

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 16, 2005, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Ruff and B. Sharp were excused on verified illness.

Prayer by guest chaplain, the Rev. Darrel Proffitt, pastor, St. Margaret Episcopal Church, Lawrence, and guest of Rep. Sloan:

Almighty and ever-living God,

We open our hearts this morning to your presence. We praise you for you are an awesome God. In your presence there is no darkness at all. You call us to rise above the level of mediocrity to heights that take our breath away. We thank you for calling us to tasks that demand our best efforts. We thank you for disappointments that remind us of our dependence upon you alone. We thank you for placing in the hands of elected representatives of this wonderful state of Kansas, the authority and trust of leadership. We pray that you guide the hearts and minds of all those who take counsel on the welfare of all people in this state. Help these men and women to seek your guidance and your wisdom. Help them to forget not those in our midst who are the most vulnerable, the infants and elderly, the homeless and hungry, those who are thirsty and alone, the lost, the last, the least and the lonely. Help us all respond to one another in a way that brings you glory. Continue O God, to work out your will in this world, in our country, in this state and in our lives.

We make our prayer in your most Holy Name. Amen.

The Pledge of Allegiance was led by Rep. Crow.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2526, An act enacting the child rape protection act; requiring physicians who perform abortions to retain certain tissue samples for DNA testing; providing remedies and penalties for failure to comply, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Taxation: **HB 2524**, **HB 2525**.

MESSAGE FROM THE SENATE

Announcing passage of **SCR 1610**.

The Senate nonconcur in House amendments to **SB 43**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Aurand, **SCR 1610**, A concurrent resolution relating to the adjournment of the senate and house of representatives for periods during the 2005 regular session of the legislature, was introduced and adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 43**.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Kuether, **HR 6023**, by Reps. Kuether, 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, Henderson, 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, 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 and Yonally, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6023—

A RESOLUTION honoring Representative Judy Showalter.

WHEREAS, Representative Showalter, a registered nurse from Winfield, was first elected to the Kansas House of Representatives in 1996. A member of the Democratic party, she was named to a leadership position as the policy chairperson for the house Democrats in 2003. She was a leader in the conversion of the former Winfield State Hospital and Training Center to the Kansas Veterans Home at Winfield and is recognized as a person who works well with everyone; and

WHEREAS, In addition to her work in medicine and politics Representative Showalter has had an active family life with her four children: Sudie White, Jeruschka White, Kevin White and De Anna Wright; and 12 grandchildren: Lindsey White, Lori White, Mark White, Jessey Benjamin White, Tait White, Samantha Tapia, Sylvia Tapia, Salvador Tapia, Savannah Tapia, Lexi Williams, Sawyer Williams and Rilee Jo White: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the body welcomes Representative Showalter back to the house chambers and expresses a heartfelt wish for her speedy recovery.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6024—

By Committee on Utilities

A RESOLUTION concerning information provided to royalty interest owners by oil and gas producers.

WHEREAS, Oil and gas royalty interest owners requested introduction of 2005 House Bill No. 2146; and

WHEREAS, Enactment of the bill was sought as a means of requiring oil and gas producing companies to provide specific information on royalty check stubs; and

WHEREAS, The House Committee on Utilities held a hearing on 2005 House Bill No. 2146 and received testimony from royalty interest owners and from oil and gas producers; and

WHEREAS, Testimony presented to the Committee made it clear that finding a solution to the problem presented by the royalty owners would not be simple because of the variety of accounting and reporting practices used by the large number of companies in the oil and gas industries; and

WHEREAS, The Chairman of the House Committee on Utilities appointed a subcommittee to explore possible solutions to the problem presented by royalty interest owners that would be workable for producers; and

WHEREAS, The subcommittee having met twice and having received additional testimony from both sides of this issue has concluded that with additional diligent effort the parties will be able to reach an agreement regarding statutory requirements for information to be provided on royalty check stubs: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That a task force be formed to identify a solution to the issues presented during hearings on 2005 House Bill No. 2146; and

