

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 20, 2006, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Rep. Freeborn was excused on verified illness.
Reps. M. Miller and Winn were excused on excused absence by the Speaker.

Prayer by Rep. D. Johnson:

Great and Glorious Lord God, Supreme architect of heaven and earth.

You have promised that where two or three are gathered together in your name, you will be in the midst of them and bless them. Bless us as we gather here in the beautiful House of Representatives and this beautiful state we call Kansas.

Thank you for this beautiful state where we are free to think as we wish and say what we wish. Thank you for these members of the House of Representatives who are willing to serve so that government of the people, by the people and for the people shall not perish from the earth.

May your fatherly hand be about our members who may be on the way and in harm's way on slick roads.

May your fatherly hand be about and protect those brave young men and women fighting to preserve our country and our way of life.

All this we ask in the name of the Father, the Son, and the Holy Spirit!
Amen!

The Pledge of Allegiance was led by Rep. Long.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 3018**.

Wildlife, Parks and Tourism: **SB 578**.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Department of Labor, A Growing Labor Market, Annual Report 2005, which can be found online at communications@dol.ks.gov. The report is also available online at http://www.dol.ks.gov/Home/html/newsroom_ALL.html.

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

CONSENT CALENDAR

No objection was made to **HB 2966** appearing on the Consent Calendar for the first day.

No objection was made to **SB 394**, **SB 417**, **SB 470**, **SB 558** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2972** 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

Speaker Mays announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until after Committee of the Whole.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2977, HB 2967** be passed.

HB 2754; SB 329; HB 2345, HB 2912 be passed over and retain a place on the calendar. Committee report to **SB 375** be adopted; and the bill be passed as amended.

Committee report to **SB 459** be adopted; also, on motion of Rep. Schwartz be amended on page 3, after line 26, by inserting the following:

“Sec. 4. K.S.A. 2005 Supp. 32-930 is hereby amended to read as follows: 32-930. (a) Except as provided in subsection (c), the secretary or the secretary’s designee is authorized to issue to any Kansas resident a lifetime fishing, hunting or furharvester or combination hunting and fishing license upon proper application made therefor to the secretary or the secretary’s designee and payment of a license fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. If payment is in installments, the license shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual license, and each installment payment shall be deemed to be such an annual license for a period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received. *The secretary or the secretary’s designee shall not charge more than 50% of the cost of a lifetime hunting and fishing license to any Kansas resident age 25 or younger.* Any lifetime license issued to a Kansas resident shall not be made invalid by reason of the holder thereof subsequently residing outside the state of Kansas. Any nonresident holder of a Kansas lifetime hunting or combination hunting and fishing license shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary. Any nonresident holder of a lifetime fishing license issued before July 1, 1989, shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary.

(b) For the purposes of subsection (a), the term “resident” shall have the meaning defined in K.S.A. 32-701, and amendments thereto, except that a person shall have maintained that person’s place of permanent abode in this state for a period of not less than one year immediately preceding the person’s application for a lifetime fishing, hunting or furharvester or combination hunting and fishing license.

(c) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not issue a lifetime fishing, hunting or furharvester or combination hunting and fishing license to an applicant except as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services or had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services.

Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may issue the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The applicant shall have the burden of obtaining and delivering the release.

The secretary of social and rehabilitation services shall issue a release upon request if, as appropriate:

(1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;

(2) an income withholding order has been served upon the applicant's current employer or payor;

(3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or

(4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

Nothing in this subsection shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case except to resolve questions of mistaken identity or determine the adequacy of any notice relating to this subsection that the secretary of wildlife and parks provides to the applicant.

"Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and amendments thereto, as in effect on December 31, 2001, relating to child support enforcement services.

(d) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 5. K.S.A. 2005 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

Elk permit: maximum \$350

Resident big game tag: maximum \$20

Nonresident big game tag: maximum \$30

Nonresident applications: maximum \$25

Combination hunting and fishing licenses

Resident: maximum \$50

Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

Resident: maximum \$250

Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

Resident or nonresident with valid hunting license: maximum \$5

Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: maximum \$300

Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$75

Five-day nonresident: maximum \$25

Institutional group: maximum \$200

Special nonprofit group: maximum \$200

Twenty-four-hour: maximum \$10

- Fur dealer licenses
 Resident: maximum \$200
 Nonresident: maximum \$400
- Furharvester licenses
 Resident: maximum \$25
 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
 Nonresident: maximum \$400
- Game breeder permits: maximum \$15
- Handicapped hunting and fishing permits: maximum \$5
- Hound trainer-breeder running permits: maximum \$25
- Hunting licenses
 Resident: maximum \$25
 Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75
Lifetime age 25 or younger: maximum \$500
 Nonresident 16 or more years of age: maximum \$125
 Nonresident under 16 years of age: maximum \$75
 Controlled shooting area: maximum \$25
 Forty-eight-hour waterfowl permits: maximum \$25
- Migratory waterfowl habitat stamps: maximum \$8
- Mussel fishing licenses
 Resident: maximum \$200
 Nonresident: maximum \$1,500
- Rabbit permits
 Live trapping: maximum \$200
 Shipping: maximum \$400
- Raptor propagation permits: maximum \$100
- Rehabilitation permits: maximum \$50
- Scientific, educational or exhibition permits: maximum \$10
- Wildlife damage control permits: maximum \$10
- Wildlife importation permits: maximum \$10
- Wild turkey permits
 Resident: maximum \$100
 Nonresident: maximum \$400
 Resident turkey tag: maximum \$20
 Nonresident turkey tag: maximum \$30
- Special permits under K.S.A. 32-961: maximum \$100
- Miscellaneous fees
 Special events on department land or water: maximum \$200
 Special departmental services, materials or supplies: no maximum
 Other issues of department: no maximum
 Vendor bond: no maximum
- (b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to ½ the fee for a general resident big game or wild turkey hunting permit.
- (c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to ½ the fee for a resident furharvester license.
- (d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).”;
 And by renumbering the remaining sections accordingly;
 Also on page 3, in line 27, by striking “is” and inserting “, 32-930 and 32-988 are”;
 In the title, in line 12, after “32-837” by inserting “, 32-930 and 32-988”; also in line 12, by striking “section” and inserting “sections”;
 Also, on motion of Rep. Kirk to amend **SB 459**, the motion did not prevail.

