

# Journal of the House

## FORTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 17, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.  
The roll was called with 122 members present.  
Reps. Brookens, Svaty and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Curtis Cadenhead, pastor, First United Methodist Church, Augusta, and guest of Rep. Crum:

*Rev. Cadenhead asked for a moment of silence to remember Rep. Brookens and his family on the death of his father.*

Abba Father, Your words from Proverbs tell us "where there is no vision, the people perish; but he that keepeth the law, happy is he."

Father, now more than ever before in the history of our state and nation we need those that govern to have a vision. We are living in a perilous age facing moral, economic and ethical issues, there is a feeling of desperation that permeates our people, we are a people that need a vision, a word from You.

Your vision is one that gives those that govern the courage to speak the truth, to hear the disenfranchised, to detect the voices of those that cry out for a just society. With vision of the word of God comes risk, the risk of stepping outside the norm, the status quo, the risk of being labeled in one way or another. Yet we know that it is the risk takers that have withstood the test of time and have made an historical impact upon this nation. With vision of Your word comes wisdom, hope, new beginnings and when this vision is mandated by the leadership of this land, the people prosper. A new standard emerges and we the people catch this vision, a desire to live to a higher calling.

Father, instill in this body the ability to dream dreams to have visions, to hear that still small voice that brings validation to this governing body so that Your voice and theirs become one in the same. In these days of uncertainty may one thing become evident, it is in God we trust and when all is said and done, Great God hold us accountable for those visions and the decisions that evolve from these stately halls so that the citizenry of this wonderful state know that accountability is the cornerstone of this body.

For in Jesus' name we pray, Amen.

The Pledge of Allegiance was led by Rep. Worley, followed by the playing of "Danny Boy" on the bagpipe by former Senator Richard Gannon.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2385**, An act concerning the juvenile justice authority and the Kansas department of wildlife and parks; relating to a land transfer from property in the juvenile justice authority campus to the Kansas department of wildlife and parks. By Committee on Appropriations.

**HB 2386**, An act concerning the department of health and environment; establishing the health and environment training fee fund health, the health and environment training fee

fund environment and the nuclear safety emergency preparedness special revenue fund; authorizing certain fees, by Committee on Appropriations.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Corrections and Juvenile Justice: **SB 248**.  
 Education: **HCR 5015**; **SB 290**.  
 Energy and Utilities: **HR 6018**.  
 Federal and State Affairs: **SB 54**.  
 Financial Institutions: **SB 241**.  
 Insurance: **SB 260**.  
 Judiciary: **SB 224**.  
 Transportation: **HCR 5014**.  
 Agriculture and Natural Resources Budget: **HB 2384**.

#### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 118** from Committee on Elections and referral to Committee on Local Government.

#### COMMUNICATIONS FROM STATE OFFICERS

From Ward Loyd, Chair, Kansas Advisory Group on Juvenile Justice and Delinquency Prevention (KAG), Annual Report for 2008.

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

#### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2158** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as conferees on the part of the Senate.

#### CONSENT CALENDAR

No objection was made to **Sub. SB 89**; **SB 115**, **SB 148**, **SB 156** appearing on the Consent Calendar for the second day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2032**, An act concerning cities; relating to annexation, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlin, Carlson, Craft, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Fund, S. Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Merrick, Morrison, Moxley, Myers, Navinsky, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Tafanelli, Talia, Trimmer, Vickrey, Wetta, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, T. Brown, Burroughs, Colloton, Crow, Crum, Dillmore, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, George, Grange, Kuether, Landwehr, Loganbill, McLeland, Menghini, Neighbor, Phelps, Rardin, Sawyer, Slattey, Spalding, Swanson, Swenson, Tietze, Ward, Watkins, Whitham, Williams.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

**HB 2299**, An act concerning sales taxation; relating to exemptions; goodwill industries and All American Beef Battalion, Inc.; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 18; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rardin, Rhoades, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Aurand, Benlon, Burroughs, Craft, Crow, Donohoe, Faber, Flaharty, Frownfelter, D. Gatewood, Henderson, Huntington, Lane, Lukert, Menghini, Quigley, Roth, Worley.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

**HB 2324**, An act concerning sales taxation; relating to exemptions; Kansas enterprise zone act; requirements for certain retail businesses; amending K.S.A. 2008 Supp. 74-50,115 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

**SB 34**, An act concerning open records; relating to the exceptions to disclosure; amending K.S.A. 2008 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2008 Supp. 45-229c, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson,

Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

**SB 50**, An act concerning insurance; pertaining to risk-based capital requirements; establishing a trend test calculation; amending K.S.A. 40-2c05 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

**SB 161**, An act concerning recreation commissions; amending K.S.A. 2008 Supp. 12-1928 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed, as amended.

