K.S.A. 2004 Supp. 74-2622a, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Loyd, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, M. Miller, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Svaty, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Carlin, Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henry, Holland, Kirk, Krehbiel, Kuether, Lane, Larkin, Loganbill, Long, Mah, McKinney, Menghini, Jim Morrison, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Swenson, Thull, Treaster, Ward, Winn.

Present but not voting: Sloan.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2103.** An act concerning weights and measures; relating to standards and requirements of commercial weighing and measuring devices; amending K.S.A. 2004 Supp. 83-202 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**Sub. HB 2113**, An act concerning municipal courts; relating to the collection of fines and court costs; amending K.S.A. 12-4104, 12-4108, 12-4109, 12-4112, 12-4113 and 12-4601 and K.S.A. 2004 Supp. 12-4106 and 60-2310 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 35; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carter, Colloton, Craft, Davis, DeCastro, Decker, Dillmore, Flower, Freeborn, Gatewood, George, Goico, Gordon, Grange, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Light, Long, Loyd, Mah, Mast, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Phelps, Pottorff, Powell, Roth, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Swenson, Ward, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Burroughs, Carlson, Cox, Crow, Dahl, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Grant, Henry, Holland, Hutchins, Kuether, Landwehr, Lane, Larkin, Loganbill, McKinney, Menghini, F. Miller, M. Miller, Pauls, Peterson, Pilcher-Cook, Powers, Ruiz, Svaty, Thull, Treaster, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The substitute bill passed, as amended.

**HB 2129**, An act concerning criminal procedure; relating to indigent defense services; amending K.S.A. 2004 Supp. 22-4507 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 32; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kelsey, Kilpatrick, Kinzer, Kirk, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Malley, O'Neal, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Watkins, Weber, Williams, Winn, Yoder, Yonally.

Nays: Brown, Brunk, Burgess, Carlson, Carter, Edmonds, Faber, Feuerborn, Freeborn, Gordon, Hayzlett, Huebert, Huy, Kelley, Kiegerl, Knox, Krehbiel, Landwehr, Mast, Mays,

McCreary, McLeland, Merrick, F. Miller, Neufeld, Oharah, Olson, Otto, Powell, Powers, Vickrey, Wilk.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2138.** An act concerning amusement rides; relating to insurance therefor; amending K.S.A. 40-4802 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2139.** An act concerning fences; relating to fence viewers; amending K.S.A. 29-201 and 29-314 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Carter, Edmonds, Freeborn, Landwehr, Mays, McLeland, Olson, Watkins.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**Sub. HB 2142.** An act concerning workers compensation; relating to date of accident; amending K.S.A. 2004 Supp. 44-508 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lar-

kin, Light, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Dillmore, Flora, Kuether, Lane, Loganbill, Ward, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The substitute bill passed.

**HB 2144.** An act regarding economic development; relating to tax increment financing and a motorsports complex; amending K.S.A. 2004 Supp. 12-1770a, 12-1774, 12-1780b and 12-1780c and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, George, Gordon, Grange, Grant, Hawk, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Mah, Mast, Mays, McKinney, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Owens, Pauls, Peterson, Phelps, Pottorff, Powell, Roth, Ruff, Sawyer, Schwab, B. Sharp, Sloan, Storm, Svaty, Thull, Treaster, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Burroughs, Carter, Dillmore, Edmonds, Faber, Freeborn, Gatewood, Goico, Hayzlett, Huebert, Kelley, Kinzer, Knox, Krehbiel, Landwehr, Larkin, Loyd, McCreary, McLeland, F. Miller, Olson, Otto, Peck, Pilcher-Cook, Powers, Ruiz, Schwartz, S. Sharp, Shultz, Siegfried, Swenson, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2155.** An act concerning pharmacists and pharmacy; relating to prescription refills; amending K.S.A. 65-1637 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: Hill, Schwab.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2160.** An act concerning structured settlements; enacting the structured settlement protection act, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2180**, An act concerning crimes and punishment; relating to inherently dangerous felonies; amending K.S.A. 2004 Supp. 21-3404 and 21-3436 and repealing the existing section, was considered on final action.

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

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

Nays: Carter.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2242**, An act repealing K.S.A. 74-7405a; relating to the confidentiality of certain records, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Crow, Dillmore, Peterson, Ward, Weber, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2247**, An act concerning school records of certain pupils; relating to the transfer thereof; imposing duties upon the secretary of the department of social and rehabilitation services, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2262**, An act concerning civil procedure; relating to legal holidays; amending K.S.A. 2004 Supp. 60-206 and repealing the existing section, was considered on final action.

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

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

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2263**, An act concerning transmission of electricity; enacting the Kansas electric transmission authority act, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 25; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Carlin, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, Goico, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kirk, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, McKinney, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Roth, Ruff, Ruiz,

Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Watkins, Williams, Yoder, Yonally.

Nays: Brunk, Burroughs, Carlson, Carter, Feuerborn, George, Gordon, M. Holmes, Huebert, Kelley, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Mays, McCreary, McLeland, Merrick, Peck, Powers, Vickrey, Weber, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2280**, An act concerning agriculture; relating to grain warehouses; sampling, was considered on final action.

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

Yeas: 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, Flower, Freeborn, Garcia, Gattwood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Long.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2284**, An act; relating to breastfeeding mothers; concerning right to breastfeed; jury duty while breastfeeding; amending K.S.A. 43-158 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Flower, Freeborn, Garcia, Gattwood, George, Goico, Gordon, Grange, Grant, Hawk, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Hayzlett, Krehbiel, McLeland, Neufeld, Powell.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2284**. My first grandchild, Tyler Andrew Thomas born February 21, 2005, 7 pounds, 4 ounces, 19 inches long, is a supporter of breast-feeding. His mother, Sara Thomas, concurs with being discreet.—STEVE HUEBERT



**HB 2285**, An act concerning health care; relating to the board of examiners for hearing instruments; membership, powers and duties; relating to licensure, disciplinary actions, fees and penalties; amending K.S.A. 74-5801, 74-5802, 74-5804, 74-5805, 74-5806, 74-5807, 74-5808, 74-5809, 74-5810a, 74-5811, 74-5812, 74-5813, 74-5814, 74-5815, 74-5816, 74-5818, 74-5819, 74-5820, 74-5821 and 74-5823 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Watkins, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Carter, Freeborn, George, Humerickhouse, Hutchins, Kinzer, Landwehr, Neufeld, Pilcher-Cook, Powell, Powers, B. Sharp, Vickrey, Ward, Weber.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2304**, An act concerning controlled substances; relating to ingesting or injecting certain controlled substances; amending K.S.A. 65-4162 and K.S.A. 2004 Supp. 65-4160 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 0; Absent or not voting: 2.

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, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Flora, Kirk, Kuether, Lane, M. Miller, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2341**, An act concerning agriculture; relating to uniformity and jurisdiction of the Kansas fertilizer law, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison,

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2364.** An act authorizing the state board of regents to convey certain real estate, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Flower, Freeborn, Garcia, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2386.** An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 2004 Supp. 21-3520 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, 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, Flower, Freeborn, Garcia, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2387.** An act concerning deaths of inmates, prisoners or juvenile offenders; amending K.S.A. 2004 Supp. 19-1935 and 75-52,147 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 21; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Feuerborn, Flaharty, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Larkin, Light, Long, Loyd, Mast, Mays, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Carlin, Dillmore, Edmonds, Faber, Faust-Goudeau, Flora, Garcia, Gatewood, Grant, Hawk, Kuether, Lane, Loganbill, Mah, McCreary, McKinney, Menghini, Powers, Treaster, Ward, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2407.** An act concerning the state corporation commission; authorizing participation in regional transmission organizations, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mays, McCreary, McKinney, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Powers, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Brunk, Carter, Huebert, Kelley, Kilpatrick, Kinzer, Landwehr, Mast, McLeland, Merrick, Neufeld, Novascone, Pilcher-Cook, Powell, Schwab, Schwartz, Watkins, Weber.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: After yesterday's debate I have concerns with the State conflicting with Private Industry. I vote no on **HB 2407**.—SCOTT SCHWAB

**HB 2418.** An act concerning criminal procedure; relating to conditions of release prior to trial; amending K.S.A. 2004 Supp. 22-2802 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faust-Goudeau, Flaharty, Flora, Flower, Freeborn, 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, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Wilk, Williams, Yoder, Yonally.

freid, Sloan, Storm, Svaty, Swenson, Thull, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Dillmore, Faber, Feuerborn, Garcia, Jack, McLeland, Pauls, Schwab, Treaster, Ward, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2461.** An act concerning states of emergency; authorizing the division of emergency management to declare a state of emergency for purposes of hours of service of drivers of utility service vehicles under certain circumstances, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2466.** An act concerning wildlife; repealing the state's authority to issue commercial guide service permits; amending K.S.A. 2004 Supp. 21-4619 and repealing the existing section; also repealing K.S.A. 2004 Supp. 32-964 and K.S.A. 2003 Supp. 21-4619, as amended by section 59 of chapter 154 of the Session Laws of Kansas, was considered on final action.