Be it further resolved: That the task force be composed of two representatives of the Southwest Kansas Royalty Owners and one representative each of the Southeast Kansas Royalty Owners, the Kansas Independent Oil and Gas Association, the Kansas Petroleum Council, the Eastern Kansas Oil and Gas Association, the State Corporation Commission, the Kansas Department of Revenue and the Kansas Geological Survey; and

Be it further resolved: That the task force be chaired by one of the state agency representatives designated by agreement of such representatives; and

Be it further resolved: That the task force encourage the National Association of Royalty Owners and the Interstate Oil and Gas Compact Commission to develop uniform standards for producers to use when reporting information to royalty interest owners; and

Be it further resolved: That the task force report in writing to the Chairman of the House Committee on Utilities after each task force meeting and submit a final report, with recommendations, to the Chairman prior to the convening of the 2006 regular legislative session; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the presiding officers of the Southwest Kansas Royalty Owners, the Southeast Kansas Royalty Owners, the Kansas Independent Oil and Gas Association, the Kansas Petroleum Council and the Eastern Kansas Oil and Gas Association and to the Chairman of the State Corporation Commission, the Secretary of Revenue and the Director of the Kansas Geological Survey.

CONSENT CALENDAR

Objection was made to **SB 78** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2026, An act concerning telecommunications; relating to the KAN-ED and its funding; concerning emergency 911 telecommunications services; amending K.S.A. 66-2010 and K.S.A. 2004 Supp. 75-7226 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Colleton, Cox, Craft, Crow, Davis, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaherty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kelley, Kelsey, Kiegerl, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, McCreary, McKinney, Menghini, M. Miller, Jim Morrison, Judy Morrison, Myers, O'Malley, O'Neal, Otto, Owens, Pauls, Peter-

son, Phelps, Roth, Ruiz, Sawyer, Schwartz, S. Sharp, Showalter, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Wilk, Williams, Winn, Yoder.

Nays: Carlson, Carter, Dahl, DeCastro, Edmonds, Gordon, Hayzlett, Huebert, Hutchins, Huy, E. Johnson, Kilpatrick, Kinzer, Landwehr, Mays, Merrick, F. Miller, Neufeld, Newton, Novascone, Oharah, Olson, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Schwab, Siegfried, Watkins, Weber, Yonally.

Present but not voting: McLeland.

Absent or not voting: Ruff, B. Sharp.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **HB 2026**. When KAN-ED first started drawing money out of the KUSF, it was to be for three years at ten million dollars per year.

Now we have reached that "sunset" time and guess what? They want an extension. Even more astounding, the original bill called for a continuation of the ten million for a period of three years, thirty million dollars. The bill, as amended by the committee, extends funding for a period of five years, and a total of thirty-seven million dollars additional. And, we wonder why the public doesn't trust us.—JIM YONALLY, LYNNE OHARAH, ROBERT OLSON, BONNIE HUY, DON DAHL

MR. SPEAKER: I voted "NO" on KAN-ED in 2002, which passed with only 64 yeas, and again vote "NO" on **HB 2026** for about the same reasons. The government should not become involved in state organized or controlled media. Kan-Ed may have merit, but we cannot be sure that years from now a group bent on suppressing our freedoms will not use this State supported media as a tool to propagate a single mind-set throughout all schools and libraries in Kansas. Government should not be directly engaged in the media business — radio, TV, newspapers, and yes! — the Internet.—C. FRANK MILLER

MR. SPEAKER: KAN-ED is a great program for Kansans, especially those living in remote parts of our state. As a native of western Kansas I support the long term benefits brought by this vision. However, telling taxpayers one thing and then doing another is just wrong! No matter how you slice it or try to justify it citizens of our great state see right through it. While I believe that there are times when we as a body must make tough decisions that our constituents won't like, I believe that we must be honest and forthright nonetheless. A sunset is a sunset. Mr. Speaker I vote no on **HB 2026**.—JASON WATKINS