**SB 240**, An act relating to mortgages; concerning the regulation thereof; amending K.S.A. 9-2201, 9-2202, 9-2207, 9-2212, 9-2216a, 9-2220, 16a-1-303, 16a-2-301, 16a-2-302, 16a-2-303, 16a-2-304, 16a-3-308, 16a-6-104, 16a-6-108, 16a-6-117, 16a-6-201 and 16a-6-203 and

K.S.A. 2008 Supp. 9-2203, 9-2205, 9-2209, 9-2211 and 9-2216 and repealing the existing sections; also repealing K.S.A. 16a-6-413, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Donohoe, Faber, Gordon, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, O'Brien.

Present but not voting: None.

Absent or not voting: Brookens, Svaty, Winn.

The bill passed.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House nonconcurred in Senate amendments to **HB 2121** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Powell, Fund and Svaty as conferees on the part of the House.

On motion of Rep. Morrison, the House nonconcurred in Senate amendments to **HB 2265** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Morrison, Burgess and Trimmer as conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. D. Gatewood in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 122, SB 123; HB 2325** be passed.

On motion of Rep. A. Brown to amend **SB 131**, Rep. Mah requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. A. Brown and **SB 131** be amended on page 1, after line 31, by inserting the following:

"Sec. 2. (a) As used in this section:

- (1) "State board" means the state board of education.
- (2) "Pupil" means a pupil who graduates from a Kansas public high school one year earlier than the usual graduation time.
- (3) "Early high school graduation incentive program" or "program" means the program established by the state board pursuant to subsection (b).
- (4) "Technical college" has the meaning ascribed thereto by section 1, and amendments thereto.

(5) "Community college" means a community college established pursuant to chapter 71 of the Kansas Statutes Annotated.

(b) The state board shall establish an early high school graduation incentive program. Bonuses awarded under the program shall be in the form of a scholarship in an amount not to exceed \$3,000 which may be used for fees and tuition for attendance at a technical college

or community college located within the state of Kansas. The state board may adopt rules and regulations deemed necessary to implement the program including, but not limited to:

- (1) Eligibility requirements of applicants for bonuses.
- (2) Procedures relating to the submission of applications.
- (3) The amount of a bonus awarded under the program.
- (4) The operation of the program.
- (c) An applicant for a bonus shall provide to the state board, on forms supplied by the state board, information required by the state board.
- (d) As a condition to awarding a bonus under the program, the state board and the applicant shall enter into an agreement which shall require the applicant to:
  - (1) Enroll in and successfully complete at least one semester at a technical school or a community college located in the state of Kansas; and
  - (2) maintain records and make reports to the state board as required by the agreement.
- (e) Within the limitations of appropriations therefor, the number of scholarships awarded and the amount awarded to each applicant shall be determined by the state board. The amount awarded shall be specified in the agreement. If the applicant is not enrolled on a full-time basis, the applicant shall receive a proportionate amount of the scholarship allowed under subsection (b) based upon the number of hours enrolled in an academic period, and computed as a fraction of the total number of credit hours required for full-time enrollment.
- (f) The governing body of each technical college and the board of trustees of each community college shall have the power and duty to assist in the implementation of the provisions of this section, if requested by the state board.”;

By renumbering the remaining section; and **SB 131** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2008** be adopted; also, on motion of Rep. Horst be amended, on page 2, in line 39, after “student” by inserting “or a member of the school staff”; in line 40, by striking “and specific student order” and inserting “or order written for the specific student or staff member”;

On page 3, in line 14, by striking “An epinephrine” and inserting “If a school maintains an epinephrine kit, such”; and **Sub. HB 2008** be passed as amended.