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

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

Nays: Crow, Dillmore, Faber, Freeborn, Huntington, Kirk, Loyd, S. Sharp, Sloan.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

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

**COMMITTEE OF THE WHOLE**

On motion of Rep. Huff, Committee of the Whole report, as follows, was adopted:  
Recommended that **HB 2077**, **HB 2380** be passed.

**HB 2337**, **HB 2115** be passed over and retain a place on the calendar.

Committee report to **HB 2444** be adopted; and the bill be passed as amended.

Committee report to **HB 2152** be adopted; also, on motion of Rep. Jack be amended on page 1, in line 17, by striking "The appeal bond that an appellant in" and inserting "In"; in line 18, by striking the first comma; also in line 18, by striking the second comma and inserting "or"; by striking all in line 19; in line 21, after the second comma by inserting "the maximum appeal bond that any appellant in the litigation"; in line 24, after "bond" by inserting "for any individual appellant and its successors, individually or collectively,;" and the bill be passed as amended.

Committee report to **HB 2443** be adopted; and the bill be passed as amended.

Committee report to **HB 2232** be adopted; and the bill be passed as amended.

Committee report to **HB 2054** be adopted; also, on motion of Rep. F. Miller to amend, the motion did not prevail. Also, on motion of Rep. Schwartz to amend, the motion did not prevail.

Also, on motion of Rep. Neufeld, **HB 2054** be amended on page 6, after line 36, by inserting the following:

"New Sec. 4. No public moneys shall be expended for any officer or employee of the Kansas animal health department for payment or reimbursement of any travel and subsistence allowance, mileage allowance or any other related expense allowance for such officer or employee to attend any meeting other than a meeting directly related to the administration of the provisions of K.S.A. 47-1701 *et seq.*, and amendments thereto, and regulatory activities thereunder. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 47-1701 *et seq.*, and amendments thereto.";

And by renumbering sections accordingly; and **HB 2054** be passed as amended.

Committee report to **HB 2099** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2457** be adopted; and the substitute bill be passed.

Committee report to **HB 2352** be adopted; also, on motion of Rep. Pauls be amended on page 6, in line 7, by striking "demonstration" and inserting "demonstrating";

On page 19, in line 11, after "department" by inserting "of social and rehabilitation services"; in line 12, after "department" by inserting "of social and rehabilitation services";

On page 31, in line 34, by striking "department" and inserting "secretary";

Also, on motion of Rep. Kiegerl to amend **HB 2352**, Rep. Pauls requested the question be divided. The question was divided.

On Part A of the motion of Rep. Kiegerl to amend **HB 2352**, the motion did not prevail. Also, on Part B, the motion did not prevail.

Also, on motion of Rep. F. Miller to amend **HB 2352**, the motion did not prevail.

Also, on motion of Rep. Kirk, **HB 2352** be amended on page 31, in line 37, after the period, by inserting: "The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.;" and the bill be passed as amended.

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 bills were thereupon introduced and read by title:

**HB 2502**, An act concerning certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 2004 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and repealing the existing sections, by Committee on Appropriations.

**HB 2503**, An act concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions, by Committee on Federal and State Affairs.

**HB 2504.** An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; affiliation and membership; contributions, by Committee on Federal and State Affairs.

On motion of Rep. Aurand, the House recessed until 2:15 p.m.

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## AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Merrick in the chair.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HOUSE CONCURRENT RESOLUTION No. 5015—

By Representatives Landwehr, Aurand, Brunk, Carlson, Carter, Dahl, DeCastro, Decker, Faber, George, Goico, Gordon, Grange, Hayzlett, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Knox, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Neufeld, Novascone, Oharah, Olson, Peck, Pilcher-Cook, Powell, Powers, Siegfried and Watkins

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limits upon taxes, revenues and expenditures by the state.

*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: The constitution of the state of Kansas is amended by adding a new article thereto to read as follows:

**“Article 16. — TAX, REVENUE AND EXPENDITURE LIMITATIONS ON STATE GOVERNMENT.**

“§ 1. *Definitions.* As used within this article:

(a) “State” means the state government including all branches, state offices, authorities, agencies, boards, commissions, institutions, instrumentalities and any division or unit of state government which are directly supported with tax funds, except that “state” does not include any enterprise;

(b) “local government” means any county, township, city, education district, other special district and any other taxing district or political subdivision of Kansas which is directly supported by tax funds, except that “local government” does not include any enterprise;

(c) “enterprise” means a state-owned or local government-owned business authorized to issue its own revenue bonds and receiving less than 10% of annual revenue in grants or other direct cash benefit from the state and local governments combined;

(d) “bond” means any bond, note, debenture, interim certificate, grant and revenue anticipation note, lease-purchase agreement, lease certificate of participation or other evidence of indebtedness which, in any such case, is entered into or establishes a debt obligation for longer than one fiscal year, whether or not the interest on which is subject to federal income taxation;

(e) “fiscal year” means the twelve-month fiscal period prescribed by law for the state;

(f) “fiscal year spending” means all expenditures and reserve increases except, as to both, (A) expenditures for refunds of any kind, (B) expenditures of moneys received from the federal government, moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor, moneys that are collections for another government, moneys received for pension contributions by

employees and pension fund earnings, or (C) emergency reserve fund or budget stabilization reserve fund transfers or expenditures in accordance with this article;

(g) “base revenue year” means the fiscal year ending June 30, 2007, or the succeeding fiscal year having the greatest total state revenue of any succeeding fiscal year that exceeds the total state revenue for the fiscal year ending June 30, 2007, if any;

(h) “inflation” means the change expressed as a percentage in the consumer price index for the Kansas City metropolitan area, all goods, all urban consumers, as officially reported by the bureau of labor statistics of the United States department of labor, or its successor index;

(i) “population” means the more recent of either the periodic census conducted by the United States department of commerce or its successor agency or the annual update of such census as prescribed by the legislature by law, which shall be adjusted every decade to match the federal decennial census;

(j) “education district” means each school district, vocational or technical school, community college, technical college, municipal university, and any other public educational entity established as provided by law, except that “education district” does not include any state educational institution under the control and supervision of the state board of regents; and

(k) “total state revenue” means all moneys received by the state from any source except any of the following:

(1) Moneys received as grants, gifts or donations which are to be expended for purposes specified by the donor;

(2) moneys received from the federal government; and

(3) moneys which are income earned on moneys in permanent endowment funds, trust funds, deferred compensation funds or pension funds and which are credited to such funds.

§ 2. *Prior Elector Approval for Tax Increases or Issuance of Certain Bonds.* (a) For any fiscal year that commences on or after July 1, 2007, except as otherwise provided by this section, the state must have approval of the electors in advance (1) for any new state income, sales or other excise tax rate increase before the state tax rate increase can take effect, (2) for any state mill levy ad valorem property tax rate increase above the state mill levy ad valorem property tax rate for the prior year before the state mill levy ad valorem property tax rate increase can take effect, (3) for any extension of any expiring state income, sales or other excise tax or expiring state ad valorem property tax before the extension can take effect, or (4) for any state tax policy change enacted into law by the state which would directly cause a net tax revenue gain to the state or local government, before such tax policy change can take effect. The provisions of this section shall not require the approval of the electors in advance of any extension of any expiring state ad valorem property tax levied for support of local public schools that is in effect prior to July 1, 2007, at a rate that is equal to or lower than the rate of the state ad valorem property tax being extended.

