

Journal of the House

SIXTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 5, 2006, 11:00 a.m.

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

Prayer by Chaplain Chamberlain:

God who was and is and will always be, we lift our voices in praise of you this morning. Holy are you and blessed is your name among the nations.

Lord, when the Hebrew children thirsted in the desert, you brought forth water from a rock. When they hungered, you sent manna from heaven and delivered quail for them to eat. When the nation feared, you sent a shepherd boy to fling a stone and topple a mighty enemy. You sent judges and prophets and, in the fullness of time, sent love itself into the world. When things looked impossible, you always provided the things that served your people.

Things don't look impossible today, Lord, but they look very hard. We know that you have already provided an answer. We know that you have given us the wisdom and the vision to figure out what is wise, just, and possible. So open our eyes, our ears, and our minds to see the blessing of your providence once again, so that through you our work might be complete. Amen.

The Pledge of Allegiance was led by Rep. Goico.

MESSAGE FROM THE GOVERNOR

HB 2578 approved on May 5, 2006.

MESSAGES FROM THE SENATE

The President announced the appointment of Senators Allen, Donovan and Lee as members of the conference committee on **SB 432** to replace Senators Vratil, Bruce and Goodwin.

The President announced the appointment of Senators Allen, D. Schmidt and Lee as members of the conference committee on **H. Sub. for SB 435** to replace Senators Vratil, Bruce and Goodwin.

The President announced the appointment of Senators Schodorf, Vratil and Lee as members of the conference committee on **SB 549** to replace Senators Brungardt, Reitz and Hensley.

The President announced the appointment of Senators Schodorf, Vratil and Lee as members of the conference committee on **HB 2809** to replace Senators Brungardt, Reitz and Hensley.

Also, the President announced the appointment of Senators Apple as a member of the conference committee on **H. Sub. for SB 303** to replace Senator Emler.

The President announced the appointment of Senators Allen, D. Schmidt and Lee as members of the conference committee on **HB 2583** to replace Senators Umbarger, Emler and Barone.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Wilk, Huff and Thull as members of the conference committee on **SB 432** to replace Reps. O'Neal, Kinzer and Pauls.

Also, the appointment of Reps. Wilk, Huff and Thull as members of the conference committee on **H. Sub. for SB 435** to replace Reps. O'Neal, Kinzer and Pauls.

Also, the appointment of Reps. Wilk, Huff and Thull as members of the conference committee on **HB 2583** to replace Reps. Neufeld, Landwehr and Feuerborn.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 421, Sub. SB 323**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 421**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 8, by striking "(1) engage", beginning a new paragraph and inserting: "(1) Engage";

Also on page 2, in line 9, by striking all after "any"; in line 10, by striking "yards" and inserting "location, other than a public street, public sidewalk, public park or other traditional public forum, which is within 500 feet"; in line 16, by striking "or other public space" and inserting ", public park or other traditional public forum"; in line 17, before the period, by inserting "; or

(3) willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of a funeral";

Also on page 2, in line 26, after "(h)", by inserting "The state shall reimburse any city or county for any statutory fee which may be awarded by a court to parties challenging the constitutionality of this section, as well as reasonable attorney fees, costs and other expenses incurred by a city or county in defending any action challenging the constitutionality of this section.

(i)";

Also on page 2, following line 30, by inserting:

"New Sec. 2. (a) There is hereby established in the state treasury the family and military funeral and memorial service defense fund.

(b) All moneys received from donations to the family and military funeral and memorial service defense fund and any moneys received from any other source or appropriated for the purposes of the fund shall be credited to the fund. The attorney general shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys received by the attorney general for the purposes of the fund. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the fund.

(c) Moneys in the family and military funeral and memorial service defense fund shall be expended only to:

(1) Pay reasonable attorney fees, costs and other expenses incurred by the state, or a city or county, in defending any action challenging the constitutionality of K.S.A. 21-4015, and amendments thereto, or any other action challenging the legality of any other Kansas statute or rule and regulation governing the conduct of persons before, during and after a funeral or memorial service performed in this state;

(2) pay statutory fees assessed the state, or reimburse cities and counties, for statutory fees assessed cities and counties, when such fees are awarded by a court to parties challenging the constitutionality of K.S.A. 21-4015, and amendments thereto, or challenging the legality of any other Kansas statute or rule and regulation governing the conduct of persons before, during and after a funeral or memorial service performed in this state; and

(3) publicize the existence of the fund and the tax impact of contributions to the fund and otherwise promote contributions to the fund, but the amount used for this purpose shall not exceed 10% of amounts credited to the fund.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the family and military funeral and memorial service defense fund interest earnings based on:

(1) The average daily balance of moneys in the family and military funeral and memorial service defense fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(e) All expenditures from the family and military funeral and memorial service defense fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general for the purposes set forth in this section. Amounts credited to the fund shall not be subject to any limitation imposed by any appropriation act.

(f) Unless otherwise specified in writing as a condition of a contribution made to the family and military funeral and memorial service defense fund, the identity of a contributor to the fund and the amount of the contribution shall be confidential and shall not be disclosed to the public pursuant to the open records act or pursuant to any judicial proceeding.

(g) On or before January 10 of each year the attorney general shall submit to the governor and the legislature an accounting of moneys credited to and moneys expended from the family and military funeral and memorial service defense fund during the preceding fiscal year.

New Sec. 3. For taxable years commencing after December 31, 2005, there shall be allowed a tax credit against the income tax liability imposed on a taxpayer pursuant to the Kansas income tax act in an amount equal to 25% of any contribution to the family and military funeral and memorial service defense fund established by section 2, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

In the title, in line 16, before “amending”, by inserting “providing for payment of certain expenses and fees; providing income tax credits for certain donations;”;

And your committee on conference recommends the adoption of this report.

JOHN T. EDMONDS
ARLEN H. SIEGFREID
TOM BURROUGHS
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Edmonds to adopt the conference committee report on **SB 421**, Rep. Mays offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker Mays thereupon appointed Reps. Siegfroid, Kinzer and Burroughs as second conferees on the part of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. O’Neal, **HR 6036**, a resolution in memory of William L. Mitchell, was adopted.

Reps. O’Neal and Pauls addressed a few remarks to the members of the House in remembrance of William Mitchell.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 323**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 32, before “(a)”, by inserting “On and after July 1, 2007.”; following line 38, by inserting:

“(c) This section shall be part of and supplemental to the eminent domain procedure act.”;

Also on page 1, in line 39, by striking “The” and inserting “On and after July 1, 2007, the”;

On page 2, in line 5, after “park”, by inserting a comma; in line 8, by striking “privately-owned common carrier” and inserting “public utility, as defined in K.S.a. 66-104, and amendments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and amendments thereto, pipe-line companies, railroads and all persons and associations of persons, whether incorporated or not, operating such agencies for public use in the conveyance of persons or property within this state”; in line 10, by striking “by such privately-owned common carrier”; in line 19, by striking “2006” and inserting “2007”; in line 20, after the period, by inserting “If the legislature authorizes eminent domain for private economic development purposes, the legislature shall consider requiring compensation of at least 200% of fair market value to property owners.”; following line 20, by inserting:

“(g) This section shall be part of and supplemental to the eminent domain procedure act.”;

On page 5, by striking all in lines 11 through 28;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 29, before “K.S.A.”, by inserting “On and after July 1, 2007.”; in line 32, by striking the semicolon; by striking all of line 33; in line 34, by striking all before the period; in line 38, before the period, by inserting “; however, eminent domain may be used only as authorized by section 2, and amendments thereto”;

On page 6, by striking all in lines 24 through 43;

By striking all on pages 7 and 8;

On page 9, by striking all in lines 1 through 25 and inserting:

“Sec. 4. On and after July 1, 2007, K.S.A. 2005 Supp. 19-101a, as amended by section 16 of 2006 House Bill No. 2590, is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 27174th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers’ sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of

K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

(B) This provision shall expire on June 30, 2006.

