

# Journal of the House

## FIFTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 23, 2006, 9:45 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Clint Decker, pastor, Great Awakenings Church, Clay Center, guest and husband of Rep. Decker:

My Father and my God, your Son is the holy one, the true one. He opens doors and no one can shut them and He shuts doors which no one can open.

Jesus, I pray that you will open a door in Kansas through which a mighty spiritual awakening would sweep across this state. May your Spirit move on the eternal souls of men and women and boys and girls from the farms to corporate offices, from city government to state government and from the school building to the church building.

Everywhere, may you be exalted. May your good news be shared with the poor, the sick be healed and may freedom be brought to those who are feeling oppressed and held captive.

Lord Jesus, may your message of hope sweep across this state humbling the proud and exalting the humble and may you bring your saving power to everyone who calls on your name in faith.

In the name of Jesus, the possessor of all power and wisdom, Amen.

The Pledge of Allegiance was led by Rep. Brunk.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **HCR 5044; Sub. SB 323.**

Federal and State Affairs: **SB 319, SB 398.**

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing on the calendar as "To be Referred" were referred to committees as indicated:

Commerce and Labor: **SB 516 .**

Federal and State Affairs: **SB 590.**

### MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 459**, requests a conference and has appointed Senators McGinn, Ostmeyer and Kelly as conferees on the part of the Senate.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 459.**

Speaker Mays thereupon appointed Reps. Myers, Judy Morrison and Flaharty as conferees on the part of the House.

**MESSAGE FROM THE SENATE**

Announcing the Senate herewith transmits the veto message from the Governor together with the enrolled copy of **SB 418**, An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 2005 Supp. 12-4516, 21-4201 and 21-4619 and repealing the existing sections, which was received on March 21, 2006 and was read before the Senate on March 21, 2006.

*Message to the Senate of the State of Kansas:*

I support the Second Amendment and the right of our citizens to keep and bear arms. It's an important part of our heritage and way of life in Kansas, and I've upheld that right as Governor. All law-abiding Kansans have the right to own a weapon to provide for their protection and the protection of their families.

Last year, I signed a bill to allow retired law enforcement officers, who have unique experience and special training, to carry concealed weapons. The new law also makes sure Kansas hunters and law-abiding gun owners don't violate the law by mistake when traveling. These changes, strongly supported by the National Rifle Association, were common-sense improvements to Kansas gun laws.

As violent crime rates in Kansas continue to drop below surrounding states with concealed carry laws, I continue to hear from the police chiefs and other law enforcement officials, members of the clergy, health care workers, and employers throughout our state that concealed weapons on the streets make our citizens less safe and secure.

While every law-abiding Kansan has a right to keep and bear arms, hidden weapons make it harder for law enforcement to do its job, and they make Kansas' workplaces less safe. Legislators know concealed weapons are a safety threat, which is why they ban them in their own workplace — the Capitol. Because of opposition from law enforcement and business leaders, I cannot support allowing hidden weapons into businesses, restaurants, malls and any number of other public places.

Therefore, in order to keep hidden weapons off Kansas streets, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **SB 418**.

KATHLEEN SEBELIUS  
Governor

Dated: March 21, 2006

A motion was made that **SB 418** be passed notwithstanding the Governor's veto. By a vote of 30 Yeas and 10 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion prevailed and the bill passed.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6020—

By Committee on Federal and State Affairs

A RESOLUTION urging the United States Congress to adopt Senate Joint Resolution 13, proposing an amendment to the Constitution of the United States relative to marriage.

WHEREAS, Marriage between one man and one woman provides the most stable and nurturing environment for the rearing and education of children, which is essential to the well-being of the nation, and same-sex marriage erodes the institution of marriage; and

WHEREAS, The People of the State of Kansas have clearly voiced their support of traditional marriage through adoption of an amendment to the Kansas Constitution; and

WHEREAS, The Full Faith and Credit clause of the United States Constitution requires states to recognize marriages performed in other states; and

WHEREAS, An amendment to the federal constitution defining marriage as the union between a man and a woman would prevent this state from being required to recognize a same-sex marriage performed in another state: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the Congress of the United States is urged to adopt and submit to the states for ratification the constitutional amendment proposed by Senator Brownback in Senate Joint Resolution 13; and

*Be it further resolved:* That the Clerk of the House is directed to send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation.

#### CONSENT CALENDAR

No objection was made to **HB 2819** appearing on the Consent Calendar for the second day.

No objection was made to **SB 510** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 510**, An act relating to roads and highways; concerning the classification thereof; amending K.S.A. 2005 Supp. 68-101 and 68-402b and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**HB 2329**, An act concerning law enforcement; relating to the capitol area security patrol; amending K.S.A. 74-2105, 74-2106, 74-2107, 75-4503a, 75-4504 and 75-4509 and K.S.A. 2005 Supp. 74-4978j, 74-5602, 75-4503, 75-4506, 75-4508 and 75-4510a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**HB 2520.** An act concerning the licensure of community mental health centers; amending K.S.A. 75-3307b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**HB 2754.** An act enacting Miki's law; requiring registration of offenders convicted of certain felonies; prescribing penalties for certain violations; amending K.S.A. 12-16, 123 and K.S.A. 2005 Supp. 22-3717, 45-221 and 75-5291 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**HB 2882.** An act relating to motor vehicles; concerning antique military vehicles; amending K.S.A. 8-166 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**HB 2978**, An act concerning fire inspections; providing for an informal dispute resolution procedure, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**HB 2982**, An act enacting the Kansas intrastate emergency mutual aid act; providing for a system of intrastate mutual aid between participating political subdivisions in cases of declared disasters and drills and exercises in preparation for such disasters, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**HCR 5025**, A Proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning eminent domain.

WHEREAS, The constitution of the United States clearly states, in amendment 5 that “No person shall be...deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” The intent of this amendment clearly provides that the taking of privately owned real property is intended to apply only to public use projects; and

WHEREAS, There is currently no provision in the Kansas constitution prohibiting state or local government from taking private real property except for public use, which has resulted in the abusive taking of real property in many communities in Kansas: Now, therefore,

*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: Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

“§ 17. **Eminent Domain.** (a) A fee simple title to real property shall not be taken for use by private commercial enterprise, for economic development, or for any other private use, except with the consent of the owner. A fee simple title to private real property may be taken only when necessary for the possession, occupation or enjoyment of the land by the public at large, or by public agencies, or to acquire real property to eliminate an immediate threat to public health or safety. This provision shall, in no way, restrict existing police powers. A fee simple title to private real property shall not be taken from one owner and transferred to another, on the grounds that the public will benefit from a more profitable private use.

(b) Whenever an attempt is made to take a fee simple title to private real property for a use alleged to be public, the entity proposing the taking shall bring an action to determine whether the contemplated use is a public use, and such issue shall be determined by the court. The entity proposing the taking shall bear the burden of proof to show the court by clear and convincing evidence that the taking of the real property is for a public use.

(c) Except for real property taken to eliminate an immediate threat to public health or safety, when a fee simple title to private real property is taken, just compensation shall not be less than 150% of the highest yearly appraised value of the real property during the preceding five-year period. Just compensation, when a fee simple title to private real property is taken to eliminate an immediate threat to public health or safety, shall be determined by the court.

(d) A fee simple title to private real property taken through eminent domain must be owned and used by the taking entity for a minimum of seven years. If the real property is not used within seven years, the real property, or a portion thereof, shall be sold back to the owner, from whom the private real property was taken, at the compensation determined at the taking, or prorated for any portion thereof. If the owner, from whom the private real property was taken, does not purchase fee simple title to the real property, then the taking entity may sell, or otherwise transfer, such real property to a third party.”

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

*“Explanatory statement.* There is currently no constitutional provision prohibiting state or local government from taking private real property except for public use, and there is no definition of “public use”.

A vote for this proposition would amend the Kansas constitution to prohibit state and local governments from taking private real property, except for public use, and would require that the owner of any real property taken for public use be paid just compensation. Private real property may be taken to eliminate an immediate threat to public health or safety, but in this case, the court shall determine just compensation. If the taking entity wishes to sell the real property prior to the end of seven years, the real property must be offered to the owner, from whom the private real property was taken, at the just compensation determined at the time of the taking.

A vote against this proposition would not amend the constitution.”

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 November in the year 2006, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 43; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Grange, Hayzlett, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Ruff, Sawyer, Schwab, Schwartz, Siegfried, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams.

Nays: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Davis, Faust-Goudeau, Flaharty, Garcia, Gordon, Grant, Hawk, Henderson, Hill, Huff, Huntington, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Mah, Menghini, O'Malley, Owens, Peterson, Phelps, Proehl, Roth, Ruiz, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Thull, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Flora.

A two-thirds majority of the members elected to the House not having voted in the affirmative, the resolution was not adopted.

#### EXPLANATION OF VOTE

MR. SPEAKER: We legislators all stood before this Body and took an oath to uphold the Constitution of the United States, and therefore we should agree with John Adams when he stated that property be considered “sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence.” Second, we should allow all the people of Kansas the right to vote regarding this paramount issue. Fellow legislators I urge you to do what is right for the people of Kansas and vote “Yes” on **HCR 5025**.—C. FRANK MILLER

**H. Sub. for SB 93**, An act creating the Kansas petroleum education and marketing act, was considered on final action.

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

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, 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, Kuether, Landwehr, 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, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dillmore, Krehbiel, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Flora.

The substitute bill passed.

**SB 271**, An act concerning real estate brokers and sales persons; relating to fees; concerning real estate sales valuation questionnaires; concerning real estate; amending K.S.A.

58-3035 and 58-3063 and K.S.A. 2005 Supp. 79-1437f and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 2; Absent or not voting: 1.

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

Nays: Beamer, Brown, Carlson, Carter, Edmonds, Faber, Freeborn, Hutchins, Huy, D. Johnson, Kelley, Kinzer, Landwehr, Masterson, McLeland, F. Miller, Neufeld, Oharah, Peck, Pilcher-Cook, Ward, Yoder.

Present but not voting: Pottorff, Watkins.

Absent or not voting: Flora.

The bill passed, as amended.

**H. Sub. for SB 278**, An act regulating traffic; concerning motorcycle equipment; amending K.S.A. 8-1597 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 9; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Garcia, Gatewood, George, Goico, Gordon, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yonally.

Nays: Carlin, Dillmore, Freeborn, Grange, Landwehr, Lane, McKinney, S. Sharp, Yoder.

Present but not voting: None.

Absent or not voting: Flora.

The substitute bill passed.

**SB 305**, An act concerning the Kansas national guard educational assistance act; amending K.S.A. 74-32,146 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.



Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**SB 361**, An act amending the Kansas air quality act; providing judicial review of agency action to court of appeals; when; amending K.S.A. 65-3008a and 65-3013 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, 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, Kuether, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Crow, Davis, Dillmore, Faber, Gordon, Kirk, Winn.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**SB 386**, An act concerning air contaminant emission sources; amending K.S.A. 65-3002 and 65-3005 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, 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, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, 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, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Brunk, Carlson, Faber, Kiegerl, Landwehr, Mast, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**SB 388**, An act establishing the Kansas qualified biodiesel fuel producer incentive fund, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 24; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Freeborn, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Light, Loyd, Lukert, Mah, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Otto, Owens, Pauls, Peck, Peterson, Phelps, Powell, Powers,

Proehl, Roth, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Sloan, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Williams, Wolf, Yoder, Yonally.

Nays: Brunk, Burroughs, Crow, Dillmore, Flaharty, Garcia, Gordon, Henderson, Huntington, Kelley, Kuether, Lane, Loganbill, Long, Mast, Olson, Pilcher-Cook, Pottorff, Ruff, Ruiz, Siegfried, Storm, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**SB 405.** An act concerning certain foreign insurance companies doing business in this state; pertaining to the commissioner's waiver of certain requirements; amending K.S.A. 40-209 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**SB 407.** An act increasing jurors' fees; amending K.S.A. 43-171 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 13; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, 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, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Brown, Brunk, Edmonds, Feuerborn, Huebert, Landwehr, Masterson, Mays, McCreary, McLeland, Oharah, Peck, Watkins.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**SB 408.** An act concerning animals; relating to cruelty to animals and harming or killing certain dogs; relating to licenses and permits under the Kansas pet animal act; amending K.S.A. 21-4317 and 47-1706 and K.S.A. 2005 Supp. 21-4310, 21-4318 and 21-4704 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 114; Nays 10; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Dahl, Faber, Hayzlett, M. Holmes, McCreary, Neufeld, Powell, Powers, Schwartz, Weber.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: Today I am ashamed to be part of this legislative body. By our *inaction* this session to do anything to protect unborn babies, and by our *action* today, we demonstrate that we place a higher value on dogs and cats than on human life. The pain and suffering of babies during an abortion where their limbs are torn off and their brains sucked out is far more heinous than what happened to Scruffy and Magnum. I cannot in full conscience vote to place a higher penalty on those who mistreat animals than the penalty for torturing and killing unborn humans. I vote NO on **SB 408**.—DONALD L. DAHL

MR. SPEAKER: Those serving on judiciary viewed many gruesome pictures of animals that had been tortured. It was terrible. But there is torture that is happening to *human beings* almost every day in our state. Human arms and legs are torn off in the act of abortion. Scissors are stuck in the back of the neck, there are silent screams. Mr. Speaker, while we need to have compassion for any woman who has had an abortion, this legislation should help to inform us and motivate us to help not just vulnerable animals, but to help vulnerable human beings. I vote yes on **SB 408**.—MARY PILCHER-COOK, STEVE BRUNK, LYLE OHARAH, RICHARD CARLSON, FORREST KNOX, LANCE KINZER, VIRGIL PECK, JR, MARIO GOICO, MIKE KIEGERL, ARLEN SIEGFREID, ROBERT OLSON, BILL OTTO, STEVE HUEBERT, PEGGY MAST

**SB 420**, An act concerning children; relating to support thereof; amending K.S.A. 2005 Supp. 23-4,118 and repealing the existing section; also repealing K.S.A. 39-7,153, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**SB 480**, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Crow, Freeborn, Kuether, Landwehr, Lane.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**SB 497**, An act concerning improvement districts; establishing qualifications for directors; pertaining to compensation of directors; amending K.S.A. 19-2760 and 19-2764 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, 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, Kirk, Knox, Krehbiel, Kuether, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dillmore, Feuerborn, Treaster.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**SB 498**, An act concerning cities and counties; relating to licensure of certain contractors; amending K.S.A. 12-1526 and K.S.A. 2005 Supp. 12-1509 and 12-1542 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah,

Mast, McCreary, McKinney, McLeland, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Brunk, Carlson, Faber, Freeborn, Hutchins, Kelley, Kinzer, Landwehr, Masterson, Mays, Merrick, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

**SB 500.** An act concerning agriculture; relating to phytosanitary fees; amending K.S.A. 2005 Supp. 2-2118 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 15; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Burroughs, Dillmore, Faber, Henderson, Huebert, Hutchins, Landwehr, Lane, McKinney, McLeland, Pilcher-Cook, Powers, Treaster, Ward, Watkins.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed.