Also, on motion of Rep. Grant, **SB 459** be amended on page 3, preceding line 27, by inserting:

“Sec. 4. K.S.A. 32-805 is hereby amended to read as follows: 32-805. (a) There is hereby created within and as a part of the department the Kansas wildlife and parks commission which shall be composed of seven members. The governor shall appoint seven residents of this state to be members of the commission. In the appointment of members of the commission, the governor shall give consideration to the appointment of licensed hunters, fishermen and furharvesters, park users, nonconsumptive users of wildlife and park resources and to geographic balance among commission members. No more than four members shall be of the same political party. Each member of the commission shall hold office for a term of four years and until a successor is appointed and qualified, except that in appointing the original commission members, the governor shall designate one member for a term ending July 1, 1988, one member for a term ending July 1, 1989, and two members for terms ending July 1, 1990. The governor shall fill any vacancy on the commission prior to the expiration of a term by appointment for the unexpired term. *On and after July 1, 2006, the governor shall appoint representatives from each of the fish and wildlife administrative regions established by the department.*

(b) Each member of the commission shall take and subscribe an oath or affirmation as required by law before taking office.

(c) The governor may remove a commissioner after opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act. If the commissioner is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and the governor's findings thereon, together with a complete record of the proceedings.

(d) The commission shall have such powers, duties and functions as prescribed by law. Other than rules and regulations pertaining to personnel matters of the department, the secretary shall submit to the commission all proposed rules and regulations. The commission shall either approve, modify and approve, or reject such proposed rules and regulations. The secretary shall adopt such rules and regulations so approved or so modified and approved. Fees established for licenses, permits, stamps and other issues of the department shall be subject to the approval of the commission. It also shall be the duty of the commission to serve in an advisory capacity to the governor and the secretary in the formulation of policies and plans relating to the department.

(e) The governor shall designate one commission member to serve as chairperson of the commission. Members of the commission attending meetings of the commission, or attending a subcommittee meeting thereof authorized by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto. Four members of the commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairperson and shall be called on the request of a majority of the members of the commission.”;

By renumbering the remaining sections accordingly;

Also on page 3, in line 27, preceding “K.S.A.” by inserting “K.S.A. 32-805 and”; also in line 27, by striking “is” and inserting “are”;

In the title, in line 11, preceding “also” by inserting “concerning the Kansas wildlife and parks commission;”; also in line 11, preceding “K.S.A.” by inserting “K.S.A. 32-805 and”; in line 12, by striking “section” and inserting “sections”; and **SB 459** be passed as amended.

Committee report to **SB 139** be adopted (see previous action, HJ, p. 400, 475, 505, 561); also, on motion of Rep. Horst be amended on page 1, in line 19, after “residential”, by inserting “or on-line distance learning”; in line 22, by striking “at” and inserting “of”; in line 24, by striking “live and”; in line 26, after the period, by inserting “The state board of regents shall determine whether KAMS is a residential program, a distance learning program or a combination of on-line and in person course work, seminars and learning activities.”; in line 41, by striking “at” and inserting “program by”;

On page 2, after line 18, by inserting the following:

“(5) Establish fees for students attending the KAMS program. Such fees shall be paid by the school district where the student is enrolled but shall not exceed the base state aid per pupil.”;

Also on page 2, after line 31, by inserting the following:

“(8) computers and software needed.”;

And by renumbering the remaining subsections accordingly;

On page 3, in line 5, after the period, by inserting “The board of regents shall have the authority to expand the number of students but any such expansion shall maintain the same proportions as provided above for congressional districts and selections on a statewide basis.”; in line 15, by striking “, but” and inserting “. If the program is structured as a residential program, students”; by striking all in lines 18 through 26;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Hutchins to amend **SB 139**, Rep. Kelsey requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

Committee report to **HB 2532** be adopted; and the bill be passed as amended.

Committee report to **HB 3005** be adopted; and the bill be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2972, An act concerning sales taxation; relating to refunds of sales tax paid upon food; amending K.S.A. 2005 Supp. 79-3635 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Beamer, Faber.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed.

Sub. HB 2396, An act concerning all colleges and universities; relating to students residing in student housing; requiring policies regarding vaccination for meningitis, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: M. Holmes.
 Present but not voting: None.
 Absent or not voting: Freeborn, M. Miller, Winn.
 The substitute bill passed.

HB 2813, An act concerning the practice of nursing; amending K.S.A. 65-1124 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Edmonds, Grange, Kelley, Landwehr, Mast, McKinney.
 Present but not voting: None.
 Absent or not voting: Freeborn, M. Miller, Winn.
 The bill passed.

HB 2880, An act concerning the Kansas law enforcement training act; relating to the Kansas commission on peace officers' standards and training; relating to docket fees; income tax credits; amending K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-4117, 20-362, 21-4619, 22-4604, 28-172a, 74-5602, 74-5605, 74-5607 and 74-5611a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Landwehr.
 Present but not voting: None.
 Absent or not voting: Freeborn, M. Miller, Winn.
 The bill passed, as amended.

H. Sub. for SB 35, An act relating to conveyance of railroad right-of-way by a railroad company; amending K.S.A. 2005 Supp. 66-525 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The substitute bill passed.

H. Sub. for SB 76. An act relating to work-site utility vehicles; concerning the regulation thereof; amending K.S.A. 2005 Supp. 8-126, 8-197, 8-198 and 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Otto.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The substitute bill passed.

SB 261. An act concerning juvenile offenders; enacting the revised Kansas juvenile justice code; amending K.S.A. 8-237, 8-2117, 12-16,119, 21-4633, 28-170a, 38-140, 38-1518, 39-754, 39-756, 39-756a, 39-1305, 60-460, 60-3614, 65-516, 65-6001, 74-7335, 74-8810, 75-5229, 75-7025, 75-7026, 75-7028, 76-3203 and 76-3204 and K.S.A. 2005 Supp. 20-167, 20-302b, 21-2511, 21-3413, 21-3520, 21-3612, 21-3809, 21-3810, 22-2805, 22-4701, 28-170, 28-172b, 28-176, 39-709, 39-970, 41-727, 65-1626, 65-5117, 74-5344, 75-3728e, 75-4362, 75-5206, 75-5220, 75-7023, 75-7024, 76-172, 76-381, 76-12a25 and 76-3205 and repealing the existing sections; also repealing K.S.A. 38-1601, 38-1603, 38-1604, 38-1605, 38-1606, 38-1606a, 38-1607, 38-1608, 38-1612, 38-1613, 38-1614, 38-1615, 38-1616, 38-1617, 38-1618, 38-1621, 38-1622, 38-1623, 38-1624, 38-1625, 38-1626, 38-1627, 38-1628, 38-1629, 38-1630, 38-1631, 38-1632, 38-1633, 38-1634, 38-1636, 38-1637, 38-1638, 38-1639, 38-1640, 38-1641, 38-1651, 38-1652, 38-1653, 38-1654, 38-1655, 38-1656, 38-1657, 38-1658, 38-1661, 38-1662, 38-1663, 38-1664, 38-1666, 38-1667, 38-1668, 38-1671, 38-1673, 38-1674, 38-1675, 38-1676, 38-1677, 38-1681, 38-1682, 38-1683, 38-1684, 38-1685, 38-1691, 38-16,111, 38-16,116, 38-16,117, 38-16,118, 38-16,119, 38-16,120, 38-16,126, 38-16,127, 38-16,128, 38-16,129, 38-16,131, 38-16,132, 38-16,133, 38-1812 and 38-1813 and K.S.A.