Committee report to **HB 2072** be adopted; also, on motion of Rep. Mah to amend, the motion did not prevail, and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Economic Development and Tourism** recommends **SB 120** be passed. Committee on **Education** recommends **SB 41** be amended on page 1, by striking all in lines 14 and 15 and inserting the following:

“Section 1. K.S.A. 2008 Supp. 72-6445a is hereby amended to read as follows: 72-6445a.

(a) (1) For the purposes of the school district finance and quality performance act, state financial aid for any district formed by consolidation in accordance with the statutory provisions contained in article 87 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid each of the former districts which comprise the consolidated district received in the school year preceding the date the consolidation was completed; and (B) add the amounts determined under (A). The sum is the state financial aid of the consolidated district for the school year in which the consolidation is completed.

(2) The provisions of this paragraph shall apply to any consolidation of school districts which is completed before July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the two school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(3) The provisions of this paragraph shall apply to any consolidation of school districts which is completed on or after July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the school year

following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(4) If all of the former school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the three school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(5) If all of the former school districts had an enrollment of 200 or more pupils on September 20th of the school year preceding the consolidation, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(6) If the consolidation involved the consolidation of three or more school districts, regardless of the number of pupils enrolled in the districts, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (A) The amount received in the school year in which the consolidation was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

~~(b) (1) The provisions of this subsection (b) shall apply only if a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and if all the territory which comprised such disorganized district is attached to a single school district.~~

~~(b) (1) The provisions of this subsection (b) shall apply to school districts which have been enlarged by the attachment of territory pursuant to the procedure established in article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.~~

(2) For the purposes of the school district finance and quality performance act, state financial aid for any school district to which this subsection applies, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid each of the former districts which comprise the enlarged district received in the school year preceding the date the attachment was completed; and (B) add the amounts determined under (A). The sum is the state financial aid of the enlarged district for the school year in which the attachment is completed.

(3) The provisions of this paragraph shall apply to any attachment of territory which is completed before July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the two school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(4) The provisions of this paragraph shall apply to any attachment of territory which is completed on or after July 1, 2011. If any of the former school districts had an enrollment of less than 150 pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the school year following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(5) If all of the former school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on September 20th of the school year preceding the attachment,

the state financial aid of the enlarged district for the three school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(6) If all of the former school districts had an enrollment of 200 or more pupils on September 20th of the school year preceding the attachment, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(7) If three or more school districts, regardless of the number of pupils enrolled in the districts, are disorganized and attached to a single district, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (A) The amount received in the school year in which the attachment was completed; or (B) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(8) *Except as specifically provided by this paragraph for the allocation of state financial aid among districts, the provisions of paragraphs (1) through (7) shall be applicable to school districts to which this paragraph applies. If a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and the territory of such district is attached to more than one district, the state financial aid for each school district to which any territory from the disorganized district is attached, shall be computed by the state board of education as follows: (A) Determine the amount of state financial aid received by the former district in the school year preceding the date that the disorganization and attachment was completed; (B) determine the amount of state financial aid received by the enlarged district in the school year preceding the date that the disorganization and attachment was completed; (C) determine the assessed valuation of the former district in the school year preceding the date that the disorganization and attachment was completed; (D) determine the assessed valuation of the territory attached to each enlarged district; (E) allocate the amount of the state financial aid received by the former district in the school year preceding the date that the disorganization and attachment was completed to each of the enlarged school districts in the same proportion that the assessed valuation of the territory attached to each district bears to the assessed valuation of the former school district; and (F) add the amounts determined under (E) and (B). The sum is the state financial aid of the enlarged district for the school year in which the attachment is completed.*

Sec. 2. K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c and K.S.A. 2008 Supp. 72-6445a are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “ACT”; by striking all in lines 10 and 11 and inserting the following: “concerning school districts; relating to the transfer of land; relating to the consolidation of districts; amending K.S.A. 2008 Supp. 72-6445a and repealing the existing section; also repealing K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c.”; and the bill be passed as amended.

Committee on **Education** recommends **SB 175** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Energy and Utilities** recommends **HR 6011** be amended on page 1, in line 25, by striking all after “2010”; in line 26, by striking all before the semicolon; and the resolution be adopted as amended.

Committee on **Financial Institutions** recommends **SB 139** be passed.