(17) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.

(B) This provision shall expire on June 30, 2006.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(30) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2005 Supp. 80-121, and amendments thereto.

(32) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(33) Counties may not exempt from or effect changes in the wireless enhanced 911 act, in the VoIP enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.

(34) Counties may not exempt from or effect changes in K.S.A. 2005 Supp. 26-601, and amendments thereto.

(35) (A) From and after November 15, 2005, counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) From and after November 15, 2005, counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(36) (A) From and after November 15, 2005, counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) From and after November 15, 2005, counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(37) *Counties may neither exempt from nor effect changes to the eminent domain procedure act.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.”;

And by renumbering sections accordingly;

Also on page 9, in line 26, before “K.S.A.”, by inserting “On and after July 1, 2007,”; in line 28, by striking “through” where it appears for the second time; in line 29, by striking all before the first comma and inserting “and 2”;

following line 35, by inserting:
“(c) For the purposes of the eminent domain procedure act, unless the context clearly indicates a different meaning, the following terms shall have the following respective meanings:

(1) “Municipality” means city, county or unified government.

(2) “Taking” means the use by any authorized entity of the power of eminent domain to acquire any interest in private real property.”;

On page 12, by striking all in lines 27 through 43;

On page 13, by striking all in lines 1 through 17;

And by renumbering the remaining sections accordingly;

Also on page 13, in line 18, before “K.S.A.”, by inserting “On and after July 1, 2007,”;

On page 14, by striking all in lines 2 through 43;

On page 15, by striking all in lines 1 through 28;

And by renumbering the remaining sections accordingly;

Also on page 15, in line 29, before “K.S.A.”, by inserting “On and after July 1, 2006,”; in line 39, after “surveyor”, by inserting “or a professional engineer who is competent to conduct a land survey,”; in line 42, before “governing”, by inserting “, the”;

On page 16, by striking all in lines 6 through 9;

And by renumbering the remaining sections accordingly;

Also on page 16, in line 10, before "K.S.A.", by inserting "On and after July 1, 2006,"; in line 25, after "surveyor", by inserting "or a professional engineer who is competent to conduct a land survey"; in line 31, before "K.S.A.", by inserting "On and after July 1, 2006,";

On page 17, in line 5, after "surveyor", by inserting "or a professional engineer who is competent to conduct a land survey"; in line 11, before "K.S.A." by inserting "On and after July 1, 2006,"; in line 21, after "surveyor", by inserting "or a professional engineer who is competent to conduct a land survey"; by striking all in lines 38 through 43;

By striking all on pages 18 through 23;

On page 24, by striking all in lines 1 through 29;

And by renumbering the remaining sections accordingly;

Also on page 24, in line 30, before "K.S.A.", by inserting "On and after July 1, 2006,";

On page 25, in line 12, after "surveyor", by inserting "or a professional engineer who is competent to conduct a land survey"; in line 25, before "K.S.A.", by inserting "On and after July 1, 2007," line 33, after "made", by inserting a comma; in line 39, by striking "30" and inserting "10"; in line 41, by striking "property" where it appears for the second time and inserting "premises"; also in line 41, after the period, by inserting "The clerk of the district court shall notify the interested parties that the appraisers' award has been paid and that the defendant shall have 10 days from the payment date to remove personal property from the premises.";

On page 26, by striking all in lines 34 through 37 and inserting:

"New Sec. 14. The provisions of sections 1 through 6 and 12 are expressly declared to be nonseverable. If any provision of sections 1 through 6 and 12 is held to be invalid or unconstitutional, the entirety of such sections shall be null and void.

Sec. 15. K.S.A. 2005 Supp. 26-508 is hereby repealed.

Sec. 16. On July 1, 2006, K.S.A. 12-1306, 24-438, 24-467, 26-201 and 72-8212a are hereby repealed.

Sec. 17. On July 1, 2007, K.S.A. 26-501, 26-505 and 26-507 and K.S.A. 2005 Supp. 12-1773 and 19-101a, as amended by section 16 of 2006 House Bill No. 2590, are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 13, by striking "relating to"; in line 14, by striking "19-1414,"; in line 15, after "26-501," by inserting "26-505, 26-507"; also in line 15, by striking "49-406"; also in line 15, by striking ", 26-"; in line 16, by striking all before "and" where it appears for the third time; in line 17, by striking the first comma; also in line 17, after "19-101a", by inserting ", as amended by section 16 of 2006 House Bill No. 2590,"; also in line 17, by striking "and 26-504";

And your committee on conference recommends the adoption of this report.

ARLEN H. SIEGFREID

STEVEN R. BRUNK

TOM BURROUGHS

Conferees on part of House

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. Siegfroid, the conference committee report on **Sub. SB 323** was adopted.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

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

Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Cox, Dillmore, Flora, Kirk, Kuether, Loganbill, Menghini, Owens, Peterson, Roth.

Present but not voting: None.

Absent or not voting: Powers, Shultz.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 297**, **SB 503**, **SB 379**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 297**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

RAY MERRICK
JOE MCLELAND
JANICE L. PAULS
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. McLeland to adopt the conference committee report on **SB 297** to agree to disagree, the motion did not prevail, and the bill remains in conference.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Wilk, Huff and Thull as members of the conference committee on **SB 55** to replace Reps. Neufeld, Landwehr and Feuerborn.

Also, the appointment of Rep. Kelsey as a member of the conference committee on **SB 62** to replace Rep. Siegfried; also the appointment of Rep. Siegfried to replace Rep. Edmonds.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 503**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 2, by striking all in lines 15 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 10, and inserting

"New Sec. 2. The Kansas water office shall purchase one water flow measurement device, and any required data recording device for use with such water flow measurement device, and shall provide for the permanent installation of such devices below the dam of the Cedar

Bluff reservoir in accordance with this section. The water flow measurement device and any required data recording device shall be installed at a downstream, man-made channel or drop structure. Prior to installing any such water flow measurement device and any required data recording device, the Kansas water office shall obtain a written authorization from all owners of the property at the location where the water flow measurement device and any required data recording device are to be installed. All data collected by such water flow measurement device shall be made available to the general public electronically through the internet on a real time basis as it is collected and shall be reported to the senate committee on natural resources, the senate committee on ways and means subcommittee on the Kansas water office, the house committee on environment, and the house agriculture and natural resources budget committee during the 2007 regular session of the legislature.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 13, by striking “concerning” and inserting “providing certain water flow measurements below the dam of the”; in line 14, by striking all after “reservoir”; in line 15, by striking all before the period;

And your committee on conference recommends the adoption of this report.