**SB 544.** An act concerning motor-vehicle fuel taxation; relating to rates; ethanol blends; relating to the importation of motor fuels; amending K.S.A. 79-3401, 79-3410, 79-3415, 79-3416, 79-3420, 79-3424, 79-3426 and 79-3464e and K.S.A. 2005 Supp. 79-3408, 79-3464c and 79-34,141 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, 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, Powers, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Burroughs, Gordon, Henderson, Long, Ruiz, Ward.

Present but not voting: None.

Absent or not voting: Flora.

The bill passed, as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hayzlett, the House proceeded to reconsider **SB 418**, An act enacting the personal and family protection act; providing for licensure to carry certain concealed

weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 2005 Supp. 12-4516, 21-4201 and 21-4619 and repealing the existing sections.

The Governor's objection of **SB 418** having been read, (see Senate Message, this session) the question being, "Shall the bill be passed notwithstanding the Governor's veto?"

On roll call, the vote was: Yeas 91; Nays 33; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Lane, Light, Long, Loyd, Lukert, Mah, Mast, Master-son, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Pilcher-Cook, Powell, Powers, Proehl, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Watkins, We-ber, Wilk, Williams.

Nays: Ballard, Carlin, Colloton, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Garcia, Hawk, Henderson, Hill, Holland, Huff, Huntington, Kirk, Krehbiel, Kuether, Lo-ganbill, M. Miller, O'Malley, Phelps, Pottorff, Roth, S. Sharp, Storm, Thull, Treaster, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Flora.

A two-thirds majority of the members elected to the House having voted in favor of the bill over the Governor's veto, the motion did prevail, and the bill did pass.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Edmonds, the House nonconcurred in Senate amendments to **HB 2541**

and asked for a conference.

Speaker Mays thereupon appointed Reps. Edmonds, Siegfried and Burroughs as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2576** and asked for a conference.

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

On motion of Rep. Schwab, the House nonconcurred in Senate amendments to **HB 2658** and asked for a conference.

Speaker Mays thereupon appointed Reps. Dahl, Schwab and Ruff as conferees on the part of the House.

On motion of Rep. Ruff, the House nonconcurred in Senate amendments to **HB 2772** and asked for a conference.

Speaker Mays thereupon appointed Reps. Dahl, Schwab and Ruff as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2878** and asked for a conference.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

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

#### **COMMITTEE OF THE WHOLE**

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

Recommended that **SB 575**, **SB 499** be passed.

**Sub. HB 2986; SB 366, SB 503; H. Sub. for SB 217; H. Sub. for SB 422; SB 512; Sub. SB 323; SB 442, SB 404; Sub. HB 2023** be passed over and retain a place on the calendar.

Committee report to **SB 352** be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 449** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 260** be adopted; and the substitute bill be passed.

Committee report to **SB 324** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. for Sub. HB 2689** be adopted; also, on motion of Rep. Faber be amended on page 12, after line 15, by inserting the following subsection:

“(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers’ sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.”; and **Sub. for Sub. HB 2689** be passed as amended.

Committee report to **SB 365** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 574** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 52** be adopted; also, on motion of Rep. McLeland be amended on page 1, in line 14, by striking all following “services”; in line 15, by striking all preceding the comma;

Also, on motion of Rep. Lane to amend **H. Sub. for SB 52**, the motion did not prevail; and the substitute bill be passed as amended.

Committee report to **HB 3017** be adopted; also, on motion of Rep. Pilcher-Cook be amended on page 1, after line 35, by inserting the following:

“Sec. 2. Sections 2, 3 and 4, and amendments thereto, of this act may be cited as the ethical research act.

Sec. 3. (a) There is hereby created the pluripotent non-embryonic adult stem cell research fund, which is referred to in this section as the PNASCR fund. The PNASCR fund shall not be a part of the state treasury and all moneys credited to such fund shall belong exclusively to the Kansas bioscience authority.

(b) The Kansas bioscience authority is hereby authorized to accept gifts, grants or donations of money for the purposes prescribed in subsection (c) which shall be credited to the PNASCR fund and shall qualify for the state income tax credit allowed by this section.

(c) Moneys in the PNASCR fund shall be used only for the purpose of providing a funding source to enable qualified companies to undertake successful and ethical bioscience research and for development grants in Kansas. Development grants shall be awarded by the Kansas bioscience authority based on guidelines adopted by the board of directors of the authority within the moneys available in the PNASCR fund therefor.

(d) A contributor to the PNASCR fund may be anonymous and shall be allowed a credit against the state income tax imposed under the Kansas income tax act in an amount equal to 50% of the contribution amount.

(e) If the amount of the tax credit allowed by this section exceeds the taxpayer’s income tax liability under the Kansas income tax act for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer’s income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability.

(f) As used in this section, “pluripotent” means the ability to form most or all adult body tissues.

Sec. 4. (a) The Kansas umbilical cord bank fund is hereby created. The Kansas umbilical cord bank fund shall not be a part of the state treasury and all moneys in the umbilical cord bank fund shall belong exclusively to the Kansas bioscience authority.

(b) The Kansas bioscience authority is hereby authorized to accept gifts, grants or donations of money for the purposes prescribed in subsection (c) which shall be credited to

the Kansas umbilical cord bank fund, which shall qualify for the state income tax credit allowed pursuant to this section.

(c) Moneys in the umbilical cord bank fund shall be used only for grants to help establish or expand private umbilical cord bank organizations. The board of directors of the Kansas bioscience authority shall adopt guidelines for award of such grants which shall include the requirement that an applicant bank shall gather, collect and preserve umbilical cords and placentas only from live births and that umbilical cords shall primarily be distributed to recipients who are unrelated to the donor.

(d) A contributor to the Kansas umbilical cord bank fund may be anonymous and shall be allowed a credit against the state income tax imposed under the Kansas income tax act in an amount equal to 50% of the contribution amount.

(e) If the amount of the state income tax credit allowed by this section exceeds the taxpayer's income tax liability under the Kansas income tax act for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability.”;

And by renumbering the remaining section accordingly;

In the title, in line 12, before the period, by inserting: “; establishing the pluripotent non-embryonic adult stem cell research fund and the Kansas umbilical cord bank fund and providing income tax credits for contributions to such funds”; and **HB 3017** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 340** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 340,” as follows:

“HOUSE Substitute for SENATE BILL No. 340

By Committee on Appropriations

“AN ACT concerning certain school districts; relating to the assessed valuation thereof.”; and the substitute bill be passed.

(**H. Sub. for SB 340** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **HB 2998** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2998,” as follows:

“Substitute for HOUSE BILL No. 2998

By Committee on Insurance

“AN ACT concerning certain items containing protoplasm; relating to life form engineering; relating to information concerning umbilical cord collection.”; and the substitute bill be passed.

(**Sub. HB 2998** was thereupon introduced and read by title.)

Committee on **Utilities** recommends **SB 70** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 70,” as follows:

“HOUSE Substitute for SENATE BILL No. 70

By Committee on Utilities

“AN ACT concerning income taxation; relating to credits and deductions; energy efficiency expenditures.”; and the substitute bill be passed.

(**H. Sub. for SB 70** was thereupon introduced and read by title.)

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

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#### AFTERNOON SESSION

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

#### MESSAGE FROM THE GOVERNOR

**HB 2617, HB 2678, HB 2830, HB 2831** approved on March 23, 2006.



**MESSAGE FROM THE SENATE**

Announcing passage of **SB 568, SB 570, SB 571, SB 573, SB 583.**

Announcing passage of **HB 2159, HB 2659.**

Announcing passage of **HB 2578**, as amended; **HB 2662**, as amended; **HB 2671**, as amended; **HB 2696**, as amended; **HB 2709**, as amended; **HB 2752**, as amended; **HB 2856**, as amended.

The Senate nonconcur in House amendments to **Sub. SB 253**, requests a conference and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 411**, requests a conference and has appointed Senators Donovan, Wilson and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 432**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 553**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 568, SB 570, SB 571, SB 573, SB 583.**

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **Sub. SB 253**.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 411**.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 432**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 553**.

Speaker Mays thereupon appointed Reps. Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

**CHANGE OF CONFEREES**

Speaker Mays announced the appointment of Reps. Huebert and Sawyer as members of the conference committee on **SB 142** to replace Reps. Goico and Holland.

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

**COMMITTEE OF THE WHOLE**

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

Recommended that **SB 297, SB 379, SB 549, SB 547; H. Sub. for SB 47; HB 2093; H. Sub. for SB 1** be passed over and retain a place on the calendar.

Committee report to **SB 366** be adopted; also, on motion of Rep. Carlson be amended on page 1, following line 17, by inserting:

“New Section 1. (a) For purposes of K.S.A. 21-3211, 21-3212 and 21-3213, and amendments thereto, a person is presumed to have held a reasonable fear of imminent death or great bodily harm to such person's self or another if:

(1) The person against whom deadly force was used was unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling or occupied vehicle, or if the person

against whom such force was used had removed or was attempting to remove another against such other's will from the dwelling or occupied vehicle; and

(2) the person who used deadly force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible removal was occurring or had occurred.

(b) The presumption set forth in subsection (a) shall not apply if:

(1) The person against whom deadly force is used has the right to be in or is a lawful resident of the dwelling or vehicle, such as an owner, lessee or titleholder, and there is not a court order restraining or barring such person from contact with a person occupying the dwelling or vehicle;

(2) the person sought to be removed from the dwelling or occupied vehicle is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship, of the person against whom deadly force is used and there is not a court order restraining or barring the person against whom such force is used from contact with such child or grandchild;

(3) the person who uses deadly force is engaged in an unlawful activity or is using the dwelling or occupied vehicle to further an unlawful activity; or

(4) the person against whom deadly force is used is a law enforcement officer who enters or attempts to enter a dwelling or vehicle in the performance of the officer's official duties and (A) the officer identified the officer's self in accordance with any applicable law or (B) the person using deadly force knew or reasonably should have known that the person entering or attempting to enter was a law enforcement officer.

(c) A person who unlawfully and forcibly enters or attempts to enter a dwelling or occupied vehicle is presumed to do so with intent to commit an unlawful act involving force or violence.

(d) As used in this section and K.S.A. 21-3211, 21-3212 and 21-3213, and amendments thereto, "vehicle" has the meaning provided by K.S.A. 8-126, and amendments thereto.

(e) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 2. (a) A person who is not engaged in an unlawful activity and who is attacked in a place where such person has a right to be has no duty to retreat and has the right to stand such person's ground and meet force with force.

(b) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 3. (a) A person who uses force which, subject to the provisions of K.S.A. 21-3214, and amendments thereto, is justified pursuant to K.S.A. 21-3211, 21-3212 or 21-3213, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting in the performance of such officer's official duties and the officer identified the officer's self in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer. As used in this subsection, "criminal prosecution" includes arrest, detention in custody and charging or prosecution of the defendant.

(b) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (a), but the agency shall not arrest the person for using force unless it determines that there is probable cause for the arrest.

(c) The court shall award reasonable attorney fees, court costs and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (a).

Sec. 4. K.S.A. 21-3211 is hereby amended to read as follows: 21-3211. (a) A person is justified in the use of force against ~~an aggressor~~ *another* when and to the extent it appears to ~~him and he~~ *such person and such person* reasonably believes that such ~~conduct~~ *force* is necessary to defend ~~himself or another~~ *such person or a third person* against such ~~aggressor's~~ *other's* imminent use of unlawful force.

(b) *A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.*

Sec. 5. K.S.A. 21-3212 is hereby amended to read as follows: 21-3212. (a) A person is justified in the use of force against another when and to the extent that it appears to ~~him~~ *such person and such person* reasonably believes that such ~~conduct~~ *force* is necessary

to prevent or terminate such other's unlawful entry into or attack upon ~~his~~ such person's dwelling or occupied vehicle.

(b) *A person is justified in the use of deadly force to prevent or terminate unlawful entry into or attack upon any dwelling or occupied vehicle if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person or another.*

Sec. 6. K.S.A. 21-3213 is hereby amended to read as follows: 21-3213. (a) ~~A person who is lawfully in possession of property other than a dwelling is justified in the threat or use of force against another for the purpose of preventing or terminating an unlawful interference with such property is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such force is necessary to prevent or terminate an unlawful interference with property, other than a dwelling or occupied vehicle, lawfully in such person's possession or the possession of another who is a member of such person's immediately family or household or whose property such person has a legal duty to protect. Only such degree of force or threat thereof as a reasonable man~~ ~~person~~ would deem necessary to prevent or terminate the interference may intentionally be used.

(b) *A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes deadly force is necessary to prevent imminent death or great bodily harm to such person or another.*;

Also on page 1, in line 18, by striking "Section 1." and inserting "Sec. 7.";

By renumbering the remaining sections accordingly;

On page 3, in line 34, before "K.S.A.", by inserting "K.S.A. 21-3211, 21-3212 and 21-3213 and"; also in line 34, by striking "is" and inserting "are";

In the title, in line 13, after the semicolon, by inserting "relating to justified use of force"; in line 14, before "K.S.A.", by inserting "K.S.A. 21-3211, 21-3212 and 21-3213 and"; in line 15, by striking "section" and inserting "sections";

Also, on motion of Rep. Ward, **SB 366** be amended on page 1, after line 17, by inserting the following:

"New Section 1. Sections 1 through 5, and amendments thereto, shall be known and may be cited as the criminal street gang prevention act.