HB 2037, An act concerning the Kansas public employees retirement system; relating to disability benefits; amending K.S.A. 2004 Supp. 74-4927 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, Gattwood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, Ruiz, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, 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: Ruff, B. Sharp.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2200** be adopted; also, on motion of Rep. Davis be amended on page 2, after line 5, by inserting the following:

"Sec. 2. K.S.A. 38-1501 is hereby amended to read as follows: 38-1501. (a) K.S.A. 38-1501 through 38-1593 shall be known as and may be cited as the Kansas code for care of children and shall be liberally construed, to the end that each child within its provisions shall receive the care, custody, guidance, control and discipline, preferably in the child's own home, as will best serve the child's welfare and the best interests of the state. All proceedings, orders, judgments and decrees shall be deemed to have been taken and done in the exercise of the parental power of the state. Proceedings pursuant to this code shall be civil in nature.

(b) *Nothing in this code shall be construed to permit discrimination on the basis of disability.*

(1) *The disability of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability and harm to the child.*

(2) *In cases involving a parent with a disability, determinations made under this code shall consider the availability and use of accommodations for the disability, including adaptive equipment and support services."*

And by renumbering the remaining sections accordingly;

Also on page 2, in line 6, after "K.S.A." by inserting "38-1501 and K.S.A."; also in line 6, by striking "is" and inserting "are";

in the title, in line 13, after "amending" by inserting "K.S.A. 38-1501 and"; in line 14, by striking "section" and inserting "sections"; and **HB 2200** be passed as amended.

Committee report to **HB 2309** be adopted; also, on motion of Rep. Vickrey be amended on page 1, in line 41, before "the" by inserting "in Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties,"; and **HB 2309** be passed as amended.

Roll call was demanded on motion of Rep. Svaty to amend **HB 2105** on page 2, preceding line 37, by inserting the following:

"Sec. 2. (1) On July 1, 2005, department of corrections shall affiliate with the Kansas police and firemen's retirement system established pursuant to the provisions of K.S.A. 74-4951 *et seq.*, and amendments thereto, pursuant to this act for membership in the system of persons described in subsection (3). For purposes of such affiliation for membership in the system, the department of corrections shall be considered as a new participating employer. The department of corrections shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954, and amendments thereto, to be effective on July 1 of the next year following such application. The department of corrections shall affiliate for membership in such system for such members for participating service credit.

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

(3) Each person employed by the department of corrections as any correctional officer job class in the correctional officer family of job classes on the date of affiliation, may become a member of the Kansas police and firemen's retirement system for participating service credit only on the first day of the payroll period of such person, coinciding with or following the entry date of the person's participating employer as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the person's participating employer to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(4) Each person employed by such participating employers who is on an authorized leave of absence or is in the military service on the entry date of the person's participating employer as provided in this section may become a member of the Kansas police and firemen's

retirement system on the day of the first payroll period of such person, coinciding with such person's return to active employment and payroll, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(5) Every person who is employed by such participating employer on or after the entry date of the person's participating employer into the Kansas police and firemen's retirement system as provided in this section shall become a member of the Kansas police and firemen's retirement system on the first day of such employment.

(6) Any participating employer that affiliates as provided in this act and each person who elects to become a member as provided in this act or who becomes a member as provided in subsection (5) shall be subject to the provisions of K.S.A. 74-4951 et seq., and amendments thereto, as applicable.

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

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

And the remaining section be renumbering accordingly;

On page 1, in the title, in line 11, preceding the period by inserting "; correctional officers of the department of corrections";

On roll call, the vote was: Yeas 50; Nays 71; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Burgess, Burroughs, Carlin, Cox, Crow, Dahl, Davis, DeCastro, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gordon, Grange, Grant, Henderson, Henry, Holland, M. Holmes, Huff, Kiegerl, Kirk, Kuether, Lane, Larkin, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Judy Morrison, Neufeld, Pauls, Phelps, Ruiz, Sawyer, Showalter, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Wilk, Winn.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Craft, Decker, Edmonds, Faber, Flower, Freeborn, Gatewood, George, Goico, Hawk, Hayzlett, Hill, C. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Watkins, Weber, Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Dillmore, Peterson, Ruff, B. Sharp.