2005 Supp. 38-1602, 38-1609, 38-1610, 38-1611, 38-16,135, 38-1665, 38-1692, 38-16,134 and 38-1635, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Watkins.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 332, An act concerning postsecondary educational institutions; relating to insurance; amending K.S.A. 75-4101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

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

Nays: McKinney, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 336, An act concerning uniform laws; creating the uniform real property electronic recording act, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

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

Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, McKinney.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 344. An act regulating traffic; concerning school zones; authorizing school crossing guards; relating to rural school zones; amending K.S.A. 2005 Supp. 8-1486 and 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 346. An act regulating traffic; concerning video or television-type receiving equipment; amending K.S.A. 8-1748 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 57; Nays 65; Present but not voting: 0; Absent or not voting: 3.

Yeas: Beamer, Burgess, Carlin, Colloton, Crow, Dahl, Faber, Faust-Goudeau, Flaharty, Flora, Garcia, Gatewood, George, Goico, Grant, Hayzlett, Horst, Huff, Hutchins, D. Johnson, E. Johnson, Kelsey, Kiegerl, Knox, Loganbill, Long, Lukert, Mah, Mays, Menghini, Jim Morrison, Judy Morrison, Neufeld, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Powers, Proehl, Roth, Ruff, B. Sharp, Shultz, Siegfried, Storm, Svaty, Thull, Treaster, Vickrey, Weber, Williams, Wolf.

Nays: Aurand, Ballard, Bethell, Brown, Brunk, Burroughs, Carlson, Carter, Cox, Craft, Davis, DeCastro, Decker, Dillmore, Edmonds, Feuerborn, Gordon, Grange, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Huy, Kelley, Kilpatrick, Kinzer, Kirk, Krehbiel, Kuether, Landwehr, Lane, Light, Loyd, Mast, Masterson, McCreary, McKinney, McLeland, Merrick, F. Miller, Myers, O'Malley, O'Neal, Pottorff, Powell, Ruiz, Sawyer, Schwab, Schwartz, S. Sharp, Sloan, Swenson, Tafanelli, Trimmer, Ward, Watkins, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **SB 346** because it should not be legal to view pornographic or any other videos when driving motor vehicles. I value the lives of our citizens more than that. At least with this bill you can have a TV in your car.—BILL OTTO

SB 350. An act relating to telecommunications; concerning regulation thereof; amending K.S.A. 2005 Supp. 66-2005 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Beamer, Faber, Jim Morrison.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 374. An act relating to the registration of vehicles; concerning self-propelled cranes; amending K.S.A. 8-128 and K.S.A. 2005 Supp. 8-142 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 434. An act concerning corrections; relating to community supervision; amending K.S.A. 2005 Supp. 21-4714 and 75-5291 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 479. An act concerning alcohol and drugs; relating to preliminary screening tests; amending K.S.A. 65-1,107 and K.S.A. 2005 Supp. 8-1001, 8-1012 and 41-727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 485. An act concerning school districts; relating to the suspension or expulsion of pupils; amending K.S.A. 72-8904 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 9; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Brown, Carter, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Pilcher-Cook, Weber.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed, as amended.

SB 554. An act relating to drivers' licenses; concerning the expiration date of certain licenses; amending K.S.A. 2005 Supp.8-240 and 8-247 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Carter, Huy, Kelley, Landwehr, Mast, Masterson, McLeland, Ward, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Freeborn, M. Miller, Winn.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2520; SB 420** be passed.

Committee on **Appropriations** recommends **HCR 5042** be amended on page 1, in line 21, after "including" by inserting ", but not limited to,";

On page 2, in line 17, before "and" by inserting "the United States Department of Energy, the United States Department of Agriculture,"; and the concurrent resolution be adopted as amended.

Committee on **Taxation** recommends **SB 444** be passed.

Committee on **Taxation** recommends **HB 2900** be amended on page 1, in line 20, by striking "Internal Revenue Code" and inserting "federal internal revenue code"; in line 26, by striking ", for: (1) Real" and inserting "or restoration of production of a refinery which has been out of production for five or more years, for real"; in line 27, by striking all after "refinery"; by striking all in line 28; in line 29, by striking all before the period; in line 37, by striking "(c)" and inserting "(b)"; also in line 37, after the period by inserting "Expenditures used to qualify for this credit shall not be used to qualify for any other type of Kansas income tax credit,"; in line 38, by striking "Subject to the provisions of subsection (c), the" and inserting "The"; in line 42, after the period by inserting "Such credit shall be taken in 10 equal, annual installments, beginning with the year in which the taxpayer places into service the refinery, the expansion of an existing refinery or the restoration of production of a refinery as provided in this section,"; by striking all in line 43;

On page 2, by striking all in lines 1 through 7; in line 8, by striking "(d)" and inserting "(c)"; in line 14, by striking ": (1) No" and inserting "no"; in line 16, by striking all after "allowed"; by striking all in line 17; in line 18, by striking all before the period; in line 19, by striking "(e)(1)" and inserting "(d)(1)"; also in line 19, by striking "may" and inserting "shall"; in line 34, by striking "(e)(1)" and inserting "(d)(1)"; in line 37, after the period, by inserting "Such determination of compliance shall include, but not be limited to, operation of the refinery during the tax years when any installments of tax credits are claimed by the taxpayer,"; in line 39, after the period, by inserting "If the secretary determines that the taxpayer is not in compliance with the agreement, the secretary shall notify the taxpayer and the secretary of revenue of such determination of noncompliance, and any tax credits claimed pursuant to this section for any tax year shall be forfeited,"; in line 41, by striking "(e)"; in line 42, after "by" by inserting "or transferred to";