New Sec. 2. As used in sections 1 through 5, and amendments thereto:

(a) "Criminal street gang" means any organization, association or group, whether formal or informal:

(1) Consisting of three or more persons;

(2) having as one of its primary activities the commission of one or more person felonies, person misdemeanors, felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors;

(3) which has a common name or common identifying sign or symbol; and

(4) whose members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies, person misdemeanors, felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors or any substantially similar offense from another jurisdiction.

(b) "Criminal street gang member" is a person who:

(1) Admits to criminal street gang membership; or

(2) meets three or more of the following criteria:

(A) Is identified as a criminal street gang member by a parent or guardian.

(B) Is identified as a criminal street gang member by a state, county or city law enforcement officer or correctional officer or documented reliable informant.

(C) Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.

(D) Resides in or frequents a particular criminal street gang's area and adopts such gang's style of dress, color, use of hand signs or tattoos, and associates with known criminal street gang members.

(E) Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.

(F) Is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation.

(G) Has been stopped in the company of known criminal street gang members two or more times.

(H) Has participated in or undergone activities self-identified or identified by a reliable informant as a criminal street gang initiation ritual.

(c) "Criminal street gang activity" means the commission or attempted commission of, or solicitation or conspiracy to commit, one or more person felonies, person misdemeanors, felony violations of the uniform controlled substances act, K.S.A. 65-4101, *et seq.*, and amendments thereto, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors on separate occasions.

(d) "Criminal street gang associate" means a person who:

(1) Admits to criminal street gang association; or

(2) meets two or more defining criteria for criminal street gang membership described in subsection (b)(2).

(e) For purposes of law enforcement identification and tracking only "gang-related incident" means an incident that, upon investigation, meets any of the following conditions:

(1) The participants are identified as criminal street gang members or criminal street gang associates, acting, individually or collectively, to further any criminal purpose of the gang;

(2) a state, county or city law enforcement officer or correctional officer or reliable informant identifies an incident as criminal street gang activity; or

(3) an informant of previously untested reliability identifies an incident as criminal street gang activity and it is corroborated by independent information.

New Sec. 3. (a) Recruiting criminal street gang membership is causing, encouraging, soliciting or recruiting another person to join a criminal street gang that requires, as a condition of membership or continued membership, the commission of any crime or membership initiation by submission to a sexual or physical assault that is criminal in nature, or would be criminal absent consent by the initiated.

(b) Recruiting criminal street gang membership is a severity level 6, person felony.

New Sec. 4. (a) Criminal street gang intimidation is the communication, directly or indirectly with another, any threat of personal injury or actual personal injury to another or any threat of damage or actual damage to property of another with the intent to:

(1) Deter such person from assisting a criminal street gang member or associate to withdraw from such criminal street gang; or

(2) punish or retaliate against such person for having withdrawn from a criminal street gang.

(b) Criminal street gang intimidation is a severity level 5, person felony.

New Sec. 5. When a criminal street gang member, as defined in section 2, and amendments thereto, is arrested for a person felony, bail shall be at least \$50,000 cash or surety, unless the court determines on the record that the defendant is not likely to reoffend, an appropriate intensive pre-trial supervision program is available and the defendant agrees to comply with the mandate of such pre-trial supervision.

New Sec. 6. Sections 1 through 5, and amendments thereto, shall be a part of and supplemental to the Kansas criminal code.

Sec. 7. K.S.A. 2005 Supp. 22-3901 is hereby amended to read as follows: 22-3901. The following unlawful activities and the use of real or personal property in maintaining and carrying on such activities are hereby declared to be common nuisances:

(a) Commercial gambling;

(b) dealing in gambling devices;

(c) possession of gambling devices;

(d) promoting obscenity;

(e) promoting prostitution;

(f) habitually promoting prostitution;

(g) violations of any law regulating controlled substances;

(h) habitual violations of any law regulating the sale or exchange of alcoholic liquor or cereal malt beverages, by any person not licensed pursuant to chapter 41 of the Kansas Statutes Annotated;

(i) habitual violations of any law regulating the sale or exchange of cigarettes or tobacco products, by any person not licensed pursuant to article 33 of chapter 79 of the Kansas Statutes Annotated;

(j) any felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal:

(1) *Consisting of three or more persons;*

(2) having as one of its primary activities the commission of one or more person felonies ~~or, person misdemeanors~~, felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, *or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors;*

(3) which has a common name or common identifying sign or symbol; *and*

(4) whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies ~~or, person misdemeanors~~, felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, *or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors*, or any substantially similar offense from another jurisdiction; or

(k) use of pyrotechnics, pyrotechnic devices or pyrotechnic materials in violation of K.S.A. 2005 Supp. 31-170, and amendments thereto.

Any real property used as a place where any such activities are carried on or permitted to be carried on and any effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property designed for and used on such premises in connection with such unlawful activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-3904, and amendments thereto.

New Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 34, by striking "is" and inserting "and 22-3901 are";

In the title, in line 14, after the semicolon by inserting "concerning criminal street gangs;"; also in line 14, after "and" by inserting "22-3901 and"; in line 15, by striking "section" and inserting "sections"; and **SB 366** be passed as amended.

Committee report to **SB 404** be adopted; also, be passed over and retain a place on the calendar (see further action, this session).

Committee report recommending a substitute bill to **Sub. HB 2023** be adopted; also, on motion of Rep. Carlson be amended on page 10, after line 31, by inserting a new section:

“Sec. 3. K.S.A. 2005 Supp. 12-194 is hereby amended to read as follows: 12-194. No city or county shall levy or impose an excise tax or a tax in the nature of an excise, other than a retailers’ sales tax and a compensating use tax, ~~upon the sale or transfer of personal or real property, or the use thereof, or the rendering of a service~~, but the provisions of this section shall not be construed as prohibiting any city from (a) contracting with a utility for a fixed charge based upon a percentage of gross receipts derived from the service permitted by grant, right, privilege or franchise to such utility; (b) imposing an occupation tax or license fee for the privilege of engaging in any business, trade, occupation or profession, or rendering or furnishing any service, but the determination of any such license fee shall not be based upon any amount the licensee has received from the sale or transfer of personal or real property, or for the rendering or furnishing of a service, or on the income of the licensee; ~~or~~ (c) levying any occupation tax or license fee imposed by such city prior to the effective date of this act; (d) *retaining any development excise tax as levied or imposed by such city in existence on January 1, 2006; or (e) levying an excise tax on tickets for admissions to concerts, theatrical performances, sports contests or other similar performances which take*

*place on property owned by a city.* No license fee described in subsection (b) of this section shall be imposed upon any utility contracting with and subject to a charge, described in subsection (a) of this section, by such city.

And by renumbering sections accordingly;

On page 12, in line 2, by striking “and”; in line 3, after the comma, by inserting “and 12-194”;

On page 1, in the title, in line 10, before “amending” by inserting “excise tax, limitations.”; in line 12, by striking “and”; in line 13, after the comma, by inserting “and 12-194”; and **Sub. HB 2023** be passed as amended.

Committee report to **SB 442** be adopted; and the bill be passed as amended.

Committee report to **HB 2792** be adopted; also, on motion of Rep. Davis to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **HB 2792** favorably for passage.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Craft, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, 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, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder.

Nays: Ballard, Burroughs, Cox, Crow, Davis, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Hawk, Henderson, Huff, Huntington, Kirk, Krehbiel, Kuether, Lane, Loganbill, Menghini, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Ward, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Hill, Peterson, Schwab.

The motion prevailed and **HB 2792** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 579** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 270** be adopted; also, on motion of Rep. Neufeld be amended on page 6, in line 42, after “more” by inserting “, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more”;

On page 7, after line 20, by inserting the following:

“Sec. 5. K.S.A. 74-4915b is hereby amended to read as follows: 74-4915b. (a) Notwithstanding any provision of law to the contrary, any member who is a member of the legislature who is also employed by another participating employer of the Kansas public employees retirement system other than the legislature and is an eligible employee as defined in K.S.A. 74-4902, and amendments thereto, may retire from service from such other participating employer and may continue to serve as a member of the legislature, except that, commencing January 8, 2001, such member of the legislature shall not receive any retirement benefit for any month for which such member of the legislature serves when compensation as provided in subsection (e) is paid in an amount equal to \$15,000 or more, *or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more* in any one such calendar year. Such member's retirement benefit shall be based on the final average salary of such member for service prior to service as a member of the legislature.

(b) No such member who is a member of the legislature who retires as provided in subsection (a) and who continues to serve as a member of the legislature shall accrue any additional service credit for such service as a member of the legislature or be entitled to any benefit provided in K.S.A. 74-4916 or 74-4927, and amendments thereto.

(c) When such member who is a member of the legislature retires as a member of the legislature, such member's final average salary shall be recalculated to include legislative compensation, if such inclusion of such compensation increases such member's final average

salary, of the member up to the time of retirement from the participating employer other than the legislature as provided in subsection (a).

(d) No such member who is a member of the legislature shall accrue any additional retirement benefits for the period of time between the date the member retired from the participating employer other than the legislature and the date such member retires as a member of the legislature.

(e) The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided in subsection (a). Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this section. For determination of the amount of legislative compensation, as provided in subsection (a) and this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$15,000 or more, *or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more* in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit.

(f) The provisions of this section are intended to further the public policy of encouraging persons to serve in elective public office by permitting a member of the system, who is a member through employment with a participating employer in a nonelected position and who holds an elected office as a member of the legislature and who is also a member of the system for such elected office, to retire under the system from such nonelected employment and to continue serving in such elected public office.

(g) The words and phrases used in this section have the meanings respectively ascribed thereto by K.S.A. 74-4902, and amendments thereto, unless a different meaning is plainly required by the context.

(h) The provisions of this section shall be effective on and after July 1, 2000.

Sec. 6. K.S.A. 74-4915c is hereby amended to read as follows: 74-4915c. (a) Notwithstanding any provision of law to the contrary, any member who is an elected local official of a municipality who is also employed by another participating employer of the Kansas public employees retirement system other than the municipality and is an eligible employee as defined in K.S.A. 74-4902, and amendments thereto, may retire from service from such other participating employer and may continue to serve as an elected local official, except that such local official shall not receive any retirement benefit for any month for which such local official serves in such office when compensation is paid in an amount equal to \$15,000 or more, *or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more* in any one such calendar year. The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided in this subsection. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this section.

(b) No such member who is an elected local official who retires as provided in subsection (a) and who continues to serve as an elected local official shall accrue any additional service credit for such service as an elected local official or be entitled to any benefit provided in K.S.A. 74-4916 or 74-4927, and amendments thereto.

(c) The provisions of this section are intended to further the public policy of encouraging persons to serve in elective public office by permitting a member of the system, who is a member through employment with a participating employer in a nonelected position and who holds an elected office as an elected local official of a municipality and who is also a member of the system for such elected office, to retire under the system from such nonelected employment and to continue serving in such elected public office.

(d) The words and phrases used in this section have the meanings respectively ascribed thereto by K.S.A. 74-4902, and amendments thereto, unless a different meaning is plainly required by the context.”;

And by renumbering sections accordingly;

Also on page 7, in line 34, after "72-5436" by inserting ", 74-4915b, 74-4915c";

On page 1, in the title, in line 13, after "72-5436" by inserting ", 74-4915b, 74-4915c"; and **H. Sub. for SB 270** be passed as amended.

Committee report to **SB 505** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 522** be adopted; and the substitute bill be passed.

Committee report to **Sub. SB 539** be adopted; also, on motion of Rep. Shultz be amended on page 3, by striking all in lines 36 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 and 2;

And by renumbering the remaining sections accordingly;

On page 8, in line 39, by striking "40-954 and";

In the title, in line 12, by striking "40-954 and"; and **Sub. SB 539** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 196** be adopted; also, on motion of Rep. Faust-Goudeau be amended on page 5, preceding line 28, by inserting:

"Sec. 5. K.S.A. 12-4516a is hereby amended to read as follows: 12-4516a. (a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state: (1) The petitioner's full name;

(2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;

(3) the petitioner's sex, race and date of birth;

(4) the crime for which the petitioner was arrested;

(5) the date of the petitioner's arrest, and

(6) the identity of the arresting law enforcement agency.

A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, *except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 2005 Supp. 21-4018, and amendments thereto.* Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

(2) a court has found that there was no probable cause for the arrest;

(3) the petitioner was found not guilty in court proceedings; or

(4) the expungement would be in the best interests of justice and (A) charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interest of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private



detective agency, as defined by K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(g) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.;

By renumbering the remaining sections accordingly;

On page 11, preceding line 29, by inserting:

"Sec. 8. K.S.A. 2005 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state: (1) The petitioner's full name;

(2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;

(3) the petitioner's sex, race and date of birth;

(4) the crime for which the petitioner was arrested;

(5) the date of the petitioner's arrest; and

(6) the identity of the arresting law enforcement agency.

There shall be no docket fee for filing a petition pursuant to this section. *In addition, no other surcharge or fee shall be imposed to any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 2005 Supp. 21-4018, and amendments thereto.* Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

(2) a court has found that there was no probable cause for the arrest;

(3) the petitioner was found not guilty in court proceedings; or

(4) the expungement would be in the best interests of justice and (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142 and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(g) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.”;

By renumbering the remaining sections accordingly;

On page 19, in line 13, preceding “50-702” by inserting “12-4516a,”; in line 14, by striking “and 21-4603d” and inserting “, 21-4603d and 22-2410”;

In the title, in line 11, following “K.S.A.” by inserting “12-4516a,”; in line 12, by striking “and” where it appears the last time, and inserting a comma; in line 13, preceding “and” by inserting “and 22-2410”;

Also, roll call was demanded on motion of Rep. Dillmore to amend **H. Sub. for SB 196** on page 14, in line 19, by striking all following “score”; in line 20, by striking all preceding the period and inserting “without the express authorization of the consumer”; in line 21, by striking “who is a victim of identify theft”; in line 23, by striking all following “includes”; by

striking all in lines 24 and 25; in line 26, by striking all preceding “clear”; in line 31, by striking “and”; in line 32, by striking the period and inserting “; and

(3) payment of a fee, if applicable.”;

On page 15, in line 16, by striking “and”; in line 18, by striking the period and inserting “; and

(4) a fee, if applicable.”;

Also on page 15, in line 42, by striking “and”;

On page 16, in line 1, by striking the period and inserting “; and

(3) a fee, if applicable.”;

On page 17, in line 10, by striking “A” and inserting “A consumer reporting agency may impose a reasonable charge on a consumer for placing, temporarily lifting or removing a security freeze on a consumer report. The amount of the charge may not exceed \$10. On January 1 of each year, a consumer reporting agency may increase the charge for placing a security freeze based proportionally on changes to the consumer price index of all urban consumers as determined by the United States department of labor, with fractional changes rounded to the nearest \$.25, except that a”; in line 11, preceding the period by inserting “if the consumer is a victim of identity theft and, upon the request of the consumer reporting agency, provides the consumer reporting agency with a valid police report”;

On roll call, the vote was: Yeas 42; Nays 75; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Kirk, Kuether, Lane, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Pauls, Phelps, Powers, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Mast, Masterson, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, O’Malley, O’Neal, Oharah, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Schwab, Schwartz, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Weber, Wilk, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Lukert, Mays, Neufeld, Olson, Peterson, B. Sharp, S. Sharp, Yonally.