SHARON SCHWARTZ
LARRY R. POWELL
JERRY WILLIAMS
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

On motion of Rep. Schwartz, the conference committee report on **SB 503** was adopted. On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Dillmore, D. Johnson, Lane, Phelps.

Present but not voting: None.

Absent or not voting: Powers, Shultz.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 379**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 4, in line 30, by striking “a majority” and inserting “not less than 63%”; also in line 30, by striking all after “electors”; in line 31, by striking all before “voting”;

On page 16, by striking all in line 6; by striking all in lines 18 through 33 and inserting the following:

“Sec. 11. K.S.A. 24-409, as amended by section 1 of 2006 Senate Bill No. 392 is hereby amended to read as follows: 24-409. (a) ~~Except as provided in subsection (b);~~ All powers granted to drainage districts incorporated under the provisions of this act shall be exercised

by a board of directors consisting of three persons who shall be owners of land located in the district. Directors also shall reside in the county in which such district is located, or if such district is located in more than one county, the directors shall reside in a county in which a portion of the drainage district is located. Except as provided in K.S.A. 24-412, and amendments thereto, the directors shall hold their offices for four years and until their successors are elected or appointed, as the case may be, and qualified, and shall be chosen at the time and in the manner provided by law.

(b) ~~Notwithstanding the provisions of subsection (a);~~ *Members of the board of directors shall be owners of land located in the drainage district and shall reside in the county in which the district is located or, if the district is located in more than one county, a county in which any portion of the district is located, except:*

(1) *If there are no residents within the drainage district who are owners of land within the district, any owner of land located within the district shall be a qualified voter and shall be eligible to hold the office of director; and*

(2) *a director shall be either an owner of or a tenant on land located within the drainage district whenever: (A) The drainage district is located within one county and the population of the county does not exceed 10,000; or (B) the drainage district is located in more than one county and the population of any such county does not exceed 10,000.”;*

By striking all on pages 18 through 25;

On page 26, by striking all in line 1;

And by renumbering the remaining sections accordingly;

Also on page 26, in line 3, by striking all after “12-3909” and inserting “, 18-202,”; in line 4, before “are” by inserting “and K.S.A. 24-409, as amended by section 1 of 2006 Senate Bill No. 392.”;

In the title, in line 20, by striking “24-409,”; in line 21, by striking “and 64-101”; also in line 21, before the last “and” by inserting “and K.S.A. 24-409, as amended by section 1 of 2006 Senate Bill No. 392.”;

And your committee on conference recommends the adoption of this report.

JENE VICKREY
STEVE HUEBERT
TOM SAWYER
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Vickrey to adopt the conference committee report on **SB 379**, Rep. Oharah offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as second conferees on the part of the House.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 141, by Representative Grange, congratulating Frontier El Dorado Refining Company on winning a Friends of Education Award;

Request No. 142, by Representative Grange, congratulating Nancy Grange on winning a Friends of Education Award;

Request No. 143, by Representative Grange, congratulating Cpt. Rick Hamelund and the Salvation Army of Butler County on winning a Friends of Education Award;

Request No. 144, by Representative Gordon, commending Randy Sparks on the 50th anniversary of his first musical recording;

Request No. 145, by Representative Aurand, commending Ann (Tyson) Tedrow, Nelson Keeler and E. Gaylord Rothchild on recording video histories about World War II;

- Request No. 146**, by Representative McKinney, congratulating Curtis Lannon on attaining the rank of Eagle Scout;
- Request No. 147**, by Representative Carlin, congratulating the Kansas State University Women's Basketball Team on winning the 2006 Women's National Invitation Tournament;
- Request No. 148**, by Representative Huff, congratulating Joshua David Hardy Edwards on attaining the rank of Eagle Scout;
- Request No. 149**, by Representative S. Sharp, congratulating Spencer Davis White on attaining the rank of Eagle Scout;
- Request No. 150**, by Representative Edmonds, congratulating Christopher Seems and Matthew L. Vink on attaining the rank of Eagle Scout;
- Request No. 151**, by Representative Dahl, congratulating Marvin and Barbara Hill and George and Kathleen Oborny on their 50th wedding anniversaries;
- Request No. 152**, by Representative Schwartz, congratulating Adolph and Marjorie Musil on their 65th anniversary and Adolph's 90th birthday;
- Request No. 153**, by Representative M. Holmes, commending Kerry Livgren on his songwriting career;
- Request No. 154**, by Representatives Ballard, Brown, Davis, Holland, Mah and Sloan, commending Max Falkenstien on his 60 years of broadcasting KU sports;
- Request No. 155**, by Representative George, commending JAG Construction on being named Family-Owned Business of the Year;
- Request No. 156**, by Representative Hutchins, congratulating Zachary Dean Trimble on attaining the rank of Eagle Scout;
- Request No. 157**, by Representative Hutchins, congratulating James L. Beckwith on receiving a 2006 Jefferson Award;
- Request No. 158**, by Representative B. Sharp, congratulating Arturo Daniel Mora on attaining the rank of Eagle Scout;
- Request No. 159**, by Representative Huff, congratulating J. Randall Vance on attaining the rank of Eagle Scout;
- Request No. 160**, by Representative Dahl, congratulating Palmer and Lucille Base on their 50th wedding anniversary;
- Request No. 161**, by Representative Thull, congratulating Rudolph Claassen on his 90th birthday;
- Request No. 162**, by Representatives Huntington, Colloton, Wolf, Yoder, O'Malley and Storm, congratulating the Shawnee Mission East Swim Team on winning the Sunflower League championship;
- Request No. 163**, by Representative Mast, commending the Hetlinger Developmental Services on their good work;
- Request No. 164**, by Representative Menghini, congratulating the Pittsburg State Dept. of Communications on their new broadcast studio;
- Request No. 165**, by Representative Henderson, congratulating Alisha Marie Brown on her graduation from Regis University;
- Request No. 166**, by Representative Huff, commending Thomas R. Hyland for fostering human creative talent;
- Request No. 167**, by Representative Carlson, congratulating Wyatt Dean Carlson on his trophy from the National Turkey Federation;
- Request No. 168**, by Representative Long, congratulating Judi Naylor on being honored as the Central Region Winner of the National Council of Secondary School Athletic Directors;
- Request No. 169**, by Representative McKinney, commending Barbara Deewall for 26 years of service to USD 300 and 8 years on the school board;
- Request No. 170**, by Representative Menghini, congratulating Debbie Potter on being selected National School Psychologist of the Year;
- Request No. 171**, by Representative Trimmer, congratulating Carl Butler and Skylar Rinehart on attaining the rank of Eagle Scout;
- Request No. 172**, by Representative George, commending Colonel Scott Kindsvater, USAF, in recognition of his service to the United States of America;

Request No. 173, by Representative Schwartz, congratulating Hal Prichard and Harold Oliver on being recognized as NFCA State of Kansas Coaches of the Year;

Request No. 174, by Representative Schwartz, congratulating Mr. and Mrs. Neil Richter on their 50th wedding anniversary;