On page 3, in line 3, by striking ": (1) The" and inserting "the"; in line 6, by striking "if the"; by striking all in lines 7 through 10; in line 11, by striking all before the period; in line 17, by striking all after "(c)"; by striking all in lines 18 through 22; in line 23, by striking all before the period and inserting "Such credit shall be taken in 10 equal, annual installments, beginning with the year in which the entity places into service the refinery, the expansion of an existing refinery or the restoration of production of a refinery which has been out of production for five or more years"; in line 30, by striking ": (1) No" and inserting "no"; in

line 33, by striking all after “lowed”; in line 34, by striking all before the period; in line 38, by striking “certificate of com-”; in line 39, by striking all before “section” and inserting “agreement for a tax credit entered into with the secretary of commerce pursuant to”;

On page 4, in line 2, by striking “or” and inserting a comma; in line 3, after “refinery” by inserting “or restoration of production of a refinery which has been out of production for five or more years”; in line 5, by striking “or” and inserting a comma; also in line 5, before “for” by inserting “or such restoration of production of a refinery”; in line 6, by striking “or” and inserting a comma; also in line 6, before “is” by inserting “or such restoration of production of a refinery”; in line 7, by striking “or” and inserting a comma; in line 8, before “for” by inserting “or such restoration of production of a refinery”; in line 18, by striking “, construction of”; in line 30, by striking all before “with” and inserting “for an existing refinery to comply”;

On page 5, after line 2, by inserting the following:

“(c) (1) To qualify the expenditures of the tax credit allowed by this section, a taxpayer shall apply to the secretary of health and environment for a certification that the costs were incurred to comply with environmental standards or requirements as specified in subsection (a). The secretary shall prescribe the form of the application, which shall include, but not be limited to, the following information: (A) A detailed description of the refinery project that is the subject of the expenditure; (B) a citation to the applicable federal or state statutes, regulations or rules and regulations which require the environmental compliance; (C) a detailed accounting of the costs incurred for the environmental compliance; and (D) a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the application are true, accurate and complete.

(2) If the secretary of health and environment determines that the expenditures were incurred to comply with environmental standards or requirements as specified in subsection (a), the secretary shall issue a certificate of compliance to the director of taxation.

(3) The secretary of health and environment may adopt rules and regulations to administer the provisions of this subsection, including rules and regulations to fix, charge and collect an application fee to cover all or any part of the department of health and environment’s cost of certifying the taxpayer’s qualified expenditures under this subsection.”;

Also on page 5, in line 3, by striking “(c)” and inserting “(d)”;

On page 6, in line 39, by striking “deductions claimed for”;

On page 11, in line 37, by striking “or” and inserting a comma; in line 38, after “property” by inserting “or any restored refinery property”;

On page 12, in line 6, by striking all after “2005”; by striking all in line 7; in line 8, by striking all before the period; in line 14, by striking all after “2005”; in line 15, by striking all before the period; after line 17, by inserting the following:

“(5) “Restored refinery property” means any real or tangible personal property purchased, constructed or installed for incorporation in and use as part of restoration of production of a refinery which has been out of production for five or more years.”;

On page 13, after line 9, by inserting the following:

“(4) “Restoration of a refinery” means restoration of production of a refinery which has been out of production for five or more years.”; and the bill be passed as amended.

(Having been referred separately, **HB 2900** is now in Committee on **Utilities** .)

Committee on **Taxation** recommends **HB 2904** be amended on page 1, in line 30, by striking “Internal Revenue Code” and inserting “federal internal revenue code”; in line 39, by striking “: (1) Real” and inserting “real”; in line 40, by striking all after “plant”; by striking all in line 41; in line 42, by striking all before the period;

On page 2, in line 5, by striking “(c)” and inserting “(b)”;

also in line 5, after the period, by inserting “Expenditures used to qualify for this credit shall not be used to qualify for any other type of Kansas income tax credit.”;

in line 6, by striking “Subject to the provisions of subsection (c), the” and inserting “The”;

in line 10, after the period, by inserting “Such credit shall be taken in 10 equal, annual installments, beginning with the year in which the taxpayer places into service the integrated coal gasification power plant or the expansion of an existing integrated coal gasification power plant.”;

by striking all in lines 11 through 26; in line 27, by striking “(d)” and inserting “(c)”;

in line 33, by striking “: (1) No” and inserting

“no”; in line 35, by striking all after “allowed”; by striking all in line 36; in line 37, by striking all before the period; in line 38, by striking “(e)(1)” and inserting “(d)(1)”; also in line 38, by striking “may” and inserting “shall”;

On page 3, in line 17, by striking “(e)(1)” and inserting “(d)(1)”; in line 20, after the period, by inserting “Such determination of compliance shall include, but not be limited to, operation of the integrated coal gasification power plant during the tax years when any installments of tax credits are claimed by the taxpayer.”; in line 22, after the period, by inserting “If the secretary determines that the taxpayer is not in compliance with the agreement, the secretary shall notify the taxpayer and the secretary of revenue of such determination of noncompliance, and any tax credits claimed pursuant to this section for any tax year shall be forfeited.”; in line 24, by striking “(e)”; in line 25, after “by” by inserting “or transferred to”; in line 29, by striking “: (1) The” and inserting “the”; in line 32, by striking all after “entitled”; by striking all in lines 33 through 36; in line 37, by striking all before the period;

On page 4, in line 1, by striking all after “(c)”; by striking all in lines 2 through 14 and inserting: “Such credit shall be taken in 10 equal, annual installments, beginning with the year in which the entity places into service the integrated coal gasification power plant or the expansion of such plant.”; in line 21, by striking “: (1) No” and inserting “no”; in line 24, by striking all after “lowed”; in line 25, by striking all before the period; in line 29, by striking “certificate of com-”; in line 30, by striking all before “section” and inserting “agreement for a tax credit entered into with the commission pursuant to”; in line 41, by striking “expanded” and inserting “new”;

On page 5, in line 11, by striking all after “2005”; by striking all in line 12; in line 13, by striking all before the period; in line 17, by striking the last comma; by striking all in lines 18 and 19; in line 20, by striking all before the period; in line 32, by striking “, and”; by striking all in lines 33 and 34; in line 35, by striking all before the period; in line 39, by striking all after “2005”; by striking all in line 40; in line 41, by striking all before the period;

On page 13, in line 34, by striking “deductions claimed for”; and the bill be passed as amended.

(Having been referred separately, **HB 2904** is now in Committee on **Utilities**.)