The motion of Rep. Svaty did not prevail, and **HB 2105** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 153** be adopted; and the substitute bill be passed.

Committee report to **SB 152** be adopted; and the bill be passed as amended.

Committee report to **SB 91** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 123** be passed.

Committee on **Appropriations** recommends **HB 2226** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2226," as follows:

“Substitute for HOUSE BILL No. 2226

By Committee on Appropriations

“AN ACT concerning the department of wildlife and parks; prescribing certain procedures for acquisition of land by such department.”; and the substitute bill be passed.

(**Sub. HB 2226** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2264** be amended on page 1, by striking line 24; in line 25, by striking all before the period; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **SB 55** on page 4, in line 25, by striking “an alcoholic beverage” and inserting “alcoholic liquor”; in line 27, by striking “an alcoholic beverage” and inserting “alcoholic liquor”;

On page 5, in line 7, by striking the last comma and inserting “or”; also in line 7, by striking “or”; in line 8, by striking “hair”; in line 10, after the period, by inserting: “A positive breath test shall mean a test result showing an alcohol concentration of .04 or greater. Alcohol concentration means the number of grams of alcohol per 210 liters of breath.”; in line 22, by striking “an alcoholic beverage” and inserting “alcoholic liquor”; in line 39, by striking “the alcoholic beverage” and inserting “alcoholic liquor”;

On page 6, in line 10, after “certified” by inserting “pursuant to paragraph (b)(2)(F)”;

in line 12, by striking “or authorized”; in line 20, after “the” by inserting “chemical”; in line 22, before the semicolon, by inserting “or a breath alcohol test”; by striking all in line 23; in line 24, after “(F)” by inserting “the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and

(G)”;

On page 12, by striking all in lines 39 through 43;

On page 13, by striking all in lines 1 through 5;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2231** be amended on page 1, in line 15, by striking all after “(a)”;

by striking all in lines 16 through 19 and inserting: “A person convicted of a felony violation of K.S.A. 65-4160 or 65-4162, on or after July 1, 1993, and sentenced therefor prior to November 1, 2003, may have such person’s sentences modified according to the provisions of this section if:

(1) The person’s sole crime of which convicted and for which incarcerated is such violation of K.S.A. 65-4160 or 65-4162; and

(2) such person meets the requirements of K.S.A. 2004 Supp. 21-4729, and amendments thereto.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2374** be amended on page 1, in line 14, after “members” by inserting “, who shall be appointed not later than 45 days after the effective date of this act”;

On page 2, in lines 9 and 10, by striking “December 1, 2005” and inserting “February 15, 2006”; in line 12, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Higher Education** recommends **SB 139** be amended on page 1, in line 34, following “and” by inserting “, subject to appropriations therefore.”; in line 37, following “postsecondary” by inserting “educational”;

On page 2, in line 1, by striking all following “English” and inserting “and history. The course of study for KAMS pupils shall be subject to the approval of the state board of education and shall be designed to meet both the high school graduation requirements and the requirements for an associate of arts or an associate of science degree.”; in line 21, by striking all following “of”; by striking all in lines 22 through 28 and inserting “20 students selected on a congressional district basis with no more than five pupils from each of the four congressional districts and 20 other pupils selected on a statewide basis. The selection criteria and programs for KAMS may include advance placement courses offered over the KAN-ED network for pupils in grades 9 through 12.”; in line 30, preceding the period, by inserting “and shall include in its budget request funds for operating such academies. The governor shall include funding therefor in the governor’s budget report. Such summer acad-

emies may be residential or use the KAN-ED system”; following line 34, by inserting the following:

“Sec. 4. For purposes of the state aid pursuant to the school district finance and quality performance act and other provisions of law relating to school finance: (a) The base state aid per pupil attributable to pupils who reside at KAMS shall be paid to KAMS rather than the school district in which the pupil is enrolled in accordance with procedures and guidelines prescribed by the state board of education; and (b) no funds attributable to pupils who reside at KAMS shall be paid to the school district in which the pupil is enrolled.