(b) For any fiscal year that commences on or after July 1, 2007, the state must have approval of the electors before authorizing any bonds, except for refinancing existing bonded debt at a lower interest rate.

(c) The legislature shall provide by law for the manner of submitting matters subject to approval under this section to the electors.

§ 3. *Spending and Revenue Limits.* (a) For any fiscal year that commences on or after July 1, 2007, fiscal year spending by the state shall not increase above the fiscal year spending for the preceding fiscal year by more than the maximum percentage increase determined pursuant to this section. The maximum percentage increase in fiscal year spending for a fiscal year shall be equal to the result obtained by adding the rate of inflation for the calendar year ending during the preceding fiscal year, plus the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number, adjusted for revenue changes approved by electors under section 2 of this article. The limitation imposed on fiscal year spending shall not apply to expenditures of moneys transferred to the

state general fund from the state budget stabilization reserve fund pursuant to section 6 of this article.

(b) For any fiscal year commencing on or after July 1, 2007, the total state revenue limitation shall be determined in accordance with this section. If the amount of the total state revenue for the preceding fiscal year exceeds the amount of total state revenue for the second preceding fiscal year, the total state revenue limitation for a fiscal year shall be the result obtained by adding (1) the lesser of (A) the amount of total state revenue for the preceding fiscal year or (B) the amount of the total state revenue limitation for the preceding fiscal year, and (2) the product of (A) the amount determined under clause (1) of this subsection, and (B) the sum of (i) the rate of inflation for the calendar year ending during the preceding fiscal year, plus (ii) the percentage change in state population during the calendar year ending during the preceding fiscal year if a positive number.

(c) If the amount of the total state revenue for the preceding fiscal year is less than the amount of total state revenue for the second preceding fiscal year, the amount of the total state revenue limitation for a fiscal year shall be the lesser of (1) the amount of total state revenue for the second preceding fiscal year, or (2) the amount of the total state revenue limitation for the base revenue year.

(d) The legislature, by law, shall provide a mechanism to adjust the amount of a limitation under this section to reflect any subsequent transfer of all or any part of the cost of providing a governmental function. The mechanism shall adjust the amount of a limitation so that total costs are not increased as a result of the transfer. The adjustment mechanism provided for in this subsection shall be used in determining a limitation under this section beginning with the fiscal year immediately following the transfer.

(e) For the purposes of determining total revenue limitations under this section for the state, the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2006, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year and the total authorized fiscal year expenditures for the fiscal year ending on June 30, 2007, shall be construed to be the total state revenue and the total revenue limitation for that preceding fiscal year.

§ 4. *Emergency Reserve Fund.* (a) For any fiscal year that commences on or after July 1, 2007, if revenue from sources not excluded from total state revenue exceeds the total state revenue limitation for that fiscal year and subject to the other provisions of this section, a portion of total state revenue in excess of the total state revenue limitation, determined in accordance with section 3 of this article, shall be transferred in the amount and in the manner prescribed by the legislature by law to the emergency reserve fund, which fund is hereby created in the state treasury, to the extent necessary to ensure that a balance of the emergency reserve fund at the end of the fiscal year is an amount equal to not more than 3% of the total state revenue limitation for the ensuing fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the emergency reserve fund by this section. Each transfer to the emergency reserve fund prescribed by this section shall be made before making any transfer to the budget stabilization reserve fund as provided in section 5 of this article or any refunds as required by section 6 of this article. The state shall not be required to transfer any moneys other than any amount of total state revenue in excess of the total state revenue limitation to the emergency reserve fund. The moneys in the emergency reserve fund shall be in addition to, and shall not be used to meet, any other reserve requirement under this constitution or any law. In no case shall additional moneys be transferred to the emergency reserve fund if the balance in the emergency reserve fund is more than 3% of the total state revenue limitation for the ensuing fiscal year.

(b) Moneys in the emergency reserve fund may be expended only for emergencies declared by law. Two-thirds ( $\frac{2}{3}$ ) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to declare an emergency within the state of Kansas as a whole and to pass any bill making an



appropriation of money or transferring any moneys from the emergency reserve fund. Income earned on the emergency reserve fund of the state shall accrue to the fund.

(c) As used in this section "emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditures to preserve the health, safety and general welfare of the people within the state and "emergency" does not mean a revenue shortfall or budget shortfall.

§ 5. *Budget Stabilization Reserve Fund.* (a) For any fiscal year that commences on or after July 1, 2007, if total state revenue exceeds the total state revenue limitation for that fiscal year, then the remaining excess amount, after making any transfer to the emergency reserve fund as required by section 4 of this article, shall be reserved as prescribed by this section or refunded as prescribed by section 6 of this article, subject to the other provisions of this section. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available for transfer to the budget stabilization reserve fund by this section.

(b) After any amount required to be transferred to the emergency reserve fund pursuant to section 4 of this article has been transferred, an amount of any remaining excess amount of total state revenue shall be transferred in the amount and in the manner prescribed by the legislature by law to the budget stabilization reserve fund, which fund is hereby created in the state treasury. The amount transferred to the budget stabilization reserve fund in accordance with this subsection shall be equal to the lesser of (1) the amount necessary to ensure that the balance in the budget stabilization reserve fund at the end of the fiscal year is an amount equal to 7% of the total state revenue limitation for the ensuing fiscal year, or (2) the amount equal to 50% of any such remaining excess amount of total state revenue. Income earned on the budget stabilization reserve fund shall accrue to the fund. In no case shall additional moneys be transferred into the budget stabilization reserve fund if the balance in the fund is equal to or more than 7% of the total state revenue limitation for the ensuing fiscal year.

(c) For any fiscal year that commences on or after July 1, 2007, if the amount of the total state revenue is less than the amount of total state revenue for the prior fiscal year, the legislature shall provide by law for the transfer of moneys from the budget stabilization fund to the state general fund in an amount equal to not more than the difference between the amount of total state revenue for the prior fiscal year and the amount of total state revenue for the current fiscal year. Under no other circumstances shall moneys be transferred or expended from the budget stabilization fund of the state.

§ 6. *Disposition of Excess Revenues.* (a) Any excess amount of total state revenues for a fiscal year that remains after the transfers to the emergency reserve fund and budget stabilization reserve fund pursuant to section 4 or section 5 of this article, if any, shall be reserved in the current fiscal year and shall be refunded as provided by law during the next ensuing fiscal year to the taxpayers who paid the state ad valorem property taxes or state income taxes, or both, for the preceding fiscal year, in a manner that is proportional, on a pro rata basis, to the manner in which such taxes were collected from such taxpayers for such fiscal year. Any amount required to be maintained in the ending balance of the state general fund as provided by law shall be excluded from the amount available to be reserved and refunded by the state as prescribed by this section.

(b) In a case of any amount that is received pursuant to any tax and required to be reserved and refunded to taxpayers by the state pursuant to this section and that is determined by the state in the manner prescribed by law to be insufficient for refunds to be made during the ensuing fiscal year, such amount shall be reserved for refunds to be made thereafter when the amount reserved is sufficient therefor.

§ 7. *Temporary Borrowing.* On or after July 1, 2007, during any fiscal year, transfers which are temporary and are to be repaid, or any other temporary borrow-

ing, through certificates of indebtedness or any other device or manner, of any moneys in the state treasury to be credited to the state general fund, are prohibited unless the moneys so transferred or otherwise borrowed are restored or repaid to the original funds or accounts of the state treasury from the state general fund within the same fiscal year. The provisions of this section do not apply to transfers from the emergency reserve fund or the budget stabilization reserve fund to the state general fund in accordance with this article.