Committee on **Taxation** recommends **SB 465** be amended on page 2, after line 11, by inserting the following:

“New Sec. 2. (a) There is hereby established a task force to promote adoption. The task force shall be composed of the following members, who shall be appointed not later than 45 days after the effective date of this act:

(1) Two members of the house of representatives and one member of the public appointed by the speaker of the house of representatives;

(2) one member of the house of representatives appointed by the minority leader of the house of representatives;

(3) two members of the senate and one member of the public appointed by the president of the senate;

(4) one member of the senate appointed by the minority leader of the senate; and

(5) three persons appointed by the governor.

(b) One of the legislative members of the task force appointed by the speaker of the house of representatives shall call and preside at the first meeting of the task force. At such meeting the members of the task force shall elect a chairperson and vice-chairperson. The task force shall meet on the call of the chairperson. The task force shall meet at least quarterly and at other times necessary to perform its functions. If a vacancy occurs on the task force, the vacancy shall be filled in the same manner as the original appointment.

(c) Members of the task force to promote adoption shall receive compensation and travel expenses and subsistence expenses or allowances as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, when attending meeting of such task force.

(d) The task force to promote adoption may meet at any time and at any place within the state on the call of the chairperson.

(e) It shall be the duty of the task force to provide statewide policy recommendations aimed at encouraging adoption. Specifically, the task force shall conduct an analysis of adoption in Kansas focused on the following questions:

- (1) Is the current adoption tax credit adequate enough to encourage adoption?
- (2) Does the current adoption tax credit adequately offset adoption expenses incurred by adoptive parents?
- (3) What primary issues factor into the decision of birth parents when faced with an unintended pregnancy?
- (f) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force.
- (g) The task force shall submit a final report of its findings and recommendations to the legislature and to the governor on or before February 15, 2007.”;
- And by renumbering the remaining sections accordingly;
- Also on page 2, in line 14, by striking “statute book” and inserting “Kansas register”;
- On page 1, in the title, in line 10, by striking “income taxation” and inserting “adoption”; also in line 10, after “to” by inserting “income tax”; in line 11, before “amending” by inserting “creating task force to promote adoption;”; and the bill be passed as amended.
- Committee on **Transportation** recommends **SB 510** 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 **Transportation** recommends **HB 2882** be amended on page 1, in line 23, preceding the period by inserting “, except that an antique military vehicle shall not include a fully tracked vehicle”; and the bill be passed as amended.
- Committee on **Transportation** recommends **SB 278** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 278,” as follows:
- “HOUSE Substitute for SENATE BILL No. 278
By Committee on Transportation
“AN ACT regulating traffic; concerning motorcycle equipment; amending K.S.A. 8-1597 and repealing the existing section.”; and the substitute bill be passed.
(**H. Sub. for SB 278** was thereupon introduced and read by title.)
- Committee on **Transportation** recommends **SB 388** be amended on page 1, in line 30, by striking “highway” and inserting “economic development initiatives”; in line 40, by striking all following “treasurer”; in line 41, by striking all preceding the period and inserting “to the state economic development initiatives fund”; and the bill be passed as amended.
- Committee on **Transportation** recommends **SB 544** be amended on page 1, in line 15, preceding “K.S.A.” by inserting “On January 1, 2007,”;
- On page 4, in line 24, preceding “K.S.A.” by inserting “On January 1, 2007,”;
- On page 5, preceding line 1, by inserting:
“Sec. 3. K.S.A. 2005 Supp. 79-3408 is hereby amended to read as follows: 79-3408. (a) A tax per gallon or fraction thereof, at the rate computed as prescribed in K.S.A. 79-34,141, and amendments thereto, is hereby imposed on the use, sale or delivery of all motor-vehicle fuels or special fuels which are used, sold or delivered in this state for any purpose whatsoever.
- (b) Unless otherwise specified in K.S.A. 79-3408c, and amendments thereto, the incidence of this tax is imposed on the distributor of the first receipt of the motor fuel and such taxes shall be paid but once. Such tax shall be computed on all motor-vehicle fuels or special fuels received by each distributor, manufacturer or importer in this state *or imported by any distributor, manufacturer or importer into this state* and paid in the manner provided for herein, except that an allowance of 2.5% shall be made and deducted by the distributor to cover all ordinary losses which may have resulted from physical loss while handling such motor-vehicle fuels or special fuels. No such allowance shall be made on any motor-vehicle fuel or special fuel exported from the state or sold to the United States of America or any of its agencies or instrumentalities as are now or hereinafter exempt by law from liability to state taxation. No such allowance shall be made for any motor-vehicle fuel or special fuel sold or disposed of to a consumer in tank car, transport or pipeline lots. *As used in this subsection, the term “distributor of the first receipt” shall include distributors, manufacturers and importers that import motor-vehicle fuels or special fuels into Kansas.*
- (c) No tax is hereby imposed upon or with respect to the following transactions:

(1) The sale or delivery of motor-vehicle fuel or special fuel for export from the state of Kansas to any other state or territory or to any foreign country.

(2) The sale or delivery of motor-vehicle fuel or special fuel to the United States of America and such of its agencies as are now or hereafter exempt by law from liability to state taxation.

(3) The sale or delivery of motor-vehicle fuel or special fuel to a contractor for use in performing work for the United States or those agencies of the United States above mentioned, provided such contractor has in effect with the United States or any such agency a cost-plus-a-fixed-fee contract covering the work.

(4) The sale or delivery of motor-vehicle fuel or special fuel which is aviation fuel.

(5) The first sale or delivery of motor-vehicle fuel or special fuel from a refinery, pipeline terminal, pipeline tank farm or other place to a duly licensed distributor who in turn resells to another duly licensed distributor.

(6) The sale or delivery of special fuel which is indelibly dyed in accordance with regulations prescribed pursuant to 26 U.S.C. 4082 and such special fuel is only used for non-highway purposes.

(7) The sale of kerosene used as a fuel only to power antique steam motor vehicles first manufactured prior to 1940.

(d) Each distributor, manufacturer, importer, exporter or retailer shall make full reports and furnish such further information as the director may require with reference to all transactions upon which no tax is to be paid.

Sec. 4. K.S.A. 79-3410 is hereby amended to read as follows: 79-3410. (a) Except as hereinafter provided, every distributor, manufacturer, importer, exporter or retailer of motor-vehicle fuels or special fuels, on or before the 25th day of each month, shall render to the director at the director's office in Topeka, Kansas, upon a form prescribed, prepared and furnished by the director a report certified to be true and correct showing the number of gallons of motor-vehicle fuels or special fuels received *or imported* by such distributor, manufacturer, importer, exporter or retailer during the preceding calendar month, and such further information as the director shall require. Every distributor and importer shall be exempt from reporting to the director exempt sales to the end user of special fuel which is indelibly dyed in accordance with regulations prescribed pursuant to 26 U.S.C. 4082. Every distributor, manufacturer or importer within the time herein fixed for the rendering of such reports, shall compute and shall pay to the director at the director's office the amount of taxes due to the state on all motor-vehicle fuels or special fuels received *or imported* by such distributor, manufacturer or importer during the preceding calendar month.