Request No. 175, by Representative Mah, congratulating Joe Rohlfs on attaining the rank of Eagle Scout;

Request No. 176, by Representative Pottorff, congratulating Fran Jabara on being named Small Business Person of the Year;

Request No. 177, by Representative Hayzlett, congratulating 2006 Governor's Scholars;

Request No. 178, by Representative Merrick, congratulating schools for achieving excellence in 2005;

Request No. 179, by Representative Menghini, congratulating Susie Tims on being inducted into the Kansas Teachers Hall of Fame;

Request No. 180, by Representative Ballard, congratulating Don Wituba on 30 years as an independent businessman;

Request No. 181, by Representative Siegfried, congratulating Bridget Lafollette, Atena Kamali, Steven Burnett and Grace Boudewyns on receiving Governor's Scholars Awards;

Request No. 182, by Representative Mah, congratulating Carrie Burgoon and Hannah Clifford on attaining the Girl Scout Gold Award;

Request No. 183, by Representative Jim Morrison, congratulating Benny Rosell on being inducted into the Kansas State High School Activities Association Hall of Fame;

Request No. 184, by Representative Henderson, congratulating Elana Alexis Walker on her graduation from Iowa State University;

Request No. 185, by Representative Krehbiel, congratulating David John King on attaining the rank of Eagle Scout;

Request No. 186, by Representative Trimmer, congratulating Garrett S. Hoover on attaining the rank of Eagle Scout;

Request No. 187, by Representative Vickrey, congratulating Dean and Helen Slyter on their 50th wedding anniversary;

Request No. 188, by Representative Aurand, congratulating 2006 Governor's Scholars Award winners;

Request No. 189, by Representative Lukert, commending Spencer Barrett on attaining the rank of Eagle Scout;

Request No. 190, by Representative Faber, congratulating Etta Conner on her 85th birthday;

Request No. 191, by Representative Tafanelli, congratulating 2006 Governor's Scholars Award winners; be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

On motion of Rep. Aurand, the House recessed until 3:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF GUESTS

Rep. Ballard introduced Don Wistuba, who was escorted to the podium by Rep. B. Sharp. Don has operated the snack bar in the Capitol for 30 years and was presented a certificate which read: "Sincere congratulations are extended to Don Wistuba in recognition of 30 years as an independent businessman operating a snack bar under the Federal Business Enterprise which is supervised by the division of Services for the Blind and Visually Impaired." The certificate will be transcribed into braille by the Talking Books Program in Emporia so that Don will be able to read and enjoy it in the years to come. Don also addressed a few remarks to the members of the House.

Rep. Mays also addressed a few remarks thanking Don for his service in the snack bar.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 506**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, preceding line 24, by inserting the following:

“WHEREAS, Subsection (a)(7) of K.S.A. 2005 Supp. 22-4902, and amendments thereto, shall be known and may be cited as Miki’s Law: Now, therefore,”;

On page 8, following line 19, by inserting the following:

“Sec. 5. On and after July 1, 2006, K.S.A. 2005 Supp. 8-247, as amended by section 4 of this act, is hereby amended to read as follows: 8-247. (a) (1) All original licenses shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who ~~are less than 21 years of age or~~ are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application; ~~or~~

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; ~~or~~

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee’s twenty-first birthday.

(2) All renewals under: (A) paragraph (1) (A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B) and (C) shall expire on every fourth anniversary of the date of birth of the licensee; ~~and~~ (C) paragraph (1)(D) shall expire every year on the date of birth of the licensee; *and (D) paragraph (1) (E), if a renewal license is issued, shall expire on the licensee’s twenty-first birthday.* No driver’s license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver’s license of any person expires while such person is outside of the state of Kansas and on active duty in the armed forces of the United States, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after reestablished residence within the state, whichever time is sooner. If the driver’s license of any person expires while such person is outside the United States, the division shall provide for renewal by mail.

(c) At least 30 days prior to the expiration of a person’s license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice: (1) A copy of the eyesight examination form; (2) a copy of the written examination prescribed by subsection (e); (3) a copy of the Kansas driver’s manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto; and (4) the written information required under subsection (g).

(d) Every driver’s license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver’s license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the

division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state. Such examination shall be equivalent to the tests required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examinations without charge and shall report the results of the examinations on a form provided by the division, which shall be submitted by the applicant to the division at the time such applicant applies for license renewal.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished the applicant with the notice of the expiration of license under subsection (c).

(3) In lieu of the driver's license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.

(4) The division shall determine whether the results of the written examination and the eyesight reported are sufficient for renewal of the license and, if the results of either or both of the examinations are insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(5) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license. If the applicant has been denied renewal of such person's driver's license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.

(6) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (7) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b, and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255, and amendments thereto.

(7) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sus-

tained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner.

(g) The division shall provide the following information in a person's notice of expiration or renewal under subsection (c):

(1) Written information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the uniform anatomical gift act;

(2) written information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The written information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) written information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant in writing that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing printed material enclosed with a mailed notice for driver's license renewal; or

(B) providing printed material to an applicant who personally appears at an examining station;

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

Sec. 6. On and after July 1, 2006, K.S.A. 2005 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in this act, unless the context otherwise requires:

(a) "Offender" means: (1) A sex offender as defined in subsection (b);

(2) a violent offender as defined in subsection (d);

- (3) a sexually violent predator as defined in subsection (f);
- (4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:
- (A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;
 - (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or
 - (C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;
- (5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
- (A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;
 - (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;
 - (C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;
 - (D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto;
 - (E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto;
- or
- (F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;
- (6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;
- (7) *any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;*
- ~~(7)~~ (8) any person who has been convicted of an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in subsection (4) ~~or~~, (5) or (7), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4) ~~or~~, (5) or (7); or
- ~~(8)~~ (9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4) ~~or~~, (5) or 7.
- Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.
- (b) "Sex offender" includes any person who, after the effective date of this act, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).
- (c) "Sexually violent crime" means:
- (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;
 - (2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;
 - (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;
 - (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
 - (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;
 - (6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;
 - (7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;
 - (8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;
 - (9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;
 - (10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;
 - (11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; or
 - (12) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

(13) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or

(14) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, after the effective date of this act, is convicted of any of the following crimes:

- (1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;
- (2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;
- (3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;
- (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;
- (5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto; or
- (6) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

(f) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(g) "Nonresident student or worker" includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) "Aggravated offenses" means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) "Institution of higher education" means any post-secondary school under the supervision of the Kansas board of regents.;

And by renumbering the remaining sections accordingly;

On page 15, in line 24, after the period by inserting "If the court requires the juvenile to register but such registration is not open to the public, the juvenile shall provide a copy of such court order to the sheriff at the time of registration. The sheriff shall forward a copy of such court order to the Kansas bureau of investigation.;"

On page 23, after line 10, by inserting the following:

"Sec. 16. On and after July 1, 2006, K.S.A. 2005 Supp. 8-247, as amended by section 4 of this act, 8-247, as amended by section 2 of 2006 Senate Bill No. 554, and 22-4902 are hereby repealed.;"

And by renumbering the remaining sections accordingly;

In the title, in line 21, after "8-247," by inserting "8-247, as amended by section 4 of this act, 22-4902.;" in line 22, before the period by inserting "; also repealing K.S.A. 2005 Supp. 8-247, as amended by section 2 of 2006 Senate Bill No. 554";

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 506** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Edmonds, Landwehr, Powers, Schwartz, Shultz.