Sec. 5. The state board of regents may accept and expend funds for KAMS from private and public sources.”;

By renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 5** be passed.

Committee on **Judiciary** recommends **SB 50** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2485** be amended on page 1, after line 31, by inserting the following:

“Sec. 2. K.S.A. 53-118 is hereby amended to read as follows: 53-118. (a) The secretary of state may refuse to appoint any person as a notary public or may revoke the appointment of any notary public upon any of the following grounds:

(1) Substantial or material misstatement or omission in the application submitted to the secretary of state;

(2) conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public. A conviction after a plea of *nolo contendere* is deemed to be a conviction within the meaning of this subsection;

(3) revocation, suspension or denial of a professional license, if such revocation, suspension or denial was for misconduct, dishonesty or any cause substantially relating to the duties or responsibilities of a notary public;

(4) cessation of United States citizenship;

(5) incapacitation to such a degree that the person is incapable of reading or writing the English language;

(6) failure to exercise the powers and duties of a notary public in accordance with this act; or

(7) violation of section 1, and amendments thereto.

(b) Any person whose notary public appointment has been removed pursuant to subsection (a)(1) through (a)(6) may not apply for an appointment until the expiration of four years from the date of removal of such appointment. Any person whose notary public appointment has been removed pursuant to subsection (a)(7) may not apply or receive an appointment for such person's lifetime.

Sec. 3. K.S.A. 53-118 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, before the period by inserting “; amending K.S.A. 53-118 and repealing the existing section”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 36** be amended on page 1, by striking all in lines 33 through 43;

And by renumbering the remaining section accordingly;

In the title, in line 11, by striking all after “history”; in line 12, by striking all before the period; and the bill be passed as amended.

Select Committee on School Finance recommends **SB 181** be amended on page 1, in line 18, following “(b)” by inserting “Within three business days of receiving such notice, the chief justice shall notify the chief judge of the court of appeals.”; also in line 18, by striking “such notification, the chief justice” and inserting “receiving notice by the chief justice, the chief judge”; in line 20, following the period by inserting “The chief judge shall designate one of such judges to be the presiding judge of the panel.”; in line 28, by striking “parties”; in line 29, by striking “attorneys.” and inserting “witnesses.”

(b) In any action alleging a violation of article 6 of the constitution of the state of Kansas, in which the plaintiff alleges that the legislature has failed to provide intellectual, educational, vocational and scientific improvement in public schools or has failed to make suitable

provision for finance of the educational interests of the state, it shall be the plaintiff's burden to prove that moneys appropriated and allocated by the legislature were not sufficient to fund the cost of providing the subjects or areas of instruction required by state law, including reasonable and necessary related instruction, administration, support staff, supplies, equipment and building costs.

(c) In determining whether a plaintiff has met its burden of proof, the judicial panel shall make such determination based on an analysis of adequacy had state moneys been utilized first to fund the reasonable and necessary costs of providing the required subjects or areas of instruction and related services specified in subsection (b). The judicial panel shall not be bound by the manner in which state moneys were utilized, in fact, by the school district.”;

In the title, in line 9, by striking “filed in violation” and inserting “alleging violations”; 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 bill was thereupon introduced and read by title:

HB 2527, An act concerning property taxation; relating to the abatement of ad valorem property taxes, by Select Committee on School Finance.

REPORT ON ENGROSSED BILLS

HB 2123, HB 2130, HB 2156 reported correctly engrossed March 15, 2005.

HB 2215 reported correctly re-engrossed March 15, 2005.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5005 reported correctly re-engrossed March 15, 2005.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Thursday, March 17, 2005.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