§ 8. *General Revenue Supplanting.* On or after July 1, 2007, any appropriation of moneys in the state treasury that either supplants any appropriation from the state general fund, or that, if not made, would require an appropriation from the state general fund is prohibited. For purposes of this section, any appropriation of moneys in the state treasury that is funded by user charges or fees imposed on goods or services that do not exceed the cost of the goods or services provided shall not be deemed to be an appropriation that supplants any appropriation from the state general fund.

§ 9. *State Mandates on Local Governments.* A local government may not be required to fulfill any mandate imposed by the state unless and until, and may be required to fulfill that mandate only to the extent that, funds are provided to the local government by the state for that purpose. The legislature is not required to appropriate funds for mandates if more than two years have passed since the effective date of the mandate and no claim for funding has been made by the local government during that period.

§ 10. *Construction and Enforcement.* (a) The provisions of this article shall be liberally construed for the purpose of effectuating the purposes thereof, except that nothing in this article shall be construed to authorize any new or increased tax of any kind other than as provided or authorized by law enacted by the legislature in accordance with and subject to the other provisions of this constitution.

(b) In any case of a conflict between any provision of this article and any other provision contained in the constitution, the provisions of this article shall control.

(c) All laws in force at the time of the adoption of this amendment and consistent therewith shall remain in full force and effect until amended or repealed by the legislature. The legislature shall repeal or amend all laws inconsistent with the provisions of this article to conform with the provisions of this article.

(d) Any individual or class of individuals shall have standing to bring a suit to enforce this article. A court of record shall award a successful plaintiff costs and reasonable attorney fees in the suit, but may not allow the state to recover costs and reasonable attorney fees unless a suit against it is ruled frivolous."

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

*Explanatory statement.* Beginning July 1, 2007, this amendment (1) would require the state to have prior voter approval for any new tax or tax increase or extension of an existing tax, other than extension of current state ad valorem taxes for local public schools, and for any bonded debt other than refinancing bonds, (2) would impose spending and revenue limits on the state based on increases in the consumer price index and population, with provisions to adjust for economic downturns or transferred functions, (3) would provide for a state emergency reserve fund to be used only for emergencies that are declared by law passed by  $\frac{2}{3}$  of all members of the House and Senate, and not to be used for any revenue shortfall, and a state budget stabilization reserve fund to be used when state revenue declines, (4) would provide for excess state revenues, after transfers to the reserve funds, to be refunded to state property or income taxpayers, (5) would limit state temporary borrowing to that repaid within the same year and would prohibit the state from replacing general revenues with excessive fees and charges for goods and services, (6) would provide that local governments could not be required to fulfill unfunded state mandates, and (7) would govern in case of conflicts with statutes or other state constitutional provisions and would permit individual or class action enforcement actions.

“A vote for the proposition would limit state legislative authority and would require voter approval for state tax increases or extensions and certain bonded debt, would impose state spending and revenue limits, would require excess state revenues to be reserved for emergencies and economic downturns, with limits, or to be refunded to taxpayers, would limit state temporary borrowing, would prohibit unfunded mandates on local governments and would permit enforcement actions.

“A vote against the proposition would continue the present constitutional and statutory authority for state government taxing and spending by law, for disposition of tax revenues and for other related matters in the exercise of the legislative power of this state.”

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, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Shultz, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2315**, **HB 2409**, **HB 2298**, **HB 2323** be passed.

**HB 2463** be passed over and retain a place on the calendar.

Committee report to **HB 2299** be adopted; and the bill be passed as amended.

Committee report to **HB 2310** be adopted; and the bill be passed as amended.

Committee report to **HB 2230** be adopted; also, on motion of Rep. Dillmore be amended on page 4, following line 25, by inserting:

“New Sec. 3. For the first five years following the annexation of land under the authority of K.S.A. 12-520, and amendments thereto, any revenue attributable to the increase in the tax liability of owners of land within the area annexed as a result of taxes imposed by the city shall be expended solely for the purpose of providing services and improvements in the annexed area.”;

By renumbering the remaining sections accordingly;

Also, on motion of Rep. Vickrey, **HB 2230** be amended on page 1, in line 38, following the period by inserting “Such member shall be selected within 14 days of the selection of the members selected pursuant to paragraphs (1) and (2).”;

On page 4, by striking all in lines 20 through 26 and inserting:

“Sec. 3. K.S.A. 12-520a is hereby amended to read as follows: 12-520a. (a) The governing body of any city desiring to annex land under the authority of K.S.A. 12-520, and amendments thereto, shall adopt a resolution stating that the city is considering the annexation of the land. The resolution shall:

(1) Give notice that a public hearing will be held to consider the annexation of the land and fix the date, hour and place of the public hearing. Unless the governing body of the city determines adequate facilities are not available, the public hearing shall be held at a site located in or as near as possible to the area proposed to be annexed. The hearing shall be held at the time determined by the governing body to be the most convenient for the greatest number of interested persons;

(2) describe the boundaries of the land proposed to be annexed; and

(3) state that the plan of the city for the extension of services to the area proposed to be annexed, which is required under the provisions of K.S.A. 12-520b, and amendments thereto, is available for inspection during regular office hours in the office of the city clerk.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(c) A copy of the resolution providing for the public hearing shall be mailed by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution. The resolution shall be published in the official newspaper of the city not less than one week and not more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with the resolution. A copy of such sketch also shall be mailed to the owner of the property with the resolution.

(d) A copy of the resolution providing for the public hearing shall be sent by certified mail not more than 10 days following the date of the adoption of the resolution to:

- (1) The board of county commissioners;
- (2) the governing body of the township where the land to be annexed is located;
- (3) any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts or improvement districts;
- (4) any utilities having facilities within the area proposed to be annexed;
- (5) the governing body of any school district in the area proposed to be annexed;
- (6) any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed; and
- (7) any other political or taxing subdivision located within the area proposed to be annexed.

(e) At the public hearing, a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed. Following the explanation, all interested persons shall be given an opportunity to be heard. The governing body may recess, for good cause shown, the hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

At such hearing or at any continuation of such hearing, the city shall determine the advisability of the annexation of land ~~in a fire district~~. As a guide in determining the advisability of such annexation, the city's considerations shall include, but not be limited to, the:

~~(1) Response time of the city and the fire district to the area proposed to be annexed;~~  
~~(2) impact on the fire district from the decrease in its tax base if the annexation is approved;~~

~~(3) impact on the city's provision of fire service if the annexation is disapproved;~~

~~(4) impact on the residents of the area if the annexation is approved; and~~

~~(5) impact on the remainder of the fire district if the annexation is approved; city shall consider the:~~

- (1) Extent to which any of the area is land devoted to agricultural use;
- (2) area of platted land relative to unplatted land;
- (3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
- (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;
- (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
- (6) extent of business, commercial and industrial development in the area;
- (7) present cost, methods and adequacy of governmental services and regulatory controls in the area;
- (8) proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;
- (9) tax impact upon property in the city and the area;
- (10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
- (11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or

*industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts;*

*(12) existing petitions for incorporation of the area as a new city or for the creation of a special district;*

*(13) likelihood of significant growth in the area and in adjacent areas during the next five years;*

*(14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan;*

*(15) economic impact on the area; and*

*(16) wasteful duplication of services.*

(f) No resolution, notice and public hearing required under the provisions of this section shall be required as a prerequisite to the annexation of land owned by or held in trust for the city or any agency thereof or land all of the owners of which petition for or consent thereto in writing.

(g) Any resolution, adopted pursuant to this section, which includes territory subsequently incorporated pursuant to K.S.A. 15-115 *et seq.*, and amendments thereto, shall be invalid.

New Sec. 4. Any owner of land annexed by a city under the authority of K.S.A. 12-520, and amendments thereto, and any city whose nearest boundary line is located within ½ mile of the land being so annexed, within 30 days next following the publication of the ordinance annexing the land, may maintain an action in district court of the county in which the land is located challenging the authority of the city to annex the land, whether the annexation was reasonable and the regularity of the proceeding had in connection therewith. When determining the reasonableness of an annexation in the case of a city challenging the annexation, the court shall include in its considerations the effect the annexation has on the future growth of the city challenging the annexation.