The motion of Rep. Dillmore did not prevail, and **H. Sub. for SB 196** be passed as amended.

On motion of Rep. Ward, **SB 404** (see previous action, Committee of the Whole, this session) be amended on page 31, in line 34, by striking “and”;

On page 32, in line 41, by striking the period and inserting “; and”; after line 41, by inserting the following subsection:

“(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization which would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library.”;

On page 33, in line 9, by striking “and” the first time it appears and inserting a comma; also in line 9, after “(qqq)” by inserting “and (rrr)”;

Also, on motion of Rep. Mah to amend **SB 404**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Peck to amend **SB 404** on page 31, in line 34, by striking “and”;

On page 32, in line 41, by striking the period and inserting “; and”; after line 41, by inserting the following subsection:

“(rrr) on and after July 1, 2006, all sales of any article of clothing having a taxable value of \$300 or less, all school supplies not to exceed \$100 per purchase, all computer software with a taxable value of \$300 or less and all personal computers or computer peripheral

devices not to exceed \$2,000, during the period beginning at 12:01 a.m. on the first Thursday in August and ending at midnight on the Sunday following. The provisions of this subsection apply to sales of items for personal use only. As used in this subsection, (1) "clothing" means any article of wearing apparel, including footwear, intended to be worn on or about the human body. The term shall include, but not be limited to, cloth and other material used to make school uniforms or other school clothing. Items normally sold in pairs shall not be separated to qualify for the exemption. The term shall not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, headbands, or belt buckles; (2) "personal computers" means a laptop, desktop or tower computer system which consists of a central processing unit, random access memory, a storage drive, a display monitor and a keyboard and devices designed for use in conjunction with a personal computer, such as a disk drive, memory module, compact disk drive, daughterboard, digitalizer, microphone, modem, motherboard, mouse, multimedia speaker, printer, scanner, single-user hardware, single-user operating system, soundcard or video card; and (3) "school supplies" means any item normally used by students in a standard classroom for educational purposes, including, but not limited to, textbooks, notebooks, paper, writing instruments, crayons, art supplies, rulers, bookbags, backpacks, handheld calculators, chalk, maps and globes. The term shall not include watches, radios, CD players, headphones, sporting equipment, portable or desktop telephones, copiers or other office equipment, furniture or fixtures.";

On roll call, the vote was: Yeas 63; Nays 57; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Schwab, Schwartz, Siegfried, Swenson, Tafanelli, Vickrey, Watkins, Weber, Williams.

Nays: Ballard, Bethell, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Phelps, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Wilk, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Hayzlett, Light, Loyd, Peterson, Shultz.

The motion of Rep. Peck prevailed.

Also, on motion of Rep. Flaharty, **SB 404** be amended on page 31, in line 22, by striking all after "library"; in line 23, by striking "ments thereto, and";

On page 33, by striking all in lines 14 through 18; in line 19, by striking "thereto."; by striking all in lines 22 through 43;

On page 34, by striking all in lines 1 through 31;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, by striking "com-"; in line 15, by striking all before "amending";

Also, on motion of Rep. Svaty, **SB 404** be amended on page 14, in line 38, after the period, by inserting " "Farm machinery and equipment" includes precision farming equipment that is installed or purchased to be installed on farm machinery and equipment, including, but not limited to, tractors, harvesters, sprayers, planters, seeders, spreaders, or all-terrain vehicles; and farm machinery and equipment includes computers, sensors, software and related equipment used primarily in the computer assisted operation of production agriculture facilities, equipment and activities. "Precision farming equipment" includes, but is not limited to, soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment, and any necessary mounting hardware, wiring, and antennas."; and **SB 404** be passed as amended.

Committee report to **SB 414** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 337** be adopted; also, on motion of Rep. Davis to amend, the motion did not prevail, and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 435** be adopted; and the substitute bill be passed.

Committee report to **HB 3012** be adopted; also, on motion of Rep. Loyd be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 26;

On page 4, following line 42, by inserting:

“Section 1. (a) Subject to the provisions of subsection (d), the boards of education of any two or more school districts may enter into a school district interlocal cooperation agreement for a shared school for the purpose of acquiring, constructing and operating one or more shared schools and to jointly and cooperatively performing any of the services, duties, functions, activities, obligations or responsibilities which are authorized or required by law to be performed by school districts.

(b) Any agreement entered into pursuant to this section shall:

(1) Establish a board of directors which shall be responsible for administering the joint or cooperative undertaking. The agreement shall specify the organization, composition of and manner of appointment of members of the board of directors. Only members of boards of education of school districts which are party to the agreement shall be eligible for membership on the board of directors. The terms of office of members of the board of directors shall expire concurrently with their terms as board of education members. Vacancies in the membership of the board of directors shall be filled within 30 days from the date of the vacancy in the manner specified in the agreement;

(2) be effective unless at least one school in each of the districts entering the agreement is closed as required by subsection (d);

(3) be effective only after approval by the state board of education;

(4) be subject to change or termination by the legislature;

(5) shall specify the method by which property may be disposed upon partial or complete termination; and

(6) be perpetual in duration unless the agreement is partially or completely terminated in accordance with the provision of this section.

(c) Any agreement entered into pursuant to this section may:

(1) Provide for the establishment and composition of an executive board. The members of the executive board, if established, shall be selected by the board of directors from its membership. The executive board shall exercise the powers, have the responsibilities, and perform the duties and functions of the board of directors to the extent authority to do so is delegated by the board of directors; and

(2) include any other provision deemed necessary by the boards of education.

(d) As a condition precedent to entering an agreement, the board of education of each school district shall close at least one school in the district.

(e) (1) The partial termination of an agreement entered into by the boards of three or more school districts may be accomplished only upon petition for withdrawal from the agreement by a contracting school district to the other contracting school districts and approval by the state board of written consent to the petition by such other school districts or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(2) Upon partial termination of a school district interlocal cooperation agreement for a shared school, the board of directors established under a renegotiated agreement thereof shall be the successor in every respect to the board of directors established under the former agreement.

(f) The complete termination of an agreement entered into by the boards of two school districts may be accomplished upon approval by the state board of a joint petition made to the state board for termination of the agreement by both of the contracting school districts

after adoption of a resolution to that effect by each of the contracting school districts or upon petition for withdrawal from the agreement made by a contracting school district to the other contracting school district and approval by the state board of written consent to the petition by such other school district or upon order of the state board after appeal to it by a school district from denial of consent to a petition for withdrawal and hearing thereon conducted by the state board. The state board shall consider all the testimony and evidence brought forth at the hearing and issue an order approving or disapproving withdrawal by the school district from the agreement.

(g) The complete termination of an agreement entered into by the boards of three or more school districts may be accomplished only upon approval by the state board of a joint petition made to the state board for termination of the agreement by not less than  $\frac{2}{3}$  of the contracting school districts after adoption of a resolution to that effect by each of the contracting school districts seeking termination of the agreement. The state board shall consider the petition and approve or disapprove termination of the agreement.

(h) The state board shall take such action in approving or disapproving the complete or partial termination of an agreement as the state board deems to be in the best interests of the contracting school districts and of the state as a whole. Whenever the state board has disapproved the complete or partial termination of an agreement, no further action with respect to such agreement shall be considered or taken by the state board for a period of not less than three years.

(i) Within the limitations provided by law, an agreement be changed or modified by the affirmative vote of not less than  $\frac{2}{3}$  of the contracting school districts.

(j) Except as otherwise specifically provided in this section, any power, privilege or authority exercised or capable of exercise by any school district, or by any board of education thereof, may be exercised jointly pursuant to the provisions of an agreement.

(k) Except as specifically provided in this section, no power, privilege or authority with respect to the levy and collection of taxes, the issuance of bonds, or the purposes and provisions of the school district finance and quality performance act or title I of public law 874 shall be created or effectuated for joint exercise pursuant to the provisions of an agreement.

(l) Payments from the general fund of each school district which enters into an agreement for the purpose of financing the joint or cooperative undertaking provided for by the agreement shall be operating expenses.

(m) Nothing in this section shall be construed to abrogate, interfere with, impair, qualify or affect in any manner the exercise and enjoyment of any power, privilege or authority conferred upon school districts and boards of education thereof by the provisions of the interlocal cooperation act, except that boards of education and school districts are required to comply with the provisions of this section when entering into an agreement providing for a shared school.

(n) As used in this section:

(1) "Agreement" means a school district interlocal cooperation agreement for a shared school; and

(2) "state board" means the state board of education.";

By renumbering the remaining sections accordingly;

Also, on motion of Rep. Huebert to amend **HB 3012**, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 475** be adopted; also, on motion of Rep. Neufeld be amended on page 1, in line 14, following "the" where it appears for the last time, by inserting "\$5,000,000 state affordable airfare fund, which shall be known and referred to as the"; in line 15, following "fund" by inserting "and"; and the substitute bill be passed as amended.

On motion of Rep. McLeland to amend **SB 417**, the motion did not prevail, and the bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 180** be adopted; and the substitute bill 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 resolution was thereupon introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5045—

By Committee on Taxation

A CONCURRENT RESOLUTION urging Congress to include an extension of the 15 percent tax rate on capital gains and dividend income as part of the final conference agreement of the Tax Relief Act.

WHEREAS, In 2003, the Congress of the United States passed and President Bush signed into law the Jobs and Growth Tax Relief Reconciliation Act. Since enactment of this tax cut, the economy has expanded 11 consecutive quarters at an average rate of 3.9 percent; and

WHEREAS, Job creation has been strong and more than 4.7 million jobs have been created. The unemployment rate has steadily declined from 6.2 percent to 4.7 percent. Household net worth has increased by more than \$12 trillion and business investment has been soaring, increasing at a quarterly rate of 8.5 percent; and

WHEREAS, Stronger economic growth has increased tax revenues to both federal and state governments. Last year marked the largest one year tax revenue increase at the federal level with lower tax rates. State government balance sheets have improved substantially and most states are experiencing surpluses in the current fiscal year; and

WHEREAS, Clearly, the tax reductions on capital gains and dividend income have been an unqualified economic success. However, with these lower rates expected to expire, we are concerned the higher tax rates will stifle growth, investment and job creation. It is absolutely critical these lower rates be extended to ensure continued economic growth in the future: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge all members of Congress to ensure the 15 percent tax rate on capital gains and dividend income is included as part of the final conference agreement of the Tax Relief Act; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the Majority Leader and Minority Leader of the United States Senate, the Speaker, the Majority Leader and Minority Leader of the United States House of Representatives, and each member of the Kansas Congressional Delegation.

#### MESSAGE FROM THE GOVERNOR

**HB 2626, HB 2758** approved on March 23, 2006.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 546, SB 580**.

Announcing passage of **HB 2602**.

Announcing passage of **HB 2285**, as amended; **HB 2432**, as amended; **Sub. HB 2513**, as amended; **HB 2649**, as amended by **S. Sub. for HB 2649**; **HB 2691**, as amended; **HB 2692**, as amended; **Sub. HB 2706**, as amended; **HB 2710**, as amended; **HB 2748**, as amended; **HB 2761**, as amended; **HB 2798**, as amended; **HB 2809**, as amended; **HB 2836**, as amended; **HB 2893**, as amended; **HB 2899**, as amended; **HB 2916**, as amended.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 546, SB 580**.

On motion of Rep. Aurand, the House recessed until 7:30 p.m.

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### NIGHT SESSION

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

#### MESSAGE FROM THE GOVERNOR

**HB 2759** approved on March 23, 2006.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Dahl, Committee of the Whole report, as follows, was adopted:  
Recommended that be .

Committee report to **SB 506** be adopted; also, on motion of Rep. O'Neal be amended on page 10, in line 3, by striking "(1)"; in line 5, by striking "Kansas bureau of investigation" and inserting "law enforcement agency where such offender last registered"; by striking all in lines 7 through 10; in line 30, by striking the second "(1)"; and the bill be passed as amended.

On motion of Rep. Schwab, **SB 547** be amended on page 2, before line 26, by inserting "The term "pharmacy benefits manager" shall not include a covered insurance entity.";

Also, on further motion of Rep. Schwab, **SB 547** be amended on page 1, after line 20, by inserting the following:

"(c) This act shall not apply to any pharmacy benefits manager that holds a certificate of registration as an administrator pursuant to K.S.A. 40-3810 and amendments thereto.";

On page 2, in line 1, by striking all after "(1)"; by striking all in lines 2 through 6; in line 7, by striking all before "of" and inserting "Any"; in line 18, by striking the period and inserting "; and

(2) (A) the procurement of prescription drugs by a prescription benefits manager at a negotiated rate for dispensation to covered individuals within this state; or

(B) the administration or management of prescription drug benefits provided by a covered insurance entity for the benefit of covered individuals.";

On page 3, by striking all in lines 5 through 12; and **SB 547** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 217** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2986** be adopted; also, on motion of Rep. Pilcher-Cook to amend, Rep. O'Neal requested the question be divided. The question was divided.

On Part A of the motion of Rep. Pilcher-Cook, the motion did not prevail.