On motion of Rep. Aurand, the House recessed until 6:00 p.m.

EVENING SESSION

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

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 488; SB 601**.

Announcing adoption of **HCR 5037, HCR 5042**.

The Senate adopts conference committee report on **Sub. SB 323**.

The Senate adopts conference committee report on **SB 503**.

The Senate accedes to the request of the House for a conference on **SB 379** and has appointed Senators Brungardt, Reitz and Hensley as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **SB 421** and has appointed Senators Brungardt, Reitz and Hensley as second conferees on the part of the Senate.

The President announced the appointment of Senators Allen, Donovan and Lee as members of the conference committee on **SB 55** to replace Senators Umbarger, Emler and Barone.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 488; SB 601.

On motion of Rep. Aurand, the House recessed until 7:00 p.m.

NIGHT SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Loyd, **HR 6038**, by Reps. Loyd, George and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6038—

A RESOLUTION in support of the patriot guard.

WHEREAS, The patriot guard is a diverse amalgamation of motorcycle riders from across the nation which has been formed to render respect for service members who have given their lives in the conflict for freedom in Iraq and other areas of the world. As requested by the deceased soldier's family, patriot guard riders will attend the funeral services. The mission of this newly formed organization is to show its sincere respect for our fallen heroes, their families and communities and to shield mourning family members and friends of the deceased service member from interruptions by protesters protesting or picketing in a manner to communicate a message of hatred or intolerance at the funeral service. The activities of the patriot guard are not limited to service personnel killed in the current conflict in Iraq, and the organization will respond to attend funerals of other veterans; and

WHEREAS, The patriot guard was formed by three military veterans, Terry Houck, Carvel Logan and Gregg Hansen, who were outraged when they learned that mourners attending funerals of service personnel killed in Iraq were the subject of harassment by fellow Americans. Composed of veterans' motorcycle groups, motorcycle enthusiasts, Christian motorcycle groups and people who consider themselves patriots, the group provides a barrier at funerals to protect mourners from seeing and hearing the protesters if authorized by the family of the deceased; and

WHEREAS, The patriot guard was present at the memorial service for Clinton R. Upchurch in Garden City on January 18. Upchurch, a resident of Garden City and former deputy sheriff in the Finney County sheriff's office, was killed in Iraq while serving with the United States Army; and

WHEREAS, The patriot guard was present at the memorial service for Sgt. Jessie Davila in Dodge City on March 4, 2006. Davila, a resident of Greensburg, was killed in Iraq while serving with the Kansas Army National Guard; and

WHEREAS, The initial funerals attended by the patriot guard were in Oklahoma and Kansas. The organization has become national in scope and is planning a national convention. Its web site, *www.patriotguard.org* provides current information regarding its activities; and

WHEREAS, The extent to which individuals may protrude into the affairs of others, particularly in the matter of funerals, has been considered by Kansas cities and counties and is a subject of a bill currently pending in this legislature. Certainly a balance as to the rights of individuals to protest on public property must be set against the dignity of grieving family members: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the body indicates its support for the activities of the patriot guard as it seeks to provide a balance of individual protest rights and those of grieving families.

Reps. Loyd, George and McKinney addressed a few remarks to the members of the House commending the Patriot Guard for their support to families of fallen soldiers.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 549**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 549**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all after line 26;

By striking all on pages 2 through 13 and inserting:

“New Section 1. The nonproficient pupil weighting of each district shall be determined by the state board as follows:

(a) Determine the number of nonproficient pupils included in the enrollment of the district;

(b) multiply the number determined under paragraph (a) by 446;

(c) divide the product obtained under (b) by base state aid per pupil. The quotient is the nonproficient pupil weighting of the district.

New Sec. 2. (a) There is hereby established in every district a fund which shall be called the nonproficient pupil education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a district directly attributable to providing assistance or programs to nonproficient pupils shall be paid from the nonproficient pupil education fund.

(b) Any balance remaining in the nonproficient pupil education fund at the end of the budget year shall be carried forward into the nonproficient pupil education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the nonproficient pupil education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to such fund.

New Sec. 3. (a) In order to pay the cost of providing full-day kindergarten, a school district may impose a fee to enroll in full-day kindergarten.

(b) Nothing in this section shall be construed as requiring school districts to provide full-day kindergarten nor as requiring any pupil to attend full-day kindergarten.

(c) As used in this section, “cost” means that portion of the cost of providing full-day kindergarten which is not paid by the state.

New Sec. 4. The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:

(a) If the district has an enrollment of 40% or less at-risk pupils, the state board shall multiply the number of at-risk pupils by 0. The product is the high density at-risk pupil weighting of the district.

(b) If the district has an enrollment of more than 40% but less than 50% at-risk pupils, the state board shall multiply the number of at-risk pupils by .04 in school year 2006-2007, by .05 in school year 2007-2008 and by .06 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

(c) If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .08 in school year 2006-2007, by .09 in school year 2007-2008 and by .10 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

Sec. 5. K.S.A. 2005 Supp. 72-978 is hereby amended to read as follows: 72-978. (a) Each year, the state board of education shall determine the amount of state aid for the provision of special education and related services each school district shall receive for the ensuing

school year. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total amount of general fund and local option budgets of all school districts;

(2) subtract from the amount determined in paragraph (1) the total amount attributable to assignment of transportation weighting, program weighting, special education weighting and at-risk pupil weighting to enrollment of all school districts;

(3) divide the remainder obtained in paragraph (2) by the total number of full-time equivalent pupils enrolled in all school districts on September 20;

(4) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts;

(5) multiply the amount of the quotient obtained in paragraph (3) by the full-time equivalent enrollment determined in paragraph (4);

(6) determine the amount of federal funds received by all school districts for the provision of special education and related services;

(7) determine the amount of revenue received by all school districts rendered under contracts with the state institutions for the provisions of special education and related services by the state institution;

(8) add the amounts determined under paragraphs (6) and (7) to the amount of the product obtained under paragraph (5);

(9) determine the total amount of expenditures of all school districts for the provision of special education and related services;

(10) subtract the amount of the sum obtained under paragraph (8) from the amount determined under paragraph (9); and

(11) (A) ~~for school year 2005-2006, multiply the remainder obtained under paragraph (10) by 89.3%, except such limitation is suspended if there is a transfer of moneys pursuant to subsection (b) of section 25, and~~

~~—(B) for school year 2006-2007 and each school year thereafter, multiply the remainder obtained under paragraph (10) by 92%; and~~

(B) for school year 2007-2008 and each school year thereafter, multiply the remainder obtained under paragraph (10) by 95%.

The computed amount is the amount of state aid for the provision of special education and related services aid a school district is entitled to receive for the ensuing school year.