Sec. 5. K.S.A. 12-520 and 12-520a are hereby repealed.”; By renumbering the remaining section accordingly;

In the title, in line 12, following “520” by inserting “and 12-520a”; also in line 12, by striking “section” and inserting “sections”; and **HB 2230** be passed as amended,

Committee report to **HB 2281** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2051** be adopted; also, on motion of Rep. Schwab to amend, Rep. Owens requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment not germane; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2261** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2004** be adopted; and the substitute bill be passed.

Committee report to **HB 2385** be adopted; and the bill be passed as amended.

Committee report to **HB 2128** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2038** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2087** be adopted; also, on motion of Rep. Dillmore to amend, Rep. Mast requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment not germane; and the substitute bill be passed.

On motion of Rep. McCreary to amend **HB 2390**, Rep. Light requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed.

Committee report to **HB 2465** be adopted; and the bill be passed as amended.

Committee report to **HB 2279** be adopted; and the bill be passed as amended.

Committee report to **HB 2253** be adopted; and the bill be passed as amended.

Committee report to **HB 2325** be adopted; and the bill be passed as amended.

On motion to recommend **HB 2305** favorably for passage, the motion did not prevail.

Committee report to **HB 2357** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2366** be adopted; also, on motion of Rep. Holland be amended on page 3, following line 28, by inserting the following:

“Sec. 2. K.S.A. 40-2257 is hereby amended to read as follows: 40-2257. (a) Except as provided in this section, an accident and sickness insurer which offers individual policies providing hospital, medical or surgical expense benefits shall renew or continue in force such coverage at the option of the individual.

(b) *Subject to the provisions of subsection (c)*, an accident and sickness insurer may non-renew or discontinue an individual policy providing hospital, medical or surgical expense benefits based only on one or more of the following:

(1) If the individual has failed to pay premiums or contributions in accordance with the terms of the health insurance coverage or the accident and sickness insurer has not received timely premium payments;

(2) if the individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of the coverage;

(3) if the accident and sickness insurer is ceasing to offer individual policies providing hospital, medical or surgical expense benefits in accordance with subsection (c);

(4) in the case of accident and sickness insurer which offers individual policies providing hospital, medical or surgical expense benefits through enrollment area, if the individual no longer resides, lives or works in the medical service enrollment area (or in an area for which the accident and sickness insurer is authorized to do business) but only if such coverage is terminated under this paragraph uniformly without regard to any health status-related factor of covered individuals; or

(5) if the case of a policy providing hospital, medical or surgical expense benefits that is made available to individuals only through one or more bona fide associations, the membership of the individual in the association (on the basis of which the coverage is provided) ceases but only if such coverage is terminated under this paragraph uniformly without regard to any health status-related factor of covered individuals.

(c) *Notwithstanding the provisions of subsection (b)*, no accident and sickness insurer shall nonrenew, discontinue, modify or cancel a particular individual policy, or any provision thereof, providing hospital, medical or surgical expense benefits prior to the end of the term of such policy.

~~(d)~~ (d) If the accident and sickness insurer decides to discontinue offering a particular individual policy providing hospital, medical or surgical expense benefits such policy may only be discontinue if:

(1) The accident and sickness insurer provides notice to each covered individual who is provided such policy providing hospital, medical or surgical expense benefits at least 90 days prior to the date of the discontinuation of such coverage;

(2) the accident and sickness insurer offers to each covered individual who is provided such policy providing hospital, medical or surgical expense benefits the option to purchase any other individual policy providing hospital, medical or surgical expense benefits which is being sold by the accident and sickness insurer; and

(3) in exercising the option to discontinue coverage and in offering the option of coverage under subsection (b), the accident and sickness insurer acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for coverage under the policy.

~~(e)~~ (e) Subject to subsection ~~(d)~~ (d), if the accident and sickness insurer elects to discontinue offering any individual policies providing hospital, medical or surgical expense benefits in this state, such insurance coverage may be discontinued only if:

(1) The accident and sickness insurer provides notice to the commissioner and to each individual policyholder of such discontinuation at least 180 days prior to the date of the expiration of such coverage; and

(2) the accident and sickness insurer is prohibited from the issuance of any individual policies providing hospital, medical or surgical expense benefits in the state during a five-year period beginning on the date of the discontinuation of the last individual policy providing hospital, medical or surgical expense benefits which is not renewed.

~~(f)~~ (f) An accident and sickness insurer may modify the terms and conditions of the individual policy providing hospital, medical or surgical expense benefits so long as such

modification is consistent with other provisions of the insurance code and is effective on a uniform basis among all individuals who are covered by such policy *except that no such modification of the hospital, medical or surgical expense benefits or the rate or amount of the premium for such policy shall become effective prior to the end of such policy's term.*

~~(g)~~ (g) In applying this section in the case of individual policies providing hospital, medical or surgical expense benefits that are made available by accident and sickness insurer to individuals only through one or more associations, a reference to an "individual" is deemed to include a reference to such an association of which the individual is a member.

~~(h)~~ (h) As used in this section, "health status-related factor" means: (1) A physical or mental illness medical condition; (2) claims experience; (3) receipt of health care; (4) medical history; (5) genetic information; (6) evidence of insurability including conditions arising out of acts of domestic violence; and (7) disability.

~~(i)~~ (i) As used in this section, "policies providing hospital, medical or surgical expense benefits" does not include short term, limited duration policies of insurance.

~~(j)~~ (j) The commissioner is hereby authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this section.";

By renumbering sections accordingly;

Also on page 3, in line 29, by striking "is" and inserting "and 40-2257 are";

In the title, in line 11, preceding "amending" by inserting "relating to changing terms of certain individual policies,"; in line 12, preceding "and" by inserting "and 40-2257"; also in line 12, by striking "section" and inserting "sections"; and **HB 2366** be passed as amended.

Committee report to **HB 2326** be adopted; and the bill be passed as amended.

Committee report to **HB 2241** be adopted; also, on motion of Rep. Ward to refer the bill to Committee on Judiciary, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Powell to rerefer **HB 2115** to Committee on Wildlife, Parks and Tourism, the motion did not prevail.

Also, on motion of Rep. Schwab to amend **HB 2115**, the motion did not prevail, and the bill be passed.

Roll call was demanded on motion of Rep. Huntington, pursuant to House Rule 2302, that the House reconsider its action in not recommending **HB 2357** favorably for passage (see Committee of the Whole, Afternoon Session).

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

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, DeCastro, Decker, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Hill, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Light, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Vickrey, Watkins, Weber, Wilk, Yoder, Yonally.

Nays: Ballard, Bethell, Burroughs, Carlin, Crow, Dahl, Davis, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henry, Holland, Horst, Jack, D. Johnson, E. Johnson, Kirk, Krehbiel, Kuether, Lane, Larkin, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Judy Morrison, Owens, Pauls, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Hayzlett, Henderson, Landwehr, Loyd, Peterson, Showalter.

The motion of Rep. Huntington prevailed. The question then reverted back to the motion to recommend **HB 2357** favorably for passage. Roll call was demanded.

On roll call, the vote was: Yeas 70; Nays 48; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Flower, Freeborn, George, Goico, Gordon, Grange, Hill, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Light, Mast, Mays, McCreary, Mc-

Leland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Powell, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Vickrey, Watkins, Weber, Wilk, Yoder, Yonally.

Nays: Ballard, Bethell, Burroughs, Carlin, Crow, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henry, Holland, Horst, E. Johnson, Kirk, Krehbiel, Kuether, Lane, Larkin, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Pauls, Phelps, Pottorff, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Hayzlett, Henderson, Kiegerl, Landwehr, Loyd, Peterson, Showalter.