Roll call was demanded on Part B of the motion to amend on page 27, after line 14, by inserting the following:

"New Sec. 29. Any school district may adopt a local option budget that exceeds the state prescribed percentage established pursuant to K.S.A. 2005 Supp. 72-6433, and amendments thereto, only if such action is voted upon and approved by a majority of the school district electors voting at an election thereon. The ballot question shall specify the applicable years and percentage amount authorized and shall enumerate how such additional funds shall be utilized. No supplemental state aid shall be paid on amounts above the state prescribed percentage.";

And by renumbering the remaining sections accordingly;

Also on page 27, in line 15, by striking all after "72-6405,"; in line 16, by striking all before "72-6414a"; in line 17, by striking all before "72-8204c";

On roll call, the vote was: Yeas 35; Nays 89; Present but not voting: 0; Absent or not voting: 1.



Yeas: Brown, Brunk, Carlson, Carter, Colloton, Cox, Dahl, Edmonds, George, Gordon, Huff, Huntington, E. Johnson, Kiegerl, Kilpatrick, Kinzer, Masterson, Mays, McLeland, Merrick, Judy Morrison, O'Malley, Oharah, Olson, Owens, Pilcher-Cook, Powell, Schwab, S. Sharp, Siegfried, Watkins, Weber, Wolf, Yoder, Yonally.

Nays: Aurand, Ballard, Beamer, Bethell, Burgess, Burroughs, Carlin, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Goico, Grange, Grant, Hawk, Haylett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, Kelley, Kelsey, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, McCreary, McKinney, Menghini, F. Miller, M. Miller, Jim Morrison, Myers, Neufeld, O'Neal, Otto, Pauls, Peck, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Peterson.

Part B of the motion of Rep. Pilcher-Cook did not prevail.

Also, on motion of Rep. Loyd to amend **Sub. HB 2986**, the motion was withdrawn.

Also, on further motion of Rep. Loyd to amend **Sub. HB 2986**, Rep. O'Neal requested the question be divided. The question was divided.

On Part A of the motion of Rep. Loyd, **Sub. HB 2986** be amended on page 27, following line 14, by inserting:

New Sec. 29. (a) As used in this section, "school district" or "district" means a school district which has adopted a local option budget in an amount which equals the state prescribed percentage under K.S.A. 72-6433, and amendments thereto.

(b) Except as provided in subsection (f), in school year 2010-2011 and each school year thereafter, the board of education of each school district may levy annually an ad valorem tax on the taxable tangible property of the district for the purpose of providing revenue for the local supplemental aid fund of the district and for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(c) The board of education of any school district which desires to adopt a local option budget which exceeds the state prescribed percentage, may do so by adoption of a resolution stating the amount of such budget. The amount of such budget shall be expressed as a percentage of the state financial aid determined for the district in the school year. Such resolution shall be subject to publication, protest and election in the same manner provided for resolutions adopted under K.S.A. 72-6433, and amendments thereto.

(d) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the local supplemental aid fund of the district.

(e) There is hereby created in every school district a local supplemental aid fund. The fund shall consist of amounts deposited therein or credited thereto according to law. Amounts in the local supplemental aid fund shall be expended on programs and services not mandated by state law.

(f) Any balance remaining in the local supplemental aid fund at the end of the budget year shall be carried forward into that 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 enrichment 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.

(g) The provisions of this section shall apply in any school year in which it is determined by law that the legislature has appropriated sufficient moneys to meet its constitutional duty to make suitable provision for the finance of educational interests of the state. Such deter-

mination shall be based upon the cost study analysis required by K.S.A. 2005 Supp. 46-1131, and amendments thereto.

Sec. 31. 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. 72-6433a, 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%~~ 30% for school year 2005-2006, ~~29%~~ 30% for school year 2006-2007 and ~~30%~~ 33% 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 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.”;~~

Also, on Part B of the motion of Rep. Loyd, **Sub. HB 2986** be amended on page 27, following line 14, by inserting:

Sec. 30. K.S.A. 2005 Supp. 46-1131 is hereby amended to read as follows: 46-1131. ~~(a)~~ The purpose of this section is to assist the legislature in the gathering of information which is necessary for the legislature’s consideration when meeting its constitutional duties to: ~~(1) Provide for intellectual, educational, vocational and scientific improvement in public schools established and maintained by the state, and (2) make suitable provision for the finance of educational interests of the state. The division of post audit shall conduct a professional cost study analysis to estimate the costs of providing programs and services required by law.~~

*(a) For the purpose of determining whether the legislature has appropriated sufficient moneys to meet its constitutional duty to make suitable provision for the finance of educational interests of the state, in school year 2008-2009 and each three school years thereafter, the division of legislative post audit shall conduct a professional cost study analysis to estimate the costs of providing programs and services required by law.*

*(b) As used in this section, “law” means any: (1) State statute; and (2) rules and regulations or standards relating to student performance outcomes adopted by the state board.*

*(c) The cost study analysis shall be based upon data available through the current school year 2004-2005. Subject to the provisions of subsection (d), the cost study analysis shall be conducted as directed by the legislative post audit committee.*

*(d) Any cost study analysis conducted pursuant to this section shall include:*

~~— (1) A determination of the services or programs required by law to be provided by school districts and a review of the high school graduation requirements and the school performance accreditation system, pupil assessments and other requirements of K.S.A. 72-6439, and amendments thereto;~~

~~— (2) A review of the admissions requirements established by the state board of regents pursuant to K.S.A. 76-716, and amendments thereto, state scholarship requirements established by the state board of regents;~~

~~— (3) A study of the actual costs incurred in a sample of school districts to provide reasonable estimates of the costs for regular elementary and secondary education as required by law, including instruction, administration, support staff, supplies, equipment and building costs;~~

~~— (4) A study of the actual costs incurred in a sample of school districts to provide reasonable estimates of the costs for specialized education services as required by law including, but not limited to, special education and related services, bilingual education and at-risk programs;~~

~~— (5) A study of the factors which may contribute to the variations in costs incurred by school districts of various sizes and in various regions of the state when providing services or programs as required by law. Such study shall include all administrative costs of providing program and services as required by law;~~

~~— (6) An analysis in a sample of districts as determined by the legislative post auditor showing such things as:~~

~~— (A) The percent of the estimated costs of providing programs and services as required by law that could have been funded by the various types of state aid the districts received in the most recently completed school year, as well as the percent funded by the district’s local option budget;~~

~~— (B) the percent of district funding that is spent on instruction;~~

~~— (C) the percent of district funding that is spent on administration including central administration, and~~

~~— (D) the percent of district funding that is spent on support services.~~

~~—(7) A review of relevant studies that assess whether there is a correlation between amounts spent on education and student performance.~~

~~—(8) A review to determine whether students who are counted as a basis for computing funding for specialized educational services are actually receiving those services.~~

~~—(9) Any additional reviews or analyses the legislative post auditor considers relevant to the legislature's decisions regarding the cost of funding services or programs required by law.~~

~~—(c) The division also shall conduct a professional cost study analysis considering the same factors specified in subsection (d), except that such cost study analysis shall consider only those curriculum, related services and programs mandated by state statute.~~

~~(f) (d)~~ In conducting such cost analysis study, historical data and expenditures may be used to estimate future reasonable and actual costs so long as any examination of historical data and expenditures corrects any recognized inadequacy of such data or expenditure through a reliable method of extrapolation. The cost study analysis shall incorporate these requirements and any report to the legislature must demonstrate how the incorporation was accomplished.

~~(g) (f)~~ In conducting such cost analysis study and subject to the limitations of the budget of the division and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

~~(h) (g)~~ In conducting such cost study analysis, the legislative post auditor shall have the authority to access all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized in conducting an audit under the legislative post audit act.

~~(i) (h)~~ ~~Following the completion of such cost analysis study, the legislative post auditor shall submit a detailed report thereon to the legislature.~~ On or before the first day of the ~~2006~~ legislative session *following the completion of each such cost analysis study, the legislative post auditor shall submit a detailed report thereon.* If additional time is needed to provide the most accurate information relating to any area of requested study, the legislative post auditor shall so report to the legislature, explaining the reasons for the need for additional time and providing a reasonable time frame for completion of that aspect of the study. In that event, the legislative post auditor shall submit a report on that portion of the study which has been completed before the start of the ~~2006~~ legislative session and the balance of such report shall be submitted within the time frame established by the legislative post auditor when requesting additional time.

~~(j) For any agency required to be audited under K.S.A. 74-7293 et seq., and amendments thereto, in time to be reviewed and evaluated during the 2006, 2007 or 2008 regular session of the legislature, such review and evaluation shall be moved forward one year.~~

~~(k) (i)~~ The provisions of this section shall be part of and supplemental to the legislative post audit act.

Also, on Part C of the motion of Rep. Loyd, **Sub. HB 2986** be amended on page 2, in line 13, by striking all after "3."; by striking all in lines 14 through 20 and inserting: "(a) The density at-risk pupil weighting of each school district shall be determined by the state board as follows:

- (1) Determine the enrollment of the district;
- (2) divide the number determined under paragraph (1) by the number of at-risk pupils enrolled in the district;
- (3) except as provided by paragraph (6), if the dividend determined under paragraph (2) is less than 40, multiply the dividend by 0. The product is the density at-risk pupil weighting of the district;
- (4) except as provided by paragraph (6), if the dividend determined under paragraph (2) is more than 40 but less than 50, multiply the dividend 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 density at-risk pupil weighting of the district; ~~and~~
- (5) if the dividend determined under paragraph (2) is 50 or more, multiply the dividend 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 density at-risk pupil weighting of the district; and



(6) if the dividend determined under paragraph (2) is 35.1 or more and the district has an enrollment density of at least 212.1 pupils per square mile, multiply the dividend 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 density at-risk pupil weighting of the district.”;

Also on page 2, in line 21, by striking “(c)” and inserting “(b)”;

On page 4, by striking all in lines 17 through 28; in line 29, by striking “8.” and inserting “7. (a)”;

following line 35, by inserting:  
 “(b) The provisions of this section shall not apply to the individuals with disabilities education act (IDEA) or any rules and regulations adopted pursuant thereto.”;

Also on page 4, by striking all in lines 36 through 43;

By striking all on pages 5 and 6;

On page 7, by striking all in lines 1 through 29;

And by renumbering sections accordingly;

On page 8, following line 12, by inserting:

“New Sec. 9. On or before the first day of each legislative session, the state board of education shall submit to the legislature an annual report which shows in detail the improvement in student proficiency which is attributable to the increase in state aid appropriated by the legislature during the preceding legislative session.”;

And by renumbering sections accordingly;

Also on page 8, in line 16, by striking “20” and inserting “9”;

by striking all in lines 24 through 26 and inserting the following:  
 “(b) The provisions of the school district finance and quality performance act are severable. If any provision of that act is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would have enacted the remainder of such act without such invalid or unconstitutional provision.”;

On page 9, in line 5, by striking “ $\frac{1}{2}$ ” and inserting “.65”;

also in line 5, after the second “pupil” by inserting “in school year 2006-2007, as .80 pupil in school year 2007-2008 and as one pupil in school year 2008-2009 and each school year thereafter”;

On page 11, in line 10, after the second “enrollment” by inserting “in school year 2006-2007, under 1,602 enrollment in school year 2007-2008 and under 1,572 in school year 2008-2009 and each school year thereafter”;

in line 13, before the period, by inserting “in school year 2006-2007, 1,602 or over enrollment in school year 2007-2008 and 1,572 or over enrollment in school year 2008-2009 and each school year thereafter”;

by striking all in lines 20 through 23;  
 And by relettering subsections accordingly;

On page 12, in line 24, after “enrollment” by inserting “in school year 2006-2007, 1,602 or over enrollment in school year 2007-2008 and 1,572 or over enrollment in school year 2008-2009 and each school year thereafter”;

by striking all in lines 31 through 38;  
 On page 13, in line 15, by striking “non-”;

in line 16, by striking all before “and”;

in line 29, before the period, by inserting “in school year 2006-2007, \$4,356 in school year 2007-2008 and \$4,391 in school year 2008-2009 and each school year thereafter”;

On page 14, in line 36, after “more” by inserting “in school year 2006-2007, 1,602 or more in school year 2007-2008 and 1,572 or more in school year 2008-2009 and each school year thereafter”;

in line 41, after the second comma, by inserting “in school year 2006-2007, less than 1,602 in school year 2007-2008 and less than 1,572 in school year 2008-2009 and each school year thereafter”;

On page 15, by striking all in lines 10 through 18;  
 And by renumbering sections accordingly;

Also on page 15, in line 22, by striking “.27” and inserting “.268 in school year 2006-2007, .368 in school year 2007-2008 and .482 in school year 2008-2009 and each school year thereafter”;

On page 16, in line 17, by striking all after “(c)”;

by striking all in lines 18 through 24; in line 25, by striking “(d)”;

On page 17, by striking all in lines 6 through 13; in line 25, by striking all after the stricken “education”;

by striking all in lines 26 through 34 and inserting “The expenses of the district

directly attributable to vocational education shall be paid from the vocational education fund.”;

On page 18, by striking all in lines 8 through 17;

On page 20, in line 3, after “enrollment” by inserting “in school year 2006-2007, 1,602 or over enrollment in school year 2007-2008 and 1,572 or over enrollment in school year 2008-2009 and each school year thereafter”; in line 6, after “enrollment” by inserting “in school year 2006-2007, 1,602 enrollment in school year 2007-2008 and 1,572 enrollment in school year 2008-2009 and each school year thereafter”; by striking all in lines 15 through 43;

By striking all on pages 21 and 22;

On page 23, by striking all in lines 1 through 4;

By renumbering sections accordingly;

Also on page 23, in line 10, by striking all after the period; by striking all in line 11; in line 12, by striking all before “a” and inserting “The board shall prepare a budget and”; in lines 13, 15, 17, 19 and 21 by striking “budgets” and inserting “budget”;

On page 25, by striking all in lines 13 through 20;

On page 26, in line 37, by striking “a” and inserting “the”; in line 39, by striking “The”; in line 40, by striking all before the second “the” and inserting “When preparing the budget for the school district, the board shall consider”;

On page 27, following line 14, by inserting:

“Sec. 27. K.S.A. 2005 Supp. 72-64c01 is hereby amended to read as follows: 72-64c01.

(a) It is the public policy goal of the state of Kansas that at least 65% of the moneys appropriated, distributed or otherwise provided by the state to school districts shall be expended in the classroom or for instruction.