(b) The director may waive the requirement for monthly reports from licensed manufacturers, who are also licensed distributors, when all taxes accrued under either or both licenses or which might accrue are paid under the distributor license. All taxes imposed under the provisions of this act not paid on or before the 25th day of the month succeeding the calendar month in which the motor-vehicle fuels or special fuels were received *or imported* by the distributor, manufacturer or importer shall be deemed delinquent and shall bear interest at the rate per month, or fraction thereof, prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from such due date until paid, and in addition thereto there is hereby imposed upon all amounts of such taxes remaining due and unpaid after such due date a penalty in the amount of 5%, and the penalty shall be by the director added to and collected as a part of the taxes. If the distributor, manufacturer or importer furnishes evidence to the director that the delinquency was due to causes beyond such person's reasonable control, and if in the opinion of the director the delinquency was not the result of willful negligence of the distributor, manufacturer or importer the penalty or interest or both may be waived or reduced by the director.

If any person shall file a false or fraudulent return or fail to file a return with intent to evade the tax imposed by this act, there shall be added to the amount of deficiency determined by the director a penalty equal to 100% of the deficiency together with the interest at the rate per month or fraction thereof, prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, on such deficiency from the date such tax was due to the date of payment, in addition to all other penalties prescribed by law. Every manufacturer, refiner or terminal operator of motor-vehicle fuels or special fuels shall daily send reports to the

director of all sales of liquid fuels. The reports are to be made on forms prescribed, prepared and furnished by the director or on forms furnished by the manufacturer and approved by the director.

(c) Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsection (b) was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

Sec. 5. K.S.A. 79-3415 is hereby amended to read as follows: 79-3415. Each distributor, manufacturer, importer, exporter, retailer or user shall maintain and keep, for a period of three years, a full record or records of all motor-vehicle fuels or special fuels received, *imported*, used or sold and delivered within this state by such distributor, manufacturer, importer, exporter, retailer or user, together with invoices and bills of lading thereof, and such other pertinent papers as may be required by the director.

Sec. 6. K.S.A. 79-3416 is hereby amended to read as follows: 79-3416. Every railroad, street railroad, interurban railroad or suburban railroad, every pipeline company, every common carrier, and every carrier for hire, who shall transport any liquid fuels, motor-vehicle fuels or special fuels, from any point outside of this state into this state, or between any two points in this state, or from any point in this state to any point outside this state, and every private carrier or other person who shall transport any liquid fuels, motor-vehicle fuels or special fuels from any other state into this state, or from this state into another state, or shall transport any liquid fuels, motor-vehicle fuels or special fuels exceeding 500 gallons in amount, for any distance exceeding 25 miles within this state, shall render a written report, under oath, to the director, on forms prescribed and furnished by the director, of all such transportation of liquid fuels, motor-vehicle fuels or special fuels so made to or from points within this state. Every such report shall cover a period of one calendar month and shall be rendered to the director on or before the 15th day of the month succeeding the month covered by such report, and shall show the true name and address of the consignor and the consignee, and if delivery has been to some person other than the original consignee, the name and address of the person to whom delivery was actually made, the date and the point of delivery, and the name and the number of gallons of the liquid fuels, the motor-vehicle fuels or the special fuels delivered. If such transportation was by tank car, such report shall also show the number and initials of each tank car, if such transportation was by motor truck such report shall show the motor and license number of each truck, and if such delivery was made by any other means the report shall show the manner in which such transportation and delivery was made; such records and reports are required pursuant to the police and taxing powers of this state for the purpose of promoting the public health and safety and of aiding in the administration of the tax on motor-vehicle fuels or special fuels.

Every carrier or other person transporting motor-vehicle fuel or special fuel by tank car, tank truck or trailer from a refinery, place of manufacture or production, or pipeline terminal, or importing motor-vehicle fuel or special fuel into this state by tank car, tank truck or trailer for use, sale, or delivery in the state of Kansas shall carry a manifest on forms prescribed, prepared and furnished by the director or on forms furnished by the manufacturer, refiner or terminal operator and approved by the director showing the date of the use, sale, or delivery, the purchaser and the purchaser's address, the point of delivery, the product type or types and the quantity sold corrected to 60 degrees Fahrenheit, the means of delivering, including the license number, if any, liquid-fuels carrier's license number, and other number and description of such tank car, tank truck or trailer. Any manifest, bill of lading, shipping paper or invoice for special fuel which is indelibly dyed in accordance with regulations prescribed pursuant to 26 U.S.C. 4082 shall include the statement "DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE." Every person receiving or *importing* motor-vehicle fuel or special fuel or any part of the same shall receipt at the place provided on such manifest for the quantity received or *imported* by such person. The director may prescribe the number of copies of such manifest and the manner and time of delivering the same to the director, ports of entry, or other disposition

of copy by the carrier, consignor, consignee, distributor, or other person in any manner connected with or dealing with such shipment.

For the period July 1, 1995 through June 30, 1996, the point of delivery referred to in this section shall include at a minimum the city and state of actual delivery. On and after July 1, 1996, the point of delivery referred to in this section shall include at a minimum the address, city and state of actual delivery. The facility number issued by the Kansas department of health and environment, authorized under K.S.A. 65-34,100 et seq., and amendments thereto, may be substituted in lieu of the point of delivery.