(b) Each school district shall be entitled to receive:

(1) Reimbursement for actual travel allowances paid to special teachers at not to exceed the rate specified under K.S.A. 75-3203, and amendments thereto, for each mile actually traveled during the school year in connection with duties in providing special education or related services for exceptional children; such reimbursement shall be computed by the state board by ascertaining the actual travel allowances paid to special teachers by the school district for the school year and shall be in an amount equal to 80% of such actual travel allowances;

(2) reimbursement in an amount equal to 80% of the actual travel expenses incurred for providing transportation for exceptional children to special education or related services; such reimbursement shall not be paid if such child has been counted in determining the transportation weighting of the district under the provisions of the school district finance and quality performance act;

(3) reimbursement in an amount equal to 80% of the actual expenses incurred for the maintenance of an exceptional child at some place other than the residence of such child for the purpose of providing special education or related services; such reimbursement shall not exceed \$600 per exceptional child per school year; and

(4) except for those school districts entitled to receive reimbursement under subsection (c) or (d), after subtracting the amounts of reimbursement under paragraphs (1), (2) and (3) of this subsection (a) from the total amount appropriated for special education and related services under this act, an amount which bears the same proportion to the remaining amount appropriated as the number of full-time equivalent special teachers who are qualified to provide special education or related services to exceptional children and are employed by the school district for approved special education or related services bears to the

total number of such qualified full-time equivalent special teachers employed by all school districts for approved special education or related services.

Each special teacher who is qualified to assist in the provision of special education or related services to exceptional children shall be counted as $\frac{2}{3}$ full-time equivalent special teacher who is qualified to provide special education or related services to exceptional children.

(c) Each school district which has paid amounts for the provision of special education and related services under an interlocal agreement shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services under the interlocal agreement, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all school districts in the current school year who have entered into such interlocal agreement for provision of such special education and related services.

(d) Each contracting school district which has paid amounts for the provision of special education and related services as a member of a cooperative shall be entitled to receive reimbursement under subsection (b)(4). The amount of such reimbursement for the district shall be the amount which bears the same relation to the aggregate amount available for reimbursement for the provision of special education and related services by the cooperative, as the amount paid by such district in the current school year for provision of such special education and related services bears to the aggregate of all amounts paid by all contracting school districts in the current school year by such cooperative for provision of such special education and related services.

(e) No time spent by a special teacher in connection with duties performed under a contract entered into by the Kansas juvenile correctional complex, the Atchison juvenile correctional facility, the Beloit juvenile correctional facility, the Larned juvenile correctional facility, or the Topeka juvenile correctional facility and a school district for the provision of special education services by such state institution shall be counted in making computations under this section.

Sec. 6. K.S.A. 2005 Supp. 72-6405 is hereby amended to read as follows: 72-6405. (a) K.S.A. 72-6405 through 72-6440 and the provisions of chapter 152 ~~and~~, sections 1 through 18 of chapter 194 of the 2005 session laws of Kansas *and sections 1 through 4*, and amendments thereto, shall be known and may be cited as the school district finance and quality performance act.

(b) The provisions of the school district finance and quality performance act are *not* severable. If any provision of that act is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would *not* have enacted the remainder of such act without such invalid or unconstitutional provision.

Sec. 7. K.S.A. 2005 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as pupil *in school year 2006-2007 and school year 2007-2008. In districts which provide both half-day and full-day kindergarten, a pupil attending full-day kindergarten shall be counted as .65 pupil in school year 2008-2009. In districts which provide both half-day and full-day kindergarten, a pupil attending full-day kindergarten shall be counted each school year thereafter.* A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's at-

tendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted. A pupil enrolled in a virtual school in a district but who is not a resident of the state of Kansas shall not be counted.

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

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

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school

year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2005 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, *nonproficient pupil weighting*, program weighting, low enrollment weighting, if any, ~~correlation~~ *high density at-risk pupil weighting, if any, high enrollment* weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

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

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

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts ~~having under 1,662 enrollment pursuant to K.S.A. 72-6412, and amendments thereto~~, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts ~~having 1,662 or over enrollment to which high enrollment weighting is assigned pursuant to K.S.A. 2005 Supp. 72-6442b, and amendments thereto~~.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

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

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2005 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

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

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

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

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime,

anyplace” basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) “Declining enrollment weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2005 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) “~~Correlation High enrollment~~ weighting” means an addend component assigned to enrollment of districts ~~having 1,662 or over enrollment pursuant to K.S.A. 2005 Supp. 72-6442b, and amendments thereto,~~ on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts ~~having under 1,662 enrollment pursuant to K.S.A. 72-6412, and amendments thereto.~~

(s) “High density at-risk pupil weighting” means an addend component assigned to enrollment of districts pursuant to section 4, and amendments thereto, on the basis of the high enrollment of at-risk pupils.

(t) “Nonproficient pupil” means a pupil who was not eligible for free meals under the national school lunch act and who: (1) For school year 2006-2007, scored below proficiency on the mathematics or reading state assessments in school year 2004-2005; or (2) for school year 2007-2008 and each school year thereafter, scored below proficiency on the mathematics or reading state assessments in the preceding school year; and (3) is enrolled in a district which maintains an approved proficiency assistance plan.

(u) “Nonproficient pupil weighting” means an addend component assigned to enrollment of districts pursuant to section 1, and amendments thereto, on the basis of enrollment of nonproficient pupils.

Sec. 8. K.S.A. 2005 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) “State financial aid” means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) “Base state aid per pupil” means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is ~~\$4,257~~ \$4,307 in school year 2006-2007, \$4,357 in school year 2007-2008 and \$4,407 in school year 2008-2009 and each school year thereafter. The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) “Local effort” means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the

amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of the federal impact aid of the district.

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

Sec. 9. K.S.A. 2005 Supp. 72-6412 is hereby amended to read as follows: 72-6412. (a) ~~The low enrollment weighting factor shall be assigned to each school district determined by the state board as provided by this section.~~

(b) For districts with enrollment of ~~1,662 or more~~ 1,637 or more in school year 2006-2007, 1,587 or more in school year 2007-2008 and 1,537 or more in school year 2008-2009 and each school year thereafter, the low enrollment weighting factor shall be 0.

(c) For districts with enrollment of less than 100, the low enrollment weighting factor shall be equal to the low enrollment weighting factor of a district with enrollment of 100.

(d) For districts with enrollment of ~~less than 1,662 and~~ more than 99 ~~and less than 1,637 in school year 2006-2007, less than 1,587 in school year 2007-2008 and less than 1,537 in school year 2008-2009 and each school year thereafter~~, the low enrollment weighting factor shall be determined by the state board as follows:

(1) Determine the low enrollment weighting factor for such districts for school year 2006-2005;

(2) multiply the low enrollment weighting factor of each district determined under paragraph (1) by 3,863;

(3) add 3,863 to the product obtained under paragraph (2);

(4) divide the product obtained under paragraph (3) by 4,107; and

(5) subtract 1 from the product obtained under paragraph (4). The difference shall be the low enrollment weighting factor for school year ~~2005-2006 and each school year thereafter~~ of the district.

Sec. 10. K.S.A. 2005 Supp. 72-6413 is hereby amended to read as follows: 72-6413. (a) The program weighting of each district shall be determined by the state board as follows:

~~(a)~~ (1) Compute full time equivalent enrollment in programs of bilingual education and multiply the computed enrollment by .395;

~~(b)~~ (2) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by 0.5;

~~(c)~~ (3) add the products obtained under ~~(a) and (b)~~ (1) and (2). The sum is the program weighting of the district.