~~(b) All moneys attributable to the increase in the amount of base state aid per pupil under the provisions of this act shall be expended in the classroom or for instruction.~~

~~— (c) The amount of moneys expended per pupil in the classroom or for instruction in school year 2005-2006, shall not be less than the amount of moneys expended per pupil for such purposes in school year 2004-2005, plus \$35 per pupil.~~

~~(b)~~ (b) As used in this section, “instruction” means the activities dealing directly with the interaction between teachers and students and may be provided in a school classroom, in another location such as a home or hospital, and in other learning situations such as those involving cocurricular activities. Instruction also may be provided through the internet, television, radio, computer, multimedia telephone, correspondence that is delivered inside or outside the classroom and other teacher-student settings or through other approved media. Instruction also includes the activities of aides or classroom assistants of any type including, but not limited to, clerks, graders and teaching machines which assist in the instructional process.

Sec. 28. K.S.A. 2005 Supp. 72-64c04 is hereby amended to read as follows: 72-64c04. (a) For school year 2007-2008, and for each school year thereafter, the total amount of state aid, except for state aid for special education and related services, shall be increased by not less than a percentage equal to the percentage increase in the CPI (urban) during the preceding fiscal year as certified to the commissioner of education by the director of the budget and the director of the legislative research department on August 15 of each year. Such state aid shall be distributed and adjusted for weighted enrollment changes in the manner provided by law. If there is a percentage decrease or no change in the CPI (urban) during the preceding fiscal year, the amount of state aid, excluding state aid for special education and related services, shall be no less than the amount of such aid in the preceding fiscal year.

*(b) The increases in the amount of state aid attributable to the new weightings created by this act, the increases in the existing weightings and the increases in the amount of base state aid per pupil shall be deemed to satisfy the requirements of subsection (a) for school years 2006-2007, 2007-2008 and 2008-2009.*

~~(c)~~ (c) The provisions of this section shall expire on June 30, 2010.

And by renumbering sections accordingly;

Also on page 27, in line 15, after “Supp.”, by inserting “46-1131.”; in line 16, by striking “72-6413.”; also in line 16, before “72-6434”, by inserting “72-6433.”; in line 17, before “72-

8204c”, by inserting “72-64b01, 72-64b02, 72-64b03, 72-64b04, 72-64c01, 72-64c02, 72-64c04.”;

In the title, in line 11, after “Supp.”, by inserting “46-1131.”; in line 12, by striking “72-6413.”; in line 13, before “72-6434”, by inserting “72-6433.”; also in line 13, by striking “72-6449” and inserting “72-64c01, 72-64c04”; in line 15, after “Supp.”, by inserting “72-6449, 72-64b01, 72-64b02, 72-64b03, 72-64b04, 72-64c02 and”;

Also, on motion of Rep. Oharah, **Sub. HB 2986** be amended on page 27, following line 14, by inserting:

“Sec. 40. (a) The purpose of this section is to assist public colleges and universities providing remedial classes needed in order for students to successfully pursue higher education studies. This section shall be applicable to students graduating from Kansas public high schools after May 1, 2007. The provisions of this section shall be applicable to Kansas high school graduates who have taken the precollege curriculum prescribed by the board of regents pursuant to K.S.A. 76-717, and amendments thereto.

(b) As used in this section:

(1) “Excess costs” means the difference between average cost per credit hour for a remedial course and the average cost per credit hour for a non-remedial course less the tuition paid per credit hour for a remedial class.

(2) “Public colleges and universities” means Kansas community colleges, municipal universities, technical colleges and state educational institutions as defined by K.S.A. 74-3201b, and amendments thereto.

(3) “Remedial classes” means classes that are designed to compensate for deficiencies in the basic skills that a typical student acquires as a part of a high school student’s education in the field of English, reading and mathematics.

(4) “Students” means Kansas public high school graduates who have taken the precollege curriculum prescribed by the board of regents pursuant to K.S.A. 76-717, and amendments thereto.

(c) The state board of education and the state board of regents shall jointly designate a competency examination applicable to remedial classes. In order for public colleges and universities to qualify for payments pursuant to subsection (d), a student taking a remedial class must pass the competency examination applicable to the remedial class taken.

(d) Commencing in June of 2007, and each June thereafter, each public college and university providing remedial classes shall certify to the state board of education the following:

(1) The number of students and remedial class hours taken by students who pass a competency exam designated pursuant to section 3 and amendments thereto;

(2) the amount of excess costs applicable to remedial classes reported pursuant to subsection (a)(1); and

(3) such other information as the state board of education may require.

(e) The state board of education shall pay public colleges and universities the excess cost certified pursuant to subsection (d). The amounts shall be deducted from state aid payment to the school district the student last attended.”;

And by renumbering the remaining sections accordingly

Also, roll call was demanded on motion of Rep. Horst to amend **Sub. HB 2986** on page 27, after line 14, by inserting the following:

“Sec. 40. K.S.A. 72-6411 is hereby amended to read as follows: 72-6411. (a) The transportation weighting of each district shall be determined by the state board as follows:

(1) Determine the total expenditures of the district during the preceding school year from all funds for transporting pupils of public and nonpublic schools on regular school routes;

~~(2) divide the amount determined under (1) by the total number of pupils who were included in the enrollment of the district in the preceding school year and for whom transportation was made available by the district;~~

~~— (3) multiply the quotient obtained under (2) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than 2½ miles by the usually traveled road from the school building they attended, and for whom transportation was made available by the district;~~

~~— (4) multiply the product obtained under (3) by 50%;~~

~~(5) subtract the product obtained under (4) from the amount determined under (1);~~  
~~(6) divide the remainder obtained under (5) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing  $2\frac{1}{2}$  miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district. The quotient is the per-pupil cost of transportation;~~

(2) add: (A) The number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than  $1\frac{1}{2}$  miles by the usually traveled road from the school building they attended, and for whom transportation was made available by the district, and (B) the number of nonresident pupils who were included in the enrollment of the district for the preceding school year and for whom transportation was made available by the district;

(3) multiply times two the number of pupils who were included in the enrollment of the district in the preceding school year, were residing  $1\frac{1}{2}$  miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district;

(4) divide the amount obtained under (2) by the amount obtained under (3);

(5) add one to the amount obtained under (4);

(6) multiply times the amount obtained under (5) the number of pupils who were included in the enrollment of the district in the preceding school year, were residing  $1\frac{1}{2}$  miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district;

(7) divide the amount obtained under (1) by the amount obtained under (6). The quotient is the per-pupil cost of transportation;

~~(7)~~ (8) on a density-cost graph plot the per-pupil cost of transportation for each district;

~~(8)~~ (9) construct a curve of best fit for the points so plotted;

~~(9)~~ (10) locate the index of density for the district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-pupil cost of transportation of the district;

~~(10)~~ (11) divide the formula per-pupil cost of transportation of the district by base state aid per pupil;

~~(11)~~ (12) multiply the quotient obtained under ~~(10)~~ (11) by the number of pupils who are included in the enrollment of the district, are residing  ~~$2\frac{1}{2}$~~   $1\frac{1}{2}$  miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made available by, and at the expense of, the district. The product is the transportation weighting of the district.

(b) For the purpose of providing accurate and reliable data on pupil transportation, the state board is authorized to adopt rules and regulations prescribing procedures which districts shall follow in reporting pertinent information relative thereto, including uniform reporting of expenditures for transportation.

(c) "Index of density" means the number of pupils who are included in the enrollment of a district in the current school year, are residing  ~~$2\frac{1}{2}$~~   $1\frac{1}{2}$  miles or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the district, divided by the number of square miles of territory in the district.

(d) "Density-cost graph" means a drawing having: (1) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (2) a scale for per-pupil cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-pupil cost intervals.

(e) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

~~(f) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~

Sec. 41. K.S.A. 2005 Supp. 72-8302 is hereby amended to read as follows: 72-8302. (a) The board of education of a school district may provide or furnish transportation for pupils who are enrolled in the school district to or from any school of the school district or to or from any school of another school district attended by such pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

(b) (1) When any or all of the conditions specified in this provision exist, the board of education of a school district shall provide or furnish transportation for pupils who reside in the school district and who attend any school of the school district or who attend any school of another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto. The conditions which apply to the requirements of this provision are as follows:

(A) The residence of the pupil is inside or outside the corporate limits of a city, the school building attended is outside the corporate limits of a city and the school building attended is more than  $2\frac{1}{2}$   $1\frac{1}{2}$  miles by the usually traveled road from the residence of the pupil; or

(B) the residence of the pupil is outside the corporate limits of a city, the school building attended is inside the corporate limits of a city and the school building attended is more than  $2\frac{1}{2}$   $1\frac{1}{2}$  miles by the usually traveled road from the residence of the pupil; or

(C) the residence of the pupil is inside the corporate limits of one city, the school building attended is inside the corporate limits of a different city and the school building attended is more than  $2\frac{1}{2}$   $1\frac{1}{2}$  miles by the usually traveled road from the residence of the pupil.

(2) The provisions of this subsection are subject to the provisions of subsections (c) and (d).

(c) The board of education of every school district is authorized to adopt rules and regulations to govern the conduct, control and discipline of all pupils while being transported in school buses. The board may suspend or revoke the transportation privilege or entitlement of any pupil who violates any rules and regulations adopted by the board under authority of this subsection.

(d) The board of education of every school district may suspend or revoke the transportation privilege or entitlement of any pupil who is detained at school at the conclusion of the school day for violation of any rules and regulations governing pupil conduct or for disobedience of an order of a teacher or other school authority. Suspension or revocation of the transportation privilege or entitlement of any pupil specified in this subsection shall be limited to the school day or days on which the pupil is detained at school. The provisions of this subsection do not apply to any pupil who has been determined to be an exceptional child, except gifted children, under the provisions of the special education for exceptional children act.

(e) (1) Subject to the limitations specified in this subsection, the board of education of any school district may prescribe and collect fees to offset, totally or in part, the costs incurred for the provision or furnishing of transportation for pupils. The limitations which apply to the authorization granted by this subsection are as follows:

(A) Fees for the provision or furnishing of transportation for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the provision or furnishing of transportation for pupils and only to the extent that such costs are not reimbursed from any other source provided by law;

(B) fees for the provision or furnishing of transportation may not be assessed against or collected from any pupil who is counted in determining the transportation weighting of the school district under the provisions of the school district finance and quality performance act or any pupil who is determined to be a child with disabilities under the provisions of the special education for exceptional children act or any pupil who is eligible for free or reduced price meals under the national school lunch act or any pupil who is entitled to transportation under the provisions of subsection (a) of K.S.A. 72-8306, and amendments thereto, and who resides  $2\frac{1}{2}$   $1\frac{1}{2}$  miles or more by the regular route of a school bus from the school attended;

(C) fees for the provision or furnishing of transportation for pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall be controlled by the provisions of the agreement.

(2) All moneys received by a school district from fees collected under this subsection shall be deposited in the general fund of the district.”;

And by renumbering the remaining sections accordingly;

Also on page 27, in line 15, before “K.S.A.” by inserting “K.S.A. 72-6411 and”; in line 17, after “72-9509,” by inserting “72-8302,”;

On page 1, in the title, in line 11, after “amending” by inserting “K.S.A. 72-6411 and”; in line 14, after “8204c,” by inserting “72-8302,”;

On roll call, the vote was: Yeas 36; Nays 85; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Brown, Burgess, Carlin, Carlson, Crow, Davis, Decker, Edmonds, Faust-Goudeau, Flaharty, Garcia, Gordon, Hayzlett, Holland, Horst, Humerickhouse, Hutchins, Kelley, Lane, Mast, Mays, Merrick, F. Miller, M. Miller, Myers, Neufeld, Otto, Peck, Ruff, Schwab, Schwartz, Shultz, Svaty, Vickrey, Weber.

Nays: Ballard, Beamer, Bethell, Brunk, Burroughs, Colloton, Cox, Craft, Dahl, DeCastro, Dillmore, Faber, Feuerborn, Flora, Freeborn, Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, M. Holmes, Huebert, Huff, Huntington, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mah, Masterson, McCreary, McKinney, McLeland, Menghini, Jim Morrison, Judy Morrison, O’Malley, Oharah, Olson, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruiz, Sawyer, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Tafanelli, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter, O’Neal, Swenson, Watkins.

The motion of Rep. Horst did not prevail.

Also, on motion of Rep. Otto to amend **Sub. HB 2986**, the motion did not prevail.

Also, on motion of Rep. Mast to amend **Sub. HB 2986**, Rep. Swenson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Mast challenged the ruling, the question being “Shall the Rules Chair be sustained?” The Rules Chair was sustained.

Also, roll call was demanded on motion of Rep. Faber to amend **Sub. HB 2986** on page 13, in line 29, by striking “\$4,307” and inserting “\$4,357”;

On roll call, the vote was: Yeas 49; Nays 73; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Dahl, Decker, Edmonds, Faber, Freeborn, George, Grange, Hayzlett, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kinzer, Knox, Krehbiel, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber.

Nays: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Huntington, D. Johnson, E. Johnson, Kiegerl, Kilpatrick, Kirk, Kuether, Landwehr, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Judy Morrison, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter, Goico, Light.

The motion of Rep. Faber did not prevail.

Also, roll call was demanded on further motion of Rep. Faber to amend **Sub. HB 2986**, as amended by House Committee of the Whole, on motion of Representative Loyd, on page 8, by striking all in lines 35 through 43;

By striking all on pages 9 through 11;

On page 12, by striking all in lines 1 through 38 and inserting:

“Sec. 22. 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. 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 attendance 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 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 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. Riddell 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, program weighting, low enrollment weighting, if any, ~~correlation density at-risk 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~~ 1,662 enrollment 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~~ 1,662 or over enrollment.

(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 weighting~~ *High enrollment weighting*" means an addend component assigned to enrollment of districts having ~~1,662~~ 1,662 or over enrollment 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~~ 1,662 enrollment.

(s) "*Density at-risk pupil weighting*" means an addend component assigned to enrollment of districts to which the provisions of section 3, and amendments thereto, apply.