The motion prevailed, and **HB 2357** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Select Committee on School Finance** recommends **HB 2474** be amended on page 1, in line 26, preceding "legislative" by inserting "the";

On page 3, in line 6, preceding "balance" by inserting "the"; following line 10, by inserting: "(f) The provisions of this section shall expire on June 30, 2006.";

Also on page 3, in line 23, following "designed" by inserting "by the state board of education";

On page 4, in line 29, by following "speaker" by inserting "or minority leader"; in line 32, following "president" by inserting "or minority leader";

On page 5, in line 22, by striking "school district and quality performance act" and inserting "school district finance and quality performance act and other provisions of law relating to school finance"; in line 24, following "district" by inserting "finance"; in line 37, by striking "legislature" and inserting "legislative coordinating council";

On page 10, in line 28, following the period, by inserting "Subject to the release of funds by the state board of education pursuant to section 31, and amendments thereto, a pupil enrolled in any school district in this state who does not live in Kansas shall not be counted as a pupil for state financial aid under the school district finance and quality performance act.";

On page 11, in line 39, by striking "(1)" and inserting:

"(1) (A) Subject to the provisions of paragraph (1)(B).";

On page 12, in line 2, by striking "clause" and inserting "paragraph"; in line 3, following the semicolon, by inserting "(B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof"; and by commencing a new paragraph with "(2)"; in line 18, by commencing a new paragraph with "(3)";

On page 13, by striking all in lines 14 through 16;

On page 14, in line 16, by striking "\$4,107" and inserting "\$4,217";

On page 15, in line 7, by striking "an"; by striking all in line 8 and inserting: "except as provided by this subsection for school year 2005-2006 and school year 2006-2007, an amount equal to 70% of the federal impact aid of the district. In school year 2005-2006, "local effort" shall not include any portion of federal impact aid of a district attributable to pupils enrolled in the district on September 20, 2005, who were not enrolled in the district on September 20, 2004. In school year 2006-2007, "local effort" shall not include any portion of federal impact aid of a district attributable to pupils enrolled in the district on September 20, 2006, who were not enrolled in the district on September 20, 2004.";

Also on page 15, in line 21, by striking "The" and inserting "Subject to adjustments pursuant to section 33, and amendments thereto, the";

On page 16, in line 28, by striking "0.2" and inserting "0.4"; in line 30, by striking "0.5" and inserting ".15";

On page 19, by striking all in lines 40 through 43;

By striking all on pages 20, 21, 22, 23, 24, 25 and 26;

On page 27, by striking all in lines 1 through 36 and inserting:



“(a) In each school year, commencing with school year 2005-2006, the state board shall compute, on a per pupil basis, the state-wide average amount for the preceding school year of the general fund budget and the local option budget.

(b) Except as provided by subsection (c) or (d), the board of education of any school district, by resolution, may adopt a local option budget which does not exceed the state-wide average amount of general fund and supplemental general fund as determined by the state board under subsection (a), but not more than 25% of the general fund budget of the district. Such resolution shall be effective upon publication thereof in a newspaper of general circulation in the district. The resolution shall be published in substantial compliance with the following form:

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

RESOLUTION

Be It Resolved that:

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

CERTIFICATE

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

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

All of the blanks in the resolution shall be filled as appropriate. The blank preceding the work “years” shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number.

If a school district has adopted a local option budget which does not exceed the statewide average in school year 2004-2005 as determined by the state board, such school district is authorized to adopt a local option budget up to the same amount by adoption of a resolution in school year 2005-2006 and each school year thereafter.

(c) Except as provided by subsection (d), the board of education of any school district, by resolution, may adopt a local option budget which exceeds the state-wide average of general fund and supplemental general fund budgets per pupil, but not exceeding 30% of the general fund budget of the district. The resolution shall be published in substantial compliance with the following form:

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

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed \_\_\_\_\_ years in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

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

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

All of the blanks in the resolution shall be filled as appropriate. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

A school district which adopts a local option budget pursuant to a resolution under this subsection in school year 2005-2006 and no protest petition is filed or if the resolution is approved at an election such school district is authorized to adopt a local option budget up to the same amount by adoption of a resolution in school year 2006-2007 and each school year thereafter. Such resolution shall be effective upon publication in a newspaper of general circulation in the district.

(d) If a school district has adopted a local option budget equal to 25% of the general fund budget of the district in school year 2004-2005, such school district is authorized to adopt a local option budget up to the same amount by adoption of a resolution in school year 2005-2006 and each school year thereafter. Such resolution shall be in the form and published in the manner provided by subsection (b).

(e) As used in this section, "state prescribed percentage" means 30%.

On page 29, in line 38, by striking "or" and inserting "and";

On page 32, following line 26, by inserting:

"New Sec. 23. (a) As used in this section:

(1) "School district" or "district" means a school district which has an extraordinary declining enrollment and which has adopted a local option budget in an amount which equals the state prescribed percentage under K.S.A. 72-6433, and amendments thereto.

(2) "Extraordinary declining enrollment" means an enrollment which has declined during the preceding three school years at an average rate of at least 5% or by at least 50 pupils.

(3) "Joint committee" means the joint committee on state building construction.

(b) The board of education of any school district shall not authorize the issuance of any bonds for the construction of a new building without having first advised and consulted with the joint committee. Prior to the date of the hearing of the joint committee at which the board is scheduled to appear, the board shall submit any information requested by the joint committee. Following such hearing, the committee shall make a recommendation on the advisability of the proposed issuance of bonds. A copy of the committee's recommendation shall be provided to the school district and to the state board of education within 15 days of the date of the hearing.

(c) If the joint committee recommends against the issuance of any bonds for the construction of a new building and the district proceeds to issue bonds for such construction, the district shall not be entitled to, and shall not receive, state aid for such bonds under K.S.A. 75-2319, and amendments thereto.

New Sec. 24. (a) As used in this section:

(1) "School district" or "district" means a school district which: (A) Has an extraordinary declining enrollment; (B) does not qualify for low enrollment weighting; and (C) has adopted a local option budget in an amount which equals the state prescribed percentage under K.S.A. 72-6433, and amendments thereto.

(2) "Extraordinary declining enrollment" means an enrollment which has declined during the preceding three school years at an average rate of at least 15% or by at least 150 pupils.

(b) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year in an amount not to exceed the amount authorized by the state board of tax appeals under this section for the purpose of replacing revenues lost as a result of the declining enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will

produce an amount that is not greater than the amount of revenues lost which are directly attributable to the decline in enrollment of the district.

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

(3) The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this subsection, including rules relating to the evidence required in support of a district's claim that reductions in state funding under the provisions of the school district finance and quality performance act as a result of the district's declining enrollment exceed the district's ability to make expenditure reductions.

(4) Any district is authorized to adopt and has adopted a local option budget in an amount equal to the state prescribed percentage of the amount of state financial aid determined for the district in the current school year.

(c) The board of education may continue to levy such tax under authority of this section for each year the district continues to sustain the three-year average decline in either the numerical or percentage specified in subsection (a).

(d) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. Moneys in such fund shall be used for the payment of expenses of the school district as determined by the board of education of the district.

New Sec. 25. For school year 2007-2008, and for each school year thereafter, the total amount of state aid, except for state aid for special education and related services, aid shall be increased by a percentage equal to the percentage increase in the CPI (urban) from the calendar year in which the second preceding school year ended to the calendar year in which the preceding school year commenced. If there is a percentage decrease or no change in the CPI (urban) from the calendar year in which the second preceding school year ended to the calendar year in which the preceding school year commenced, the amount of state aid, excluding state aid for special education and related services, shall be the same amount of such aid in the preceding school year.

New Sec. 26. All moneys appropriated for general state aid and supplemental general state aid to school districts shall be paid first from the revenue derived from the levy imposed pursuant to K.S.A. 72-6431, and amendments thereto. If the amount of revenue derived from the levy imposed under K.S.A. 72-6431, and amendments thereto, is insufficient to pay such state aid, 50% of the balance shall be paid from existing revenues derived from the Kansas retailers' sales tax and 50% shall be paid from existing revenues derived from the Kansas income tax.

New Sec. 27. (a) As used in this section:

(1) "School district" means any school district in which is located a redevelopment district for which bonds have been issued pursuant to K.S.A. 12-1770 et seq., and amendments thereto.