(b) A school district may expend amounts received from the bilingual weighting to pay the cost of providing at-risk and preschool-aged at-risk programs and services.

Sec. 11. K.S.A. 2005 Supp. 72-6414 is hereby amended to read as follows: 72-6414. (a) The at-risk pupil weighting of each district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by ~~.193~~ .268 in school year 2006-2007, by .318 in school year 2007-2008 and by .368 in school year 2008-2009 and each school year thereafter. The product is the at-risk pupil weighting of the district.

(b) Except as provided in subsection (d), of the amount a district receives from the at-risk pupil weighting, an amount produced by a pupil weighting of .01 shall be used by the district for achieving mastery of basic reading skills by completion of the third grade in accordance with standards and outcomes of mastery identified by the state board under K.S.A. 72-7534, and amendments thereto.

(c) A district shall include such information in its at-risk pupil assistance plan as the state board may require regarding the district's remediation strategies and the results thereof in achieving the third grade reading standards and outcomes of mastery identified by the state

board. The reporting requirements shall include information documenting remediation strategies and improvement made by pupils who performed below the expected standard on the second grade diagnostic reading test prescribed by the state board.

(d) A district whose pupils substantially achieve the state board standards and outcomes of mastery of reading skills upon completion of third grade may be released, upon request, by the state board from the requirements of subsection (b).

(e) (1) *A district may expend amounts received from the at-risk pupil weighting to pay for the cost of providing full-day kindergarten to any pupil enrolled in the district and attending full-day kindergarten whether or not such pupil is an at-risk pupil.*

(2) *Nothing in this subsection shall be construed as requiring school districts to provide full-day kindergarten nor as requiring any pupil to attend full-day kindergarten.*

(3) *As used in this subsection:*

(A) *“District” means any school district which provides both half-day and full-day kindergarten.*

(B) *“Cost” means that portion of the cost of providing full-day kindergarten which is not paid by the state.*

(f) *A school district may expend amounts received from the at-risk pupil weighting to pay the cost of providing preschool-aged at-risk and bilingual programs and services.*

Sec. 12. K.S.A. 2005 Supp. 72-6414a is hereby amended to read as follows: 72-6414a. (a) There is hereby established in every district a fund which shall be called the at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. ~~Notwithstanding any other provision of law, all moneys received by the district from whatever source for at-risk assistance plans or programs shall be credited to the at-risk education fund established by this section.~~ The expenses of a district directly attributable to providing at-risk assistance or programs shall be paid from the at-risk education fund.

(b) Any balance remaining in the at-risk education fund at the end of the budget year shall be carried forward into the at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(c) *Each year the board of education of each school district shall prepare and submit to the state board a report on the at-risk program or assistance provided by the district. Such report shall include information specifying the number of pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.*

Sec. 13. K.S.A. 2005 Supp. 72-6414b is hereby amended to read as follows: 72-6414b. (a) There is hereby established in every district a fund which shall be called the preschool-aged at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. ~~Notwithstanding any other provision of law, all moneys received by the district from whatever source for preschool-aged at-risk assistance plans or programs shall be credited to the preschool-aged at-risk education fund established by this section.~~ The expenses of a district directly attributable to providing preschool-aged at-risk assistance or programs shall be paid from the preschool-aged at-risk education fund.

(b) Any balance remaining in the preschool-aged at-risk education fund at the end of the budget year shall be carried forward into the preschool-aged at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the preschool-aged at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(c) Each year the board of education of each school district shall prepare and submit to the state board a report on the preschool-aged at-risk program or assistance provided by the district. Such report shall include information specifying the number of pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

(d) A school district may expend amounts received from the preschool-aged at-risk pupil weighting to pay the cost of providing at-risk and bilingual programs and services.

Sec. 14. K.S.A. 2005 Supp. 72-6415b is hereby amended to read as follows: 72-6415b. ~~(a)~~ Except as provided by subsection (b), School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget in an amount equal to the state prescribed percentage for the school year at least 25% of the amount of the state financial aid determined for the district in the current school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

~~(b) School facilities weighting may be assigned to the enrollment of a district which adopted a local option budget in an amount which is not less than 25%, if the issuance of bonds to finance such facilities has been approved at an election held on or before June 30, 2005.~~

Sec. 15. K.S.A. 2005 Supp. 72-6426 is hereby amended to read as follows: 72-6426. (a) There is hereby established in every district a fund which shall be called the contingency reserve fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a district attributable to financial contingencies as determined by the board. Except as otherwise provided in subsection (b), at no time in any school year shall the amount maintained in the fund exceed an amount equal to ~~4%~~ 6% of the general fund budget of the district for the school year.

(b) ~~(1)~~ In any school year, if the amount in the contingency reserve fund of a district is in excess of the amount authorized under subsection (a) to be maintained in the fund, and if such excess amount is the result of a reduction in the general fund budget of the district for the school year because of a decrease in enrollment, the district may maintain the excess amount in the fund until depletion of such excess amount by expenditure from the fund for the purposes thereof.

~~(2) Except as provided in paragraph (1) of this subsection, at no time in school year 2005-2006, shall the amount maintained in the fund exceed an amount equal to 6% of the general fund budget of the district for such school year.~~

Sec. 16. K.S.A. 2005 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, in the 2001-02 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

(B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year

thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:
Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

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

CERTIFICATE

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

Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(3) The provisions of this subsection are subject to the provisions of subsections (b) and (c).

~~(b) The provisions of this subsection (b) shall be subject to the provisions of K.S.A. 72-6435a, and amendments thereto.~~ (1) The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

(2) No district may increase a local option budget under authority of this subsection until:
(A) A resolution authorizing such an increase is passed by the board and published once in

a newspaper having general circulation in the district; or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

(3) (A) Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed _____% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

(B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

(4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting

or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

(9) As used in this subsection:

(A) "Authorized to increase a local option budget" means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2) (A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

(B) "State prescribed percentage" means ~~27% for school year 2005-2006~~, 29% for school year 2006-2007 and 30% for school year 2007-2008 and each school year thereafter.

(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under provision (3), amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

~~(c) To the extent the provisions of the foregoing section conflict with this subsection, this subsection shall control. Any district that adopted or was authorized to adopt a local option budget for school year 2004-2005 in an amount equal to 25% may adopt a local option budget for school year 2005-2006 in an amount not to exceed the state prescribed percentage in effect on July 1, 2005, by adoption of a resolution. Such resolution shall not be subject to the provisions of this section relating to publication, protest or election.~~

Sec. 17. K.S.A. 2005 Supp. 72-6434 is hereby amended to read as follows: 72-6434. (a) In each school year, each district that has adopted a local option budget is eligible for entitlement to an amount of supplemental general state aid. Entitlement of a district to supplemental general state aid shall be determined by the state board as provided in this subsection. The state board shall:

- (1) Determine the amount of the assessed valuation per pupil in the preceding school year of each district in the state;
- (2) rank the districts from low to high on the basis of the amounts of assessed valuation per pupil determined under (1);
- (3) identify the amount of the assessed valuation per pupil located at the 81.2 percentile of the amounts ranked under (2);
- (4) divide the assessed valuation per pupil of the district in the preceding school year by the amount identified under (3);
- (5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio equals or exceeds 1.0, the eligibility of the district for entitlement to supplemental general state aid shall lapse. If the resulting ratio is less than 1.0, the district is entitled to receive supplemental general state aid in an amount which shall be determined by the state board by multiplying the amount of the local option budget of the district by such ratio. The product is the amount of supplemental general state aid the district is entitled to receive for the school year.