(t) "*Nonproficient pupil*" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who 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 on the basis of enrollment of nonproficient pupils.;"

On page 14, by striking all in lines 33 through 43;

On page 15, by striking all in lines 1 through 9 and inserting:

"Sec. 25. K.S.A. 2005 Supp. 72-6412 is hereby amended to read as follows: 72-6412. (a) A low enrollment weighting factor shall be assigned to each school district as provided by this section.

(b) For districts with enrollment of ~~1,662~~ 1,662 or more, 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~~ 1,662, and more than 99, 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 2004-2005;

(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.~~

(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.*;"

On page 20, by striking all in lines 1 through 14 and inserting:

"Sec. 33. 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~~ 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~~ 1,662 enrollment 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.”;

On roll call, the vote was: Yeas 52; Nays 72; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Light, Mast, Masterson, Mays, McCreary, McLeland, F. Miller, Jim Morrison, Myers, Neufeld, Oharah, Olson, Otto, Peck, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Watkins, Weber.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Goico, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huebert, Huff, Huntington, D. Johnson, Kilpatrick, Kirk, Kueher, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, Merrick, M. Miller, Judy Morrison, O’Malley, O’Neal, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter.

The motion of Rep. Faber did not prevail.

Also, roll call was demanded on motion of Rep. Pilcher-Cook to amend **Sub. HB 2986** on page 8, following line 12, by inserting:

“New Sec. 21. (a) Sections 21 through 24, and amendments thereto, shall be known and may be cited as the school-based budget law.

(b) The purpose of this law is to require school districts to prepare a budget which provides the taxpayers of the school district with as much information as possible at a building-level within the district.

(c) The requirements imposed by the school-based budget law shall be in addition to the requirements imposed pursuant to the general budget law.

(d) School districts shall not be required to comply with the provisions of the school-based budget law unless the legislature appropriates moneys for the payment of the costs of such compliance by such districts. Such moneys shall be in addition to any state aid or moneys the state is otherwise required to provide to school districts.

New Sec. 22. As used in the school-based budget law:

(a) “Board” means the board of education of a school district.

(b) “Budget” or “school district budget” means the budget of the school district as a whole.

(c) “Sub-budget” means a budget for each school building in a school district.

(d) “School building” means any attendance center operated and maintained by the board. Each elementary school, junior high school, middle school and high school shall be counted as a separate attendance center even if two or more such schools are located at or in the same facility.

New Sec. 23. (a) Based upon recommendations by the state department of education, the director of accounts and reports shall prepare and prescribe forms for the annual budget, summary of the proposed budget of school districts and the sub-budgets for school buildings in school districts. The state department of education shall make such recommendations after considering the best practices and standards established by the government finance officers association and the association of school business officials. Subject to subsection (i), such forms shall show the information required by the general budget law, school-based budget law and any other state or federal law necessary and proper to disclose complete

information as to the financial condition of school districts, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) Subject to subsection (i), the school district budget form shall include an aggregate listing of the amount of expenditures for salaries, wages and any fringe benefits for the following:

- (A) Administrators, listed by individual category;
- (B) persons employed full-time as teachers;
- (C) persons employed as teachers' aides;
- (D) special education teachers;
- (E) special education paraprofessionals;
- (F) other certified employees who are not employed full-time as teachers, listed by individual category, including but not limited to, nurses, librarians and counselors;
- (G) classified employees;
- (H) substitutes and other temporary employees; and
- (I) other positions designated by the state department of education.

(2) Subject to subsection (i), the school district budget form shall show the total amount of expenditures for salaries, wages and fringe benefits for persons listed in paragraph (1) of this subsection.

(3) Subject to subsection (i), the school district budget form shall show the amount of expenditures, in the aggregate for salaries, wages and fringe benefits for persons listed in paragraph (1) of this subsection from each fund of the district and from any federal funds. The form also shall show the total amount of expenditures for such salaries, wages and fringe benefits.

(4) The school district budget form shall show the number of employee positions specified in paragraph (1) of this subsection, except for substitute teachers.

(c) The school district budget form shall show as separate items estimated expenditures for district-wide purposes or programs and the estimated revenue for such expenditures, with the amount estimated to be received from each source separately stated. Items of expenditures and receipts required to be included on the budget form pursuant to this subsection shall include, but not be limited to:

- (1) Central administrative costs of the district including operating and maintenance costs of the central office;
- (2) adult education;
- (3) adult supplementary education;
- (4) parent education;
- (5) driver training;
- (6) food service;
- (7) capital outlay;
- (8) summer school;
- (9) extraordinary school programs;
- (10) special liability expenses;
- (11) extraordinary growth facilities;
- (12) contingency reserve;
- (13) textbook and student materials;
- (14) transportation;
- (15) data processing;
- (16) bond and interest;
- (17) gifts and bequests;
- (18) student support;
- (19) instruction;
- (20) instructional staff support; and
- (21) student activities.

(d) Subject to subsection (i), expenditures for special education and related services shall be shown on the budget form of the district as follows:

(1) Except as provided by paragraph (2), a school district that obtains special education and related services pursuant to a cooperative agreement or an interlocal agreement shall show the expenditure as a transfer made at the district level in the central office budget;

(2) the board of directors of an interlocal and the sponsoring district of a cooperative shall show expenditures for special education and related services, using the format and coding developed by the department for a building sub-budget;

(3) a school district that provides its own special education and related services and which is not a party to an interlocal agreement or a cooperative agreement shall show expenditures on a district-wide basis using the format and coding developed by the department for a building sub-budget.

(e) Subject to subsection (i), the sub-budget form for each school building shall show the estimated amount of expenditures attributed to each school building from the:

- (1) General fund;
- (2) supplemental general fund;
- (3) bilingual education fund;
- (4) professional development fund; and
- (5) federal funds.

(f) (1) Subject to subsection (i), the sub-budget form for each school building shall include an aggregate listing of the amount of expenditures for salaries, wages and fringe benefits for the following persons employed at such building:

- (A) Administrators, listed by individual category;
- (B) persons employed full-time as teachers;
- (C) persons employed as teachers' aides;
- (D) special education teachers;
- (E) special education paraprofessionals;
- (F) other certified employees who are not employed full-time as teachers, listed by individual category, including but not limited to, nurses, librarians and counselors;
- (G) classified employees;
- (H) substitutes and other temporary employees; and
- (I) other positions designated by the state department of education.

(2) Subject to subsection (i), the sub-budget form for each school building shall show the total number of pupils, the number of special education pupils and the number of nonspecial education pupils at the building.

(3) Subject to the subsection (i), the sub-budget form for each school building shall show the pupil to (certified) teacher ratio.

(4) Subject to subsection (i), the sub-budget form for each school building shall show the total square footage of the building.

(g) The summary of the proposed budget of the school district form shall include:

- (1) An overview of the proposed budget of the school district and the budgetary process;
- (2) a summary of the changes in the proposed budget from the previous budget year;
- (3) a summary of the estimated expenditures to be made and revenues to be received in the ensuing budget year and the sources of such revenue;
- (4) the total number of pupils in the district;
- (5) the number of students by classification including, but not limited to, special education, bilingual, at-risk, minority and sex; and
- (6) the internet website address for school building report cards compiled by the state department of education.

(h) Forms required by this section shall show any other information required by the state department of education.

(i) Each school district shall prepare its budgets and each sub-budget using the format and standard coding system of expenditures and receipts prescribed by the department pursuant to section 24, and amendments thereto.

(j) Any transfer from the general fund of the school district for a district-wide program shall be shown as an expenditure of such program and not as an expenditure attributable to the central office.

(k) Nothing in this section shall be construed as limiting the authority of school districts to develop and provide material or information in addition to that required by the state department of education.

(l) The state department of education shall provide technical advice and assistance to school districts to insure compliance with the provisions of this section.

(m) All forms required by this section and tax levy forms shall be printed by the division of printing in such quantity as required by the director. The director shall deliver the forms for school districts to the clerk of the board of education of each school district.

(n) Subject to the provisions of subsection (i), expenditures for area vocational schools shall be shown on the budget form of the district as a transfer made at the district level in the central office budget.

New Sec. 24. (a) The state department of education shall design a budget and sub-budget format and a standard coding system to be used by school districts when preparing the budget and sub-budgets of the district as required by the school-based budget law.

(b) The forms shall be designed to show expenditures and receipts of the central office of the district using the same format and coding system as used to prepare the sub-budgets of the district.

(c) The forms shall be designed to show expenditures and receipts for operations and maintenance of each school building as a building-level expenditure in the sub-budget of such building using the same format and coding system to prepare the sub-budgets of the district.

Sec. 25. K.S.A. 2005 Supp. 72-8247 is hereby amended to read as follows: 72-8247. (a) On or before October 1 of each year, the board of education of each school district shall provide to a newspaper of general circulation within the district a statement showing the name, position and salary of the superintendent, deputy superintendents, assistant superintendents, directors, principals and any other administrator with district-wide responsibilities of such school district.

(b) The provisions of this section shall expire on June 30, ~~2006~~ 2008.”;

And by renumbering remaining sections accordingly;

On page 27, in line 17, following “72-8204c,” by inserting “72-8247.”;

In the title, in line 14, following “8204c,” by inserting “72-8247.”;

On roll call, the vote was: Yeas 57; Nays 67; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Siegfried, Tafanelli, Watkins, Weber.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Kilpatrick.

The motion of Rep. Pilcher-Cook did not prevail.

Also, roll call was demanded on motion of Rep. Weber to amend **Sub. HB 2986** on page 27, following line 14, by inserting the following:

“New Sec. 40. During the school term each school district shall send monthly to the parent or legal guardian of each pupil enrolled in the district a statement of how much it costs on average in the school district to educate a child for one month in the school district based upon the published budget for the current school year. The parent shall be asked to sign and return the statement to the school of their child by the first of each month from September through May. Such statements shall be sent by e-mail, mail or sent home with the child.”;

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 46; Nays 74; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Dahl, DeCastro, Decker, Freeborn, George, Goico, Gordon, Hayzlett, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, F. Miller, Myers, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Siegfried, Tafanelli, Watkins, Weber.

Nays: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Huntington, D. Johnson, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, O'Malley, O'Neal, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Faber, Grange, Krehbiel, Neufeld, Powers.

The motion of Rep. Weber did not prevail.

Also, roll call was demanded on motion of Rep. Watkins to amend **Sub. HB 2986** on page 8, following line 12, by inserting:

"New Sec. 21. The superintendent of each school district shall certify that the profile of the school district, summary of the proposed budget, attendance center budget report and the budget of the district and all other financial data or information required by this section and reported to the state board or the department are accurate. If such superintendent certifies any data or information that is false, such superintendent shall be guilty of a class B nonperson misdemeanor.";

By renumbering sections;

On roll call, the vote was: Yeas 61; Nays 62; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: Krehbiel, Powers.

The motion of Rep. Watkins did not prevail.

Also, on motion of Rep. Hutchins to amend **Sub. HB 2986**, Rep. Phelps requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. Rep. Phelps challenged the ruling, the question being "Shall the Rules Chair be sustained?" Roll call was demanded.

On roll call, the vote was: Yeas 82; Nays 39; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, Holland, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Sawyer, Schwab,

Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Treaster, Vickrey, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Nays: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, Pauls, Peterson, Phelps, Ruff, Ruiz, B. Sharp, Storm, Svaty, Thull, Trimmer, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Horst, Krehbiel, Light, Owens.

The Rules Chair was sustained.

The question then reverted back and roll call was demanded on the motion of Rep. Hutchins to amend **Sub. HB 2986** on page 27, following line 14, by inserting the following: "Sec. 40. K.S.A. 2005 Supp. 76-731a is hereby amended to read as follows: 76-731a. (a) Any individual who is enrolled or has been accepted for admission at a postsecondary educational institution as a postsecondary student shall be deemed to be a resident of Kansas for the purpose of tuition and fees for attendance at such postsecondary educational institution.

(b) As used in this section:

(1) "Postsecondary educational institution" has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto; and

(2) "individual" means a person who (A) has attended an accredited Kansas high school for three or more years, (B) has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and (C) ~~in the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affidavit stating that the person or the person's parents have filed an application to legalize such person's immigration status, or such person will file such an application as soon as such person is eligible to do so or; in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so.~~

(c) The provisions of this section shall not apply to any individual who:

(1) Has a valid student visa; or

(2) at the time of enrollment, is eligible to enroll in a public postsecondary educational institution located in another state upon payment of fees and tuition required of residents of such state.

(d) Any individual who: (1) Files an affidavit which contains false information; (2) ~~fails to file an application to legalize such person's immigration status within one year of becoming eligible;~~ (3) fails to begin the process for citizenship within one year of becoming eligible; or ~~(4)~~ (3) fails to maintain an active application for citizenship after filing therefor shall not be deemed a resident of the state of Kansas for the purpose of tuition and fees. In addition, such individual shall be required to repay the difference between the amount of fees and tuition actually paid and the amount such person would have paid as a nonresident of the state of Kansas, plus interest at a rate not to exceed the maximum under K.S.A. 16-201, and amendments thereto, for the time such individual was enrolled as a resident pursuant to this section.";

And by renumbering sections accordingly;

Also on page 27, in line 17, after "75-2320," by inserting "76-731a,";

On page 1, in the title, in line 9, after "ACT" by inserting "concerning education,"; in line 14, after "72-9509," by inserting "76-731a,";

On roll call, the vote was: Yeas 57; Nays 66; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Gordon, Grange, Hayzlett, Holland, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller,

Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Siegfried, Swenson, Tafanelli, Vickrey, Watkins, Weber, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Jim Morrison, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: Krehbiel, Light.

The motion of Rep. Hutchins did not prevail.

Also, on motion of Rep. Kinzer to amend **Sub. HB 2986**, Rep. Swenson 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. Kinzer to amend on page 27, following line 14, by inserting:

"New Sec. 40. The purpose of this act is to provide special needs students with the option to attend the public or nonpublic school of their choice.

New Sec. 41. As used in this act:

(a) "Program" means the special needs scholarship program.

(b) "Eligible student" means any elementary or secondary student attending public school in our state with an individual education plan, including but not limited to, students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, autistic, or hospitalized or homebound due to illness or disability.

(c) "Parent" has the meaning ascribed thereto in K.S.A. 72-962, and amendments thereto.

(d) "Resident school district" means the public school district in which the student resides.