Sec. 7. K.S.A. 79-3420 is hereby amended to read as follows: 79-3420. The director, or any deputy or agent appointed in writing by the director, is hereby authorized to examine the books, papers, records, storage tanks, tank wagons, trucks and any other equipment of any distributor, dealer, transporter, manufacturer, importer, exporter, retailer, user or any other person, pertaining to the use, storage, transportation or sale and delivery of liquid fuels, motor-vehicle fuels or special fuels, to verify the accuracy of any report, statement or payment made under the provisions of this act, or to ascertain whether or not all reports and tax payments required by this act have been made. Any information gained by the director, the director's deputies or agents, as the result of the reports, investigations and verifications herein required to be made, shall be confidential, and shall not be divulged by any person except as herein provided. Every distributor, dealer, transporter, manufacturer, importer, exporter, retailer or user and every person handling or possessing any liquid fuels, motor-vehicle fuels or special fuels shall give the director, or the director's deputy or agent appointed in writing, full and free access during reasonable business hours to all the papers, records and property mentioned, with full opportunity to examine the same. The director, or any deputy or agent appointed in writing by the director, shall examine returns and shall determine the correct amount of the tax. If the tax found due shall be greater than the amount paid, or if a claim for a refund is denied, notice shall be mailed to the taxpayer. Within 60 days after the mailing of such notice, the taxpayer may request an informal conference with the secretary of revenue or the secretary's designee relating to the tax liability by filing a written request with the secretary of revenue or the secretary's designee. Based on the evidence presented at such informal conference, the secretary of revenue or the secretary's designee shall make a final determination within the period prescribed by K.S.A. 79-3226, and amendments thereto, and shall notify the taxpayer of such decision and, if additional amounts are found to be due, such decision shall be accompanied by a notice and demand for payment. Notice under this section shall be sent by first-class mail. The tax shall be paid within 20 days thereafter, together with interest at the rate per month prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, on the additional tax from the date the tax was due unless an appeal is taken in the manner provided by law, but no additional tax shall be assessed for less than \$5. Interest at such rate shall continue to accrue on any additional tax liability during the course of any appeal.

Whenever the director of taxation has reason to believe that a person liable for tax under any provisions of the motor-fuel tax law is about to depart from the state or to remove such person's property therefrom, or to conceal oneself or such person's property therein, or to do any other act tending to prejudice, jeopardize or render wholly or partly ineffectual the collection of such motor-fuel tax unless proceedings be brought without delay, the director shall immediately make an assessment for all motor-fuel tax due from such taxpayer, noting such finding on the assessment. The assessment shall be made on the basis of emergency proceedings in accordance with the provisions of K.S.A. 77-536, and amendments thereto. Thereupon, a warrant shall be issued for the collection of the tax as provided in K.S.A. 79-3412, and amendments thereto, except that there shall be no 10-day waiting period before assessment is issued. The taxpayer, within 15 days from the date of filing of such warrant, may request an informal conference with the secretary of revenue or the secretary's designee on the correctness of the assessment. The director may publish the gallons received or imported by each licensed motor-vehicle fuel or special fuel distributor and the deductions claimed by such distributor and such publication shall be an exception to the confidentiality provisions of K.S.A. 75-5133, and amendments thereto. The director may also make available or furnish information to the taxing officials of any other state or of the federal government,

or the director of property valuation, in the manner as provided in K.S.A. 74-2424, and amendments thereto.

Sec. 8. K.S.A. 79-3424 is hereby amended to read as follows: 79-3424. The business of using, manufacturing or selling of motor-vehicle fuels or special fuels shall not be subject to any excise, license, privilege or occupation tax other than the one herein imposed, whether such tax be imposed by the state of Kansas or by any municipal corporation or other political subdivision of this state; and no municipal corporation, or other political subdivision of this state, shall levy or collect any tax upon, or measured by, the sale, receipt, *importation*, distribution or use of motor-vehicle fuel or special fuel, or any excise, license, privilege, or occupational tax upon the business of manufacturing, using, selling or delivering motor-vehicle fuels or special fuels.

Sec. 9. K.S.A. 79-3426 is hereby amended to read as follows: 79-3426. (a) The director, upon the request of the official of any other state entrusted with the enforcement of the motor-vehicle-fuels tax law of such other state, may forward to such official any information which the director may have in the director's possession relative to the manufacture, receipt, sale, delivery, use, transportation or shipment by any person of liquid fuels, and the director, upon request of any distributor, importer, exporter or retailer holding a valid license, shall furnish to such distributor, importer, exporter or retailer a list of the names and addresses of all the persons holding distributor's, importer's, exporter's or retailer's licenses issued and outstanding in this state.

(b) The director, upon the request of the official entrusted with the enforcement of the fuel tax laws of any other state, the District of Columbia, the United States, its territories and possessions, the provinces of the Dominion of Canada, may forward to such official any information which the director may have in the director's possession relative to the manufacture, receipt, *importation*, sale, delivery, use, transportation or shipment by any person of special fuel as defined in this act.

Sec. 10. K.S.A. 2005 Supp. 79-3464c is hereby amended to read as follows: 79-3464c. (a) The director may require a licensed distributor receiving or *importing* 50,000 gallons of motor fuel or more in a calendar month to file by electronic or magnetic media, in a standard format, such information as specified by the director. A licensed distributor, that can show just cause, may request a waiver from these requirements.

(b) Any distributor filing information prescribed by the director in accordance with subsection (a), who continues to file in accordance with subsection (a), shall be entitled to a onetime tax credit against the motor fuel tax imposed by article 34 of chapter 79 of the Kansas Statutes Annotated. Distributors filing in accordance with subsection (a):

- (1) On or before July 1, 1999, shall be entitled to an amount equal to \$8,000;
- (2) after July 1, 1999, but on or before July 1, 2000, shall be entitled to an amount equal to \$6,400; and
- (3) after July 1, 2000, but on or before June 30, 2001, shall be entitled to an amount equal to \$4,000.

(c) Any distributor electing to cease filing in accordance with subsection (a) within 10 years of the taxable year in which the taxpayer claimed the credit pursuant to subsection (b), shall be liable to reimburse the state for the amount of any such credit claimed.

(d) The secretary of revenue shall adopt rules and regulations establishing the criteria and procedures for claiming the tax credit under subsection (b).

Sec. 11. K.S.A. 79-3464e is hereby amended to read as follows: 79-3464e. (a) It shall be unlawful for any distributor, importer, exporter, manufacturer, retailer, user, carrier, transporter or any other person to:

- (1) Use, sell, manufacture or deliver any motor-vehicle fuels or special fuels at any place without having a valid, unsuspended and unrevoked license as required by this act;
- (2) fail, neglect or refuse to render to the director at the director's office, within the time required by the provisions of this act, any report or statement required by or purporting to be under the provisions of this act, or purporting to be under the rules and regulations promulgated by the director under such provisions;
- (3) fail, neglect or refuse to pay the director, within the time required by this act, any tax, taxes, interest or penalties for which such person is liable under the provisions of this act;

(4) fail, neglect or refuse to keep and maintain for a period of three years, or fail to make fully and freely accessible during business hours to the director, the director's deputy or agent, all books, papers and records required by this act to be kept and maintained and so made accessible;

(5) use any motor fuels purchased as exempt in a taxable manner;

(6) sell, receive, *import* or transport motor fuels without proper and correct manifests;

(7) sell or hold for sale dyed fuel that such person knows or has reason to know will not be used for a nontaxable purpose;

(8) violate any other provision of this act not specified in this section;