(2) "Base year assessed valuation", "redevelopment district" and "redevelopment project" shall have the meanings ascribed thereto by K.S.A. 12-1770a, and amendments thereto.

(b) No later than November 1 of each year, the county clerk of each county shall certify to the state board of education the assessed valuation of any school district located within a redevelopment district in such county. For the purposes of this section and for determining the amount of state aid for school districts under K.S.A. 72-6434 and 75-2319, and amendments thereto, the base year assessed valuation of property within the boundaries of a redevelopment district shall be used when determining the assessed valuation of a school district until the bonds issued pursuant to K.S.A. 12-1770 et seq., and amendments thereto, to finance redevelopment projects in the redevelopment district have been retired.

New Sec. 28. (a) The state board of education shall design and implement an administrative reorganization plan for school districts.

Sec. 29. K.S.A. 2004 Supp. 72-8205 is hereby amended to read as follows: 72-8205. (a) The board shall meet at least once each month. During the month of July of each year, the board shall adopt a resolution specifying a regular meeting time of the board and the regular hour of commencement of the meeting, as well as the day of the week and the week of the

month. Such resolution also shall specify the alternative date and time of any meeting if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board. Such resolution also shall specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. If the board cancels a regularly-scheduled meeting because of an emergency, within 24 hours of such cancellation, the board shall establish and give notice of the new meeting date and time. Special meetings may be called at any time by the president of the board or by joint action of any three members of the board. Unless waived, written notice, stating the time and place of any special meeting and the purpose for which called shall be given each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided by law, the board shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class, and, in addition thereto, the powers and authority expressly conferred by law.

(c) The board shall have authority to prescribe courses of study for each year of the school program and to adopt rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations of the state board of education.

(d) The board may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed as any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) The board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.

(2) The power granted by this subsection shall not be construed to relieve a board from compliance with *the provisions of section 28, and amendments thereto, and any other provision of state law.*

The power granted by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities which are prescribed by law, nor to create any responsibility on the part of a school district to assume the duties or responsibilities which are required of another unit of government.

(3) The board shall exercise the power granted by this subsection by resolution of the board of education.

Sec. 30. K.S.A. 72-6757 is hereby amended to read as follows: 72-6757. (a) As used in this section:

(1) "Receiving school district" means a school district of nonresidence of a pupil who attends school in such school district.

(2) "Sending school district" means a school district of residence of a pupil who attends school in a school district not of the pupil's residence.

(b) The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils at school in the receiving school district.

(c) The board of education of any school district may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of pupils from this state at school in such other state or for the attendance of pupils from such other state at school in this state.

(d) Pupils attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the school district finance and quality performance act.

(e) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of pupils who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for pupils who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district;

~~(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a pupil or pupils at school in the receiving school district shall not exceed 1/2 of the amount of the budget per pupil of the sending school district under the school district finance and quality performance act for the current school year; and~~

~~(4) the contract shall make provision for transportation of pupils to and from the school attended on every school day.~~

(f) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

~~(g) The provisions of subsection (c)(3) do not apply to unified school district No. 104, Jewell county.~~

~~(h) The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.~~

~~(i) (h) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-8233, and amendments thereto, and no procedure or authorization under K.S.A. 72-8233, and amendments thereto, shall be limited by the provisions of this section.~~

New Sec. 31. (a) This section applies to the board of education of any school district that has, or knows that it will have in the next school year, one or more pupils enrolled who do not live in Kansas. Such school board shall utilize its good faith efforts to negotiate an agreement with the out-of-state school board of the school district in which the pupil resides. Such agreement shall address the payment of costs to the Kansas school district for educating any out-of-state pupils.

(b) The state board of education shall provide assistance and advice to Kansas school districts that are subject to the provisions of subsection (a).

New Sec. 32. (a) Any Kansas school district that is subject to section 31, and amendments thereto, that has failed to reach agreement pursuant to section 31, and amendments thereto, may make a hardship application to the state board of education for the release of some or all of the funds attributable to out-of-state pupils attending school in such school district. Unless waived by the state board of education, the application shall include:

(1) A detailed description of the school districts efforts in negotiating with the out-of-state school district pursuant to section 31, and amendments thereto, including copies of related documents and a narrative describing each negotiating session;

(2) the amount of state funds the out-of-state school district would receive if the pupil attended the non-Kansas school district where the pupil resides;

(3) the amount of funds requested for each such pupil and the justification therefor; and

(4) such other information as may be requested by the state board of education.

(b) The state board of education is authorized to approve, modify and approve as modified or reject any hardship application authorized by this section. No payment per out-of-state pupil shall exceed the state average general fund budget per pupil amount.

New Sec. 33. (a) As used in this section, "enrollment weighting" means payments attributable to low enrollment weighting pursuant to K.S.A. 72-6412 and amendments thereto.

(b) For pupils residing in this state who do not meet the requirements of K.S.A. 72-1046, and amendments thereto, and who attend school in another school district in this state, the state board shall adjust the enrollment weighting for the school district that is attributable to each such pupil. Such adjustment shall be made to pay the enrollment weighting that is attributable to each pupil that would have been paid had the pupil attended the school district where the child resides if such amount is less than the amount paid to the school district where the pupil attends school.

New Sec. 34. As used in sections 35 through 39, and amendments thereto:

- (a) "District" or "school district" means any school district in the state of Kansas;
- (b) "program" means the Kansas skills for success in school program;
- (c) "department" or "department of education" means the Kansas department of education; and
- (d) "state board" means the state board of education.

New Sec. 35. (a) Each school district shall prepare a plan for identifying grade-level markers which indicate whether a child is progressing adequately toward acquisition of the reading and mathematics skill-sets designed by the state board of education and for diagnosing each child's skill level in mathematics and reading. The district shall use assessments or diagnostic reviews during kindergarten and each of the grades one through three to determine a child's level of performance and to target specialized interventions to bring the child up to grade-level in reading and mathematics. The district's plan shall embed such assessments or diagnostic reviews into the curriculum and implement a measure to check each child's progress during the fall or spring semesters, or both.

(b) The district shall establish a plan for providing each child needing assistance with locally-determined interventions based on input from teachers and parents for the individual child. The plan may include a restructured school day, additional school days, summer school, individualized instruction and any other intervention the district deems necessary. The district may require attendance at such interventions unless a parent requests in writing that the child not attend. The plan shall not include a requirement for full-day kindergarten attendance. In addition, any plan providing for interventions shall include implementation of a first grade reading intervention which meets the following specifications: A research-based reading intervention method designed for first-graders with a proven track record of success, with sustained learning over time using a short-term, one-on-one tutoring intervention when deemed necessary or intensive research-based small group tutoring. The diagnostic reviews or assessments may be implemented in addition to current assessments or diagnostic reviews, or in lieu of current assessments or diagnostic reviews. If the district currently has appropriate grade level markers, or offers appropriate diagnostic reviews or assessments or tracking procedures for interventions, the district may continue to use such locally determined practices as long as the district continues to meet quality performance accreditation requirements. School districts shall continue to implement the second grade reading diagnostic currently required by the state board.

(c) If a child has been identified as needing assistance, the district's plan shall create a mechanism to track the child's interventions and progress. The district shall determine the methods by which the child's progress is measured. When a child has accomplished the district-determined level of accomplishment, no further tracking will be necessary unless the child falls behind in another grade. If the child does not achieve the appropriate grade-level markers in reading or mathematics despite intervention, the district shall take whatever action which it deems is in the best educational interest of the child to reach the grade-level markers. Such action may include, but is not limited to, other more intensive interventions or retention at current grade-level unless a parent refuses in writing to allow the child to be retained. If a parent refuses to allow retention, the parent shall be provided information on the skills the child requires to succeed at the next grade-level.

(d) When it is appropriate, districts are encouraged to utilize community volunteers or community-based organizations in the carrying out of intervention plans adopted pursuant to this section.