Committee on **Financial Institutions** recommends **SB 72** be amended on page 1, in line 32, preceding the semicolon by inserting “and such person: (i) Has completed a training program offered by the volunteer group to further its goals; (ii) serves on the board of the volunteer group; or (iii) serves as an officer of the volunteer group”; and the bill be passed as amended.



Committee on **Judiciary** recommends **SB 61** be passed.

Committee on **Judiciary** recommends **SB 66** be amended on page 3, in line 31, after the period by inserting “Upon request of the receiving district court or upon an order of the district court transferring venue, the transferring district court shall send to the receiving district court the entire original file of the case by mail.”; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 228** be passed.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following concurrent resolutions were thereupon introduced and read by title:

##### HOUSE CONCURRENT RESOLUTION No. 5016

By Committee on Appropriations

A CONCURRENT RESOLUTION urging Kansas school districts to use carefully the federal stimulus funds received under the Federal American Recovery and Reinvestment Act of 2009 and to use other available funds to establish or to increase the balances in contingency reserve funds of districts.

WHEREAS, The Federal American Recovery and Reinvestment Act of 2009 will provide over \$1.7 billion in federal economic stimulus funds to the state of Kansas; and

WHEREAS, The funds are designed to stimulate the economy in the short term and for investment in education and other essential public services to ensure the long-term economic health of our nation; and

WHEREAS, The State of Kansas will receive over \$875 million in federal economic stimulus funds under the Federal American Recovery and Reinvestment Act of 2009 for educational purposes; and

WHEREAS, Approximately \$600 million of the federal economic stimulus funds under the Federal American Recovery and Reinvestment Act of 2009 will be expended for primary and secondary education in the state of Kansas; and

WHEREAS, The projected State General Fund receipts for the state of Kansas forecast significant shortfalls in the balances of the State General Fund, perhaps, by some projections as high as 23% in Fiscal Year 2012; and

WHEREAS, The Secretary of the United States Department of Education, Arne Duncan, has cautioned state and school district officials that federal economic stimulus funds received under the Federal American Recovery and Reinvestment Act of 2009 are provided on a one-time basis and that state and school district officials need to find the best way to stretch every dollar and not to spend such funds to finance on-going programs; and

WHEREAS, School districts should take steps to be prepared for the possibility that unless the state and national economy markedly improves, in Fiscal Year 2012 the State General Fund could face a potential shortfall of huge proportions resulting in the reduction of appropriation of state moneys for school districts: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we encourage school districts to utilize carefully one-time federal economic stimulus funds received under the Federal American Recovery and Reinvestment Act of 2009 and not to finance on-going programs with such funds; and

*Be it further resolved:* That we encourage the school districts to be responsible stewards of the school funds and to establish or increase the balances in contingency reserve funds of districts with other available funds in order to be prepared for the projected shortfall in state moneys in Fiscal Year 2012; and

*Be it further resolved:* That the Secretary of State be directed to provide an enrolled copy of this resolution to the Commissioner of Education who shall provide copies to the chairperson of the board of education of each school district and the superintendent of each school district.

## HOUSE CONCURRENT RESOLUTION No. 5017

By Committee on Taxation

A PROPOSITION to amend section 4 of the bill of rights of the constitution of the state of Kansas, relating to the right to bear arms.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 4 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 4 *Individual right to bear arms; armies.* ~~The people have the right to bear arms for their defense and security~~ *A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.*”

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

“*Explanatory statement.* The purpose of this amendment is to preserve constitutionally the right of a person to keep and bear arms for the defense of self, family, home and state, and for all other lawful purposes, including hunting and recreation.

“A vote for this amendment would constitutionally preserve the right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.

“A vote against this amendment would provide for no constitutional right of a person to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use, and for any other lawful purpose.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

**REPORT ON ENGROSSED BILLS**

**HB 2032, HB 2324** reported correctly engrossed March 16, 2009.

**REPORT ON ENROLLED BILLS**

**HB 2023, HB 2045, HB 2068** reported correctly enrolled, properly signed and presented to the governor on March 16, 2009.

Also, **HB 2004, HB 2091, HB 2092, HB 2142** reported correctly enrolled, properly signed and presented to the governor on March 17, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 18, 2009.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