(9) aid and abet in violations contained in paragraphs (1) through (8);

(10) falsify, forge or willfully conceal from the director or director's agent, any books, papers and records required by this act;

(11) knowingly submit a false or forged application for licensure under this act;

(12) knowingly make any false or forged application for a refund permit or claim for refund or to knowingly make any false statement in any application for a refund permit, or in any claim for a refund;

(13) present, or cause to be presented, to the director for credit, or for refund, any false, forged or altered invoice of refund;

(14) falsify, forge or alter any documents associated with the use, sale, manufacture or delivery of any motor fuels;

(15) deliver or accept delivery, with the intent to evade the obligation of collecting, remitting or accounting for motor fuel tax to this state, any motor fuel, knowing that the manifest or bill of lading indicates that the motor fuel was intended to be delivered to a tax exempt entity or intended to be delivered to a location outside the state of Kansas;

(16) use dyed fuel other than for a nontaxable use;

(17) willfully alters or attempts to alter, the strength or composition of any dye in any dyed fuel; or

(18) aid and abet in violations contained in paragraphs (10) through (17).

(b) Violation of paragraphs (1) through (9) is a misdemeanor. Any person convicted of such violation shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or by both such fine and imprisonment. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than \$5,000 nor more than \$50,000, or by imprisonment in the county jail for not less than 60 days nor more than two years, or by both such fine and imprisonment.

(c) Violation of paragraphs (10) through (18) is a severity level 10, nonperson felony.

(d) For any violations of this section, the director may suspend or revoke any license issued to any person found to be in violation and assess an administrative penalty of \$10 per gallon of motor fuels involved, or a penalty of not less than \$1,000 nor more than \$10,000; and upon a second or subsequent violation, a penalty of \$25 per gallon of motor fuels involved or a penalty of not less than \$5,000 nor more than \$50,000.

New Sec. 12. No claim for refund of tax imposed by the Kansas motor-fuel tax law based upon any decision of the Kansas supreme court or any federal court that importers are not subject to any provision of the motor-fuel tax law, including but not limited to the remittance and payment provisions of the motor-fuel tax law, shall be allowed for tax paid prior to the date of such decision.

Sec. 13. K.S.A. 79-3410, 79-3415, 79-3416, 79-3420, 79-3424, 79-3426 and 79-3464e and K.S.A. 2005 Supp. 79-3408 and 79-3464c are hereby repealed.”;

By renumbering the remaining sections accordingly;

Also on page 5, in line 1, preceding “K.S.A.” by inserting “On January 1, 2007,”; in line 3, by striking “Jan-”; in line 4, by striking all preceding “its”; also in line 4, by striking “statute book” and inserting “Kansas register”;

In the title, in line 11, following the semicolon, by inserting “relating to the importation of motor fuels,”; also in line 11, following “79-3401” by inserting “, 79-3410, 79-3415, 79-3416, 79-3420, 79-3424, 79-3426 and 79-3464e”; also in line 11, following “Supp.” by inserting “79-3408, 79-3464c and”; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGE

Speaker Mays announced Rep. Winn would replace Rep. Flaharty on Select Committee on School Finance on March 21, 2006.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HR 6019** from Committee on Education and referral to Select Committee on School Finance.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **SB 564** be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 2005 Supp. 12-187, as amended by section 1 of 2006 House Bill No. 2698, is hereby amended to read as follows: 12-187. (a) (1) No city shall impose a retailers’ sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers’ sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(2) The governing body of any class B city located in any county which does not impose a countywide retailers’ sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing a retailers’ sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers’ sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Jefferson, Lyon, *Marion*, Montgomery, Neosho, Osage, Ottawa, *Reno*, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers’ sales tax and pledging the

revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of

subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, *Crawford*, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of *Crawford*, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax in the amount of .5% being levied by a city on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance so providing. In addition to any city retailers' sales tax being levied by a city on July 1, 1990, any such city may adopt an additional city retailers' sales tax in the amount of .25% or .5%, provided that such additional tax is adopted and approved in the manner provided for the adoption and approval of a city retailers' sales tax. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) A class D city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, the governing body of any class D city may submit the question of imposing an additional city retailers' sales tax in the amount of .125%, .25%, .5% or .75% and pledging the revenue received therefrom for economic development initiatives, strategic planning initiatives or for public infrastruc-

ture projects including buildings to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than five years from the date of imposition thereof, except that any such tax imposed by any class D city after the effective date of this act shall expire no later than 10 years from the date of imposition thereof.

(f) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(g) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(h) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2005 Supp. 12-189, as amended by section 2 of 2006 House Bill No. 2698, is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A, class B or class C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75% ~~and~~; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; *and the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%;*

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county

commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of *Crawford* or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; **or**

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) *the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%; or*

(n) *the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%.*

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.”;

Also on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 through 9;

On page 10, by striking all in lines 1 through 31;

On page 12, in line 17, by striking “or”; also in line 17, after “(15)” by inserting “or (16)”;

On page 13, in line 9, after “12-187,” by inserting “as amended by section 1 of 2006 House Bill No. 2698,”; also in line 9, after “12-189” by inserting “, as amended by section 2 of 2006 House Bill No. 2698,”;

On page 1, in the title, in line 9, after “to” by inserting “authority for”; in line 10, by striking “Saline county” and inserting “in certain counties”; also in line 10, after “12-187,” by inserting “as amended by section 1 of 2006 House Bill No. 2698,”; also in line 10, after “12-189” by inserting “, as amended by section 2 of 2006 House Bill No. 2698,”; and the bill be passed as amended.

Select Committee on **School Finance** recommends **HR 6019** be adopted.

Select Committee on **School Finance** recommends **HB 2986** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2986,” as follows:

“Substitute for HOUSE BILL No. 2986

By Committee on Select Committee School Finance

“AN ACT concerning school districts and the powers and duties thereof; relating to the state board of education and the powers and duties thereof; relating to school finance; amending K.S.A. 2005 Supp. 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-6434, 72-6442b, 72-6449, 72-8204c, 72-8814, 72-9509, 79-2926 and 79-2927a and repealing the existing sections; also repealing K.S.A. 2005 Supp. 75-2320.”; and the substitute bill be passed.

(**Sub. HB 2986** was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2957, HB 2958, HB 2880 reported correctly engrossed March 20, 2006.

REPORT ON ENROLLED BILLS

HB 2595, HB 2610, HB 2645, HB 2663, HB 2756, HB 2951 reported correctly enrolled, properly signed and presented to the governor on March 20, 2006.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Tuesday, March 21, 2006.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