New Sec. 36. (a) In school year 2006-2007 and each school year thereafter, any district which has established a plan of interventions pursuant to section 35, and amendments thereto, shall be entitled to receive a grant from the state board to supplement amounts

expended by the district for maintenance of such plan of interventions. The board of education of any such district may submit an application for a grant under the Kansas skills for success in school program. The application shall be prepared in such form and manner as required by the state board. Such application shall be accompanied by any information required by the state board. No grant may be awarded pursuant to this section unless the state board approves the district's plan of interventions.

(b) Grant moneys received under subsection (a) shall be deposited in the general fund of the school district and shall be considered reimbursements for the purpose of the school district finance and quality performance act.

(c) The board of education of any district which is awarded a grant for maintenance of a plan of interventions under the Kansas skills for success in school program shall make such periodic and special reports to the state board of education as it may request.

New Sec. 37. (a) On or before January 1, 2006, the state board of education shall adopt rules and regulations for the implementation of this act and the awarding and administration of grants to school districts for maintenance of plans of interventions under the Kansas skills for success in school program.

(b) The state board shall:

(1) Establish standards and criteria for reviewing, evaluating and approving plans of interventions and applications for grants;

(2) conduct a needs-assessment survey of school districts applying for grants;

(3) evaluate and approve plans of interventions;

(4) establish priorities in accordance with the findings of the needs-assessment survey for the award of grants and the amount of such grants;

(5) be responsible for awarding grants to school districts; and

(6) request of and receive from each school district which is awarded a grant for maintenance of a plan of interventions reports containing information with regard to the effectiveness of the plan.

(c) In evaluating and approving plans of interventions maintained under the Kansas skills for success in school program and for the awarding of grants, the state board shall consider:

(1) The level of effort exhibited by districts in the establishment and maintenance of plans of interventions;

(2) the amounts budgeted by districts for the establishment and maintenance of plans of interventions; and

(3) the potential effectiveness of the plans of interventions for which applications for the grants are made.

(d) The amount of a grant shall be determined by the state board in accordance with established priorities, but shall not exceed the amount of actual expenses incurred by the district in the establishment and maintenance of the district's plan of interventions.

(e) Upon request of the board of education of any school district, the state board of education shall provide technical advice and assistance regarding the establishment and maintenance of a plan of skills for success in school interventions or an application for a grant.

New Sec. 38. On or before November 1, 2005, the state board of education shall report its progress on the implementation of the Kansas skills for success in school program to the legislative education council. The board shall submit other reports as requested by the chairperson of the legislative education council. On or before September 1, 2006, and each year thereafter, the state board shall make an annual report on the program to the legislative education council. Annual reports also shall include data relating to and supporting evaluations of goals, objectives and outcomes established by the state board of education and other information requested by the council. On or before the first day of the 2007 legislative session and each year thereafter, the legislative education council shall prepare and submit to the legislature a report on the program and any recommendations relating thereto.

New Sec. 39. Within the limits of appropriations therefor, the state department of education shall provide for teacher training to implement the interventions authorized by this act.

New Sec. 40. The legislature shall make appropriations necessary for the implementation of the provisions of sections 34 through 39, and amendments thereto. Such appropriations shall not exceed \$20,000,000, in the aggregate, from one or more funds in the state treasury.

New Sec. 41. No ad valorem tax exemption for real or personal property granted after the effective date of this act by the governing body of any city or the board of county commissioners of any county pursuant to the provisions of section 13 of article 11 of the Kansas constitution shall be deemed to exempt any such property from the ad valorem property tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. The provisions of this section shall not be deemed to apply to any such exemptions granted prior to the effective date of this act for any calendar year for which any such exemption was granted.

New Sec. 42. No abatement of ad valorem property tax for real or personal property granted after the effective date of this act by the governing body of any city or the board of county commissioners of any county or other taxing subdivision of the state shall be deemed to abate the ad valorem property tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. The provisions of this section shall not be deemed to apply to any abatement granted prior to the effective date of this act for any calendar year for which any such exemption was granted.

Sec. 43. K.S.A. 2004 Supp. 79-201a is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas *unless otherwise more specifically provided*:

*First.* All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

*Second.* All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 *et seq.*, and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 *et seq.*, and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 *et seq.*, and amendments thereto, or K.S.A. 74-1501 *et seq.*, and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 *et seq.*, and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 *et seq.*, and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the



proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 to 12-1749, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to 13-1245, inclusive, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to 13-1245, inclusive, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, *and prior to the effective date of this act* shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, *and prior to the effective date of this act* under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 1981, *and prior to the effective date of this act* under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 *et seq.*, and amendments thereto. *Any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after the effective date of this act under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from all property or ad valorem taxes levied except the ad valorem tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. All such property shall be exempt from taxation to the extent herein provided only for a period of 10 calendar years after the calendar year in which the bonds were issued. Such exemption shall terminate upon the failure to pay all taxes levied upon the property, and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 *et seq.*, and amendments thereto. Any property constructed or purchased in part with the proceeds of revenue bonds issued on or after the effective date of this act under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, to the extent of the value of that portion of the property financed by the revenue bonds, shall be exempt from all property or ad valorem taxes levied, except the ad valorem tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. All such property to the extent herein provided shall be exempt from taxation to the extent herein provided only for a period of 10 calendar years after the calendar year in which the bonds were issued. Such exemption shall terminate upon the failure to pay all taxes levied on the property, and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 *et seq.*, and amendments thereto.* Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under the standard industrial classification codes, major groups 52 through 59, inclusive, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified there-

under, shall not be exempt from taxation. For the purposes of the preceding provision "standard industrial classification code" means a standard industrial classification code published in the Standard Industrial Classification manual, 1987, as prepared by the statistical policy division of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 *et seq.*, and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 *et seq.* shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903 and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903 and amendments thereto, shall not be exempt from such taxation.

*Third.* All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

*Fourth.* All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

*Fifth.* All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 *et seq.* and amendments thereto.

*Sixth.* Property acquired and held by any municipality under the municipal housing law (K.S.A. 17-2337 *et seq.*) and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

*Seventh.* All property of a municipality, acquired or held under and for the purposes of the urban renewal law (K.S.A. 17-4742 *et seq.*) and amendments thereto except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

*Eighth.* All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

*Ninth.* All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 *et seq.*, and amendments thereto, K.S.A. 68-2030 *et seq.*, and amendments thereto, K.S.A. 68-2051 *et seq.*, and amendments thereto, and K.S.A. 68-2070 *et seq.*, and amendments thereto.

*Tenth.* All property acquired and used for state park purposes by the Kansas department of wildlife and parks.

*Eleventh.* The state office building constructed under authority of K.S.A. 75-3607 *et seq.*, and amendments thereto, and the site upon which such building is located.

*Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 *et seq.*, and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

*Thirteenth.* All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 *et seq.*, and amendments thereto, and building sites acquired therefor.

*Fourteenth.* All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by chapter 304 of the 1921 Session Laws of the state of Kansas. [See K.S.A. 79-205.]

*Fifteenth.* All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

*Sixteenth.* All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 *et seq.*, and amendments thereto.

*Seventeenth.* All property, including interests less than fee ownership, acquired for the state of Kansas 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, regardless of how or when acquired.

*Eighteenth.* Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 72-4412, and amendments thereto, and the site upon which any such building is located.

*Nineteenth.* For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 72-4412, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

*Twentieth.* For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2000.”;

By renumbering sections accordingly;

Also on page 32, in line 28, by striking “and 19” and inserting “, 19, 23, 24, 25 and 26”; in line 33, by striking “46-1225,” in line 34, following “72-6433b” by inserting “, 72-6444, 72-6757”; in line 35, following “46-1208a,” by inserting “46-1225,”; also in line 35, following “72-6434” by inserting “, 72-8205, 79-201a”;

In the title, in line 16, following “6433” by inserting “, 72-6757”; in line 17, by following “72-6434” by inserting “, 72-8205, 79-201a”; by striking all in line 18 and inserting “K.S.A. 72-6442, 72-6444 and 72-6433b and K.S.A. 2004 Supp. 46-1225.”; and the bill be passed as amended.

#### CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **HB 2231** from Committee on Corrections and Juvenile Justice and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **SB 56** from Committee on Transportation and referral to Committee on Agriculture.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Friday, February 25, 2005.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