(b) If the amount of appropriations for supplemental general state aid is less than the amount each district is entitled to receive for the school year, the state board shall prorate the amount appropriated among the districts in proportion to the amount each district is entitled to receive.

(c) The state board shall prescribe the dates upon which the distribution of payments of supplemental general state aid to school districts shall be due. Payments of supplemental general state aid shall be distributed to districts on the dates prescribed by the state board. The state board shall certify to the director of accounts and reports the amount due each district, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the district. Upon receipt of the warrant, the treasurer of the district shall credit the amount thereof to the supplemental general fund of the district to be used for the purposes of such fund.

(d) If any amount of supplemental general state aid that is due to be paid during the month of June of a school year pursuant to the other provisions of this section is not paid on or before June 30 of such school year, then such payment shall be paid on or after the ensuing July 1, as soon as moneys are available therefor. Any payment of supplemental general state aid that is due to be paid during the month of June of a school year and that is paid to school districts on or after the ensuing July 1 shall be recorded and accounted for by school districts as a receipt for the school year ending on the preceding June 30.

(e) Amounts received as supplemental general state aid shall be used to meet the requirements under the school performance accreditation system adopted by the state board, to provide programs and services required by law and to improve student performance.

(f) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated as supplemental general state aid shall be deemed to be state moneys for educational and support services for school districts.

Sec. 18. K.S.A. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state board of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

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

(3) The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this subsection, including rules *and regulations* relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing, ~~and~~; (B) is authorized to adopt and has adopted a local option budget in an amount equal to ~~the state prescribed percentage~~ *at least 25%* of the amount of state financial aid determined for the district in the current school year; ~~and~~ (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 19. K.S.A. 2005 Supp. 72-6442b is hereby amended to read as follows: 72-6442b. The ~~correlation high enrollment~~ weighting of each district ~~with 1,662 or over enrollment~~ shall be determined by the state board as follows:

(a) Determine the schedule amount for a district with ~~1,662 enrollment~~ *1,637 enrollment in school year 2006-2007, with 1,587 enrollment in school year 2007-2008 and with 1,537 enrollment in school year 2008-2009 and each school year thereafter* as derived from the linear transition under (d) of K.S.A. 72-6412, and amendments thereto, and subtract the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, from the schedule amount so determined;

(b) divide the remainder obtained under (a) by the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, and multiply the quotient by the enrollment of the district in the current school year. The product is the ~~correlation high enrollment~~ weighting of the district.

Sec. 20. K.S.A. 2005 Supp. 72-9509 is hereby amended to read as follows: 72-9509. (a) There is hereby established in every school district a fund which shall be called the "bilingual education fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. ~~Notwithstanding any other provision of law, all moneys received by the school district from whatever source for bilingual education programs established under this act shall be credited to the fund established by this section.~~ The expenses of a district directly attributable to such bilingual education programs shall be paid from the bilingual education fund.

(b) Any balance remaining in the bilingual education fund at the end of the budget year shall be carried forward into the bilingual education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the bilingual education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(c) *Each year the board of education of each school district shall prepare and submit to the state board a report on the bilingual education program and assistance provided by the*

district. Such report shall include information specifying the number of pupils who were served or provided assistance, the type of service provided, the research upon which the district relied in determining that a need for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

Sec. 21.

STATE DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

General state aid	
For the fiscal year ending June 30, 2007.....	\$120,450,000
For the fiscal year ending June 30, 2008.....	\$2,183,970,000
For the fiscal year ending June 30, 2009.....	\$2,452,777,000
Supplemental general state aid	
For the fiscal year ending June 30, 2007.....	\$11,000,000
For the fiscal year ending June 30, 2008.....	\$260,716,000
For the fiscal year ending June 30, 2009.....	\$270,687,000
Special education services aid	
For the fiscal year ending June 30, 2008.....	\$419,196,024
For the fiscal year ending June 30, 2009.....	\$609,596,024

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 22. K.S.A. 72-6441 and K.S.A. 2005 Supp. 72-978, 72-6405, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6426, 72-6433, 72-6434, 72-6442b and 72-9509 are hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 14 through 24 and inserting the following:

“AN ACT concerning school districts; relating to school finance; making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, and June 30, 2009, for the department of education; amending K.S.A. 72-6441 and K.S.A. 2005 Supp. 72-978, 72-6405, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6426, 72-6433, 72-6434, 72-6442b and 72-9509 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

KATHE DECKER
GARY K. HAYZLETT
MARTI CROW
Conferees on part of House

JEAN KURTIS SCHODORF
JOHN VRATIL
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Decker to adopt the conference committee report on **SB 549**, the motion did not prevail.

On roll call, the vote was: Yeas 12; Nays 106; Present but not voting: 0; Absent or not voting: 7.

Yeas: Freeborn, George, M. Holmes, Horst, Huebert, Mays, Otto, Peck, Powell, Sloan, Vickrey, Wilk.

Nays: 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, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, Huff, Humerick-house, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Mil-

ler, Jim Morrison, Judy Morrison, Myers, O'Malley, O'Neal, Oharah, Olson, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Ward, Watkins, Weber, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Edmonds, Kelsey, Landwehr, Neufeld, Powers, Shultz, Thull.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. O'Neal moved that the House reconsider its action in not adopting the conference committee report on **SB 549**. The motion prevailed.

The question then reverted back to the motion of Rep. Decker to adopt the conference committee report on **SB 549**, and Rep. O'Neal offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The motion prevailed.

Speaker Mays thereupon appointed Reps. Decker, Hayzlett and Crow as second conferees on the part of the House.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 506**.

The Senate adopts conference committee report on **HB 2352**.

The Senate adopts conference committee report on **HB 2555**.

The Senate not adopts the conference committee report on **HB 2809**, requests a new conference committee be appointed and has appointed Senators Schodorf, Vratil and Lee as second conferees on the part of the Senate.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **HB 2809**.

Speaker Mays thereupon appointed Reps. Decker, Hayzlett and Crow as second conferees on the part of the House.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Neufeld, Landwehr and Feuerborn as members of the conference committee on **HB 2529** to replace Reps. Vickrey, Huebert and Sawyer.

REPORT ON ENGROSSED BILLS

HB 2541, HB 3021 reported correctly engrossed May 4, 2006.

HB 2748 reported correctly re-engrossed May 4, 2006.

Also, **HB 2129, HB 2585** reported correctly engrossed May 5, 2006.

REPORT ON ENROLLED BILLS

HB 2122, HB 2432, HB 2554, HB 2710, HB 2916, HB 3005 reported correctly enrolled, properly signed and presented to the governor on May 5, 2006.

REPORT ON ENROLLED RESOLUTIONS

HR 6036, HR 6037 reported correctly enrolled and properly signed on May 5, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, May 8, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