(e) "Department" means the state department of education.

(f) "Participating school" means either a public school outside of the resident school district or any nonpublic school that: (1) Provides education to elementary and secondary students; (2) has notified the department of their intention to participate in the program; and (3) complies with the requirements of the program.

New Sec. 42. (a) Any parent of a public school special needs student who is dissatisfied with the student's progress shall qualify for a scholarship from the state for the child to enroll in and attend a nonpublic school if:

(1) The special needs student has had an individual education plan written in accordance with the rules of the department;

(2) the student has been accepted for admission at a participating school;

(3) the parent has requested a scholarship from the state before the deadline established by the department.

(b) The department shall notify the resident school district that a special needs student has requested a special needs scholarship. Within three business days of receipt of such notice, the resident school district shall provide the department with a copy of the student's most current individual education plan.

(c) Upon receipt of the special needs student's request for a scholarship, the department shall review the individual education plan drafted by the student's public school to determine the amount of the scholarship. The department shall provide the student's parent with a timely written explanation of their determination for the amount of the scholarship.

(d) The maximum scholarship granted an eligible student shall be an amount equivalent to the cost of the educational program that would have been provided for the student in the resident school district. Although the scholarship amount is a function of a student's individual education plan, the participating school is not required to abide by the individual education plan. The parent and the participating school mutually will determine the best services and educational plan for the student.

(e) The amount of the special needs scholarship shall be the lesser of the amount calculated in this section, and amendments thereto, or the amount of the participating school's



estimated costs for serving the student. The costs of any assessment by the participating school of the student's special needs may be included in the scholarship amount.

(f) Participating students shall be counted in the enrollment of their resident school district. The funds needed to provide a scholarship shall be subtracted from the state school aid payable to the student's resident school district.

(g) The special needs scholarship shall remain in force until the student returns to a public school, graduates from high school or reaches the age of 21, whichever comes first.

(h) At any time, the student's parent may remove the student from the participating school and place the student in another participating school or in a public school.

New Sec. 43. (a) A resident school district annually shall notify the parents of a special needs student of the special needs scholarship program and offer that student's parent an opportunity to enroll the student in a participating school of their choice.

(b) The resident school district shall provide a participating school that has admitted an eligible student with a complete copy of the student's school records while complying with the family educational rights and privacy act of 1974 (20 USC 1232g).

(c) The resident school district shall provide transportation for an eligible student to and from the participating school in the same manner as the resident school district is required by law to provide transportation for other resident students to nonpublic schools. The resident school district shall qualify for state transportation aid for each student so transported.

(d) If the parent of an eligible student participating in this program requests that the student take the state assessments, the resident school district shall provide locations and times for the student to take all state assessments if they are not offered at the student's participating school.

New Sec. 44. (a) The department shall adopt any rules and procedures relating to the following:

(1) The eligibility and participation of nonpublic schools, including timelines that will maximize student and public and nonpublic school participation.

(2) The calculation and distribution of scholarships to eligible students and participating schools.

(3) The application and approval procedures for eligible students and participating schools.

(b) No liability shall arise on the part of the department or the state based on the award or use of a special needs scholarship.

(c) The department may bar a school from participation in the program if the department establishes that the participating school has:

(1) Intentionally and substantially misrepresented information required under section 45, and amendments thereto.

(2) Failed to refund to the state any scholarship overpayments in a timely manner.

(d) If the department decides to bar a participating school from the program, it shall notify eligible students and their parents of this decision as quickly as possible.

New Sec. 45. (a) To be eligible to participate in the special needs scholarship program, a nonpublic school must:

(1) Operate in this state.

(2) Demonstrate administrative accountability.

(3) Ensure that students are treated fairly and kept safe.

(4) Comply with all health and safety laws that apply to nonpublic schools.

(5) Hold a valid occupancy permit, if required.

(6) Certify that the school will not discriminate in admissions on the basis of race, color, national origin or religion.

(7) Comply with all state laws that apply to nonpublic schools regarding criminal background checks for employees and exclude from employment any people not permitted by state law to work in a nonpublic school.

(8) Demonstrate financial accountability.

(9) Submit a financial information report for the school that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant and certified that the report is free of material misstatements. The au-

ditor's report shall be limited in scope to those records that are necessary for the department to make payments to schools for scholarships.

(10) Demonstrate financial viability by showing that the school can pay any funds owed the state, if they are to receive \$50,000 or more during the school year.

(11) File with the department prior to the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of the special needs scholarships expected to be paid during the school year to students admitted to the participating school; or prior to the start of the school year, file with the department financial information that demonstrates the school has the ability to pay an aggregate amount equal to the amount of the special needs scholarships expected to be paid during the school year to students admitted to the participating school.

(12) Regularly report to the parent on the student's progress.

(b) A participating school is autonomous and not an agent of the state or federal government therefore. The department and any other state agency may not in any way regulate the educational program of a participating school that accepts a special needs scholarship. The creation of the special needs scholarship program does not expand the regulatory authority of the state, its officers or any school district to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce the requirements of the program; and

(c) Participating schools shall be given the maximum freedom to provide for the educational needs of their students without governmental control.

New Sec. 46. (a) It shall be the responsibility of a parent to select their child's school, apply for admission and apply for a special needs scholarship.

(b) Any student participating in the program must comply fully with a participating school's written code of conduct and shall remain in attendance throughout the school year, unless excused by the school for illness or other good cause. A parent may transfer an eligible student to another participating school at any time. The scholarship amount shall be prorated between participating schools according to the period of attendance at each school.

(c) A parent's decision for their student to participate in the program constitutes a non-public placement for purposes of the individuals with disabilities education act.

New Sec. 47. (a) The department may contract with one or more qualified researchers who have previous experience evaluating school choice programs to conduct a study of the program with funds other than state funds. The study shall assess:

(1) The level of participating student's satisfaction with the program.

(2) The level of parental satisfaction with the program.

(3) The percentage of participating students who were victimized because of their special needs status at their resident school district compared to the percentage so victimized at their participating school;

(4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their participating school;

(5) The class size experienced by participating students at their resident school district and at their participating school.

(6) The fiscal impact to the state and resident school districts of the program.

(c) The researchers who conduct the study shall apply appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

(d) The researchers who conduct the study shall provide the legislature with a final copy of the evaluation of the program.

(e) The public and nonpublic participating schools from which students transfer to participate in the program shall cooperate with the research effort by providing student assessment instrument scores and any other data necessary to complete this study.

(f) The department may accept grants to assist in funding this study.

(g) The legislature may require periodic reports from the researchers. The researchers must make their data and methodology available for public review while complying with the requirements of family educational rights and privacy act (FERPA).

New Sec. 48. The special needs scholarship program will be in effect beginning with the fall semester of school year 2006-2007.;

By renumbering the remaining sections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 53; Nays 68; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kinzer, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Watkins, Weber.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Knox, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Kilpatrick, Krehbiel, Merrick.

The motion of Rep. Kinzer did not prevail.

Also, roll call was demanded on motion of Rep. Huebert to amend **Sub. HB 2986** on page 27, following line 14, by inserting:

"Sec. 40. The division of legislative post audit shall undertake a study of school consolidation. Such study shall include the Augenblick and Myers consolidation report and input from legislators and the legislative educational planning committee, 2010 commission and the state board of education. The division of legislative post audit shall provide its report and recommendations to the 2007 legislature.";

And by renumbering the remaining sections accordingly;

In the title, in line 11, by inserting before "relating" the following "providing for a school consolidation study;"

On roll call, the vote was: Yeas 17; Nays 98; Present but not voting: 0; Absent or not voting: 10.

Yeas: Brown, Carter, DeCastro, Freeborn, Grange, Huebert, Huy, Kiegerl, Kinzer, Mays, McLeland, Judy Morrison, Olson, Pilcher-Cook, S. Sharp, Siegfried, Watkins.

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

Present but not voting: None.

Absent or not voting: Decker, Flora, Goico, E. Johnson, Kilpatrick, Krehbiel, Landwehr, Myers, O'Neal, Yoder.

The motion of Rep. Huebert did not prevail.

Also, roll call was demanded on motion of Rep. Brown to amend **Sub. HB 2986** on page 8, following line 12, by inserting the following:

"New Sec. 21. (a) The state board of education shall establish an early high school graduation incentive program in accordance with this act and may adopt rules and regulations deemed necessary for such program.

(b) Pupils attending public schools in this state shall be eligible for a \$1,000 incentive bonus for graduating from high school one year earlier than the usual graduation time, as determined in accordance with rules and regulations of the state board of education.

(c) Pupils that receive an incentive bonus pursuant to subsection (b) also shall be eligible to receive a one-time, one-year tuition scholarship, not to exceed \$3,000, for attending a Kansas technical college or Kansas vocational education school, as defined by K.S.A. 74-3201b, and amendments thereto, in accordance with rules and regulations of the state board of education.

(d) The award of incentive bonuses and scholarships pursuant to this act shall be subject to and dependent upon annual legislative appropriations therefor and shall be subject to legislative change. If appropriations are insufficient to fully fund incentive bonuses and scholarships pursuant to this act, the state board of education may prorate the amounts thereof.”;

And by renumbering the remaining sections accordingly;

In the title, in line 11, after the second semicolon by inserting “providing for an early high school graduation incentive program;”;

On roll call, the vote was: Yeas 62; Nays 54; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Gatewood, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Knox, Light, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Pauls, Peck, Pilcher-Cook, Powell, Powers, Ruff, Schwab, Schwartz, Shultz, Siegfried, Swenson, Tafanelli, Vickrey, Watkins, Weber.

Nays: Ballard, Beamer, Bethell, Carlin, Colloton, Cox, Craft, Crow, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Hawk, Henderson, Henry, Hill, Holland, Huff, D. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Owens, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Dillmore, Garcia, Grant, E. Johnson, Kilpatrick, Kinzer, Krehbiel, Landwehr, O’Malley.

The motion of Rep. Brown prevailed.

Also, roll call was demanded on motion of Rep. O’Neal to amend **Sub. HB 2986** as amended by House Committee of the Whole, on motion of Representative Loyd, on page 2, by striking all in lines 13 through 24 and inserting:

“New Sec. 3. (a) The density at-risk pupil weighting of each school district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by .048 in school year 2006-2007, .056 in school year 2007-2008 and .076 in school year 2008-2009 and each school year thereafter. The product is the density at-risk pupil weighting of the district.

(b) As used in this section, “school district” means any school district which had an enrollment in the preceding school year of (1) at least 50% at-risk pupils or (2) at least 35.1% at-risk pupils with an enrollment density of at least 212.1 pupils per square mile.

(c) Any amount of moneys received by a district from the density at-risk weighting shall be expended first on at-risk programs for the grade-levels of the district which had the lowest proficiency scores on the mathematics and reading state assessments in the preceding school year.”;

On page 8, by striking all in lines 35 through 43;

By striking all on pages 9 through 11;

On page 12, by striking all in lines 1 through 38 and inserting:

“Sec. 22. 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. 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 attendance 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 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 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. Riddell 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, program weighting, low enrollment weighting, if any, ~~correlation density at-risk 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~~ 1,632 enrollment in school year 2006-2007, under 1,621 enrollment in school year 2007-2008 and under 1,618 enrollment in school year 2008-2009 and each school year thereafter 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~~ 1,632 or over enrollment in school year 2006-2007, 1,621 or over enrollment in school year 2007-2008 and 1,618 or over enrollment in school year 2008-2009 and each school year thereafter.

(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 weighting~~ *High enrollment weighting*" means an addend component assigned to enrollment of districts having ~~1,662~~ 1,632 or over enrollment in school year 2006-2007, 1,621 or over enrollment in 2007-2008 and 1,618 or over enrollment in school year 2008-2009 and each school year thereafter 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~~ 1,632 enrollment in school year 2006-2007, under 1,621 enrollment in school year 2007-2008 and under 1,618 enrollment in school year 2008-2009 and each school year thereafter.

(s) "*Density at-risk pupil weighting*" means an addend component assigned to enrollment of districts to which the provisions of section 3, and amendments thereto, apply.

(t) "*Nonproficient pupil*" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who 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 on the basis of enrollment of nonproficient pupils.;

On page 13, by striking all in lines 23 through 43;

On page 14, by striking all in lines 1 through 32 and inserting:

"Sec. 24. 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, \$4,325 in school year 2007-2008 and \$4,348 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.;

On page 14, by striking all in lines 33 through 43;

On page 15, by striking all in lines 1 through 9 and inserting:

"Sec. 25. K.S.A. 2005 Supp. 72-6412 is hereby amended to read as follows: 72-6412. (a) A low enrollment weighting factor shall be assigned to each school district as provided by this section.

(b) For districts with enrollment of ~~1,662~~ 1,632 in school year 2006-2007, 1,621 or more in school year 2007-2008 and 1,618 or more in school year 2008-2009 and in each school year thereafter or more, 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~~ 1,632, in school year 2006-2007, less than 1,621 in school year 2007-2008 and less than 1,618 in school year 2008-2009 and in each school year thereafter and more than 99, 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 2004-2005;

(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.;

On page 15, by striking all in lines 19 through 41 and inserting:

"Sec. 27. 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~~ .27 in school year 2006-2007, .297 in school year 2007-2008 and .333 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).";

On page 20, by striking all in lines 1 through 14 and inserting: 3

"Sec. 33. 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~~ 1,632, or over enrollment in school year 2006-2007, and 1,618 or over enrollment in school year 2008-2009 and each school year thereafter shall be determined by the state board as follows:

(a) Determine the schedule amount for a district with ~~1,662~~ 1,632 enrollment in school year 2006-2007, 1,621 enrollment in school year 2007-2008 and 1,618 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."

On roll call, the vote was: Yeas 61; Nays 62; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Krehbiel.

The motion of Rep. O'Neal did not prevail.

Also, roll call was demanded on further motion of Rep. O'Neal to amend **Sub. HB 2986** on page 8, following line 12, by inserting the following:

"New Sec. 21. (a) School districts are authorized to adopt a merit pay system for certified teachers of mathematics and reading who voluntarily elect to waive the application of K.S.A. 72-5436 to 72-5446, and amendments thereto. The merit pay plan shall be established by the school board and the contents thereof shall be exempt from negotiations pursuant to K.S.A. 72-5413 et seq., and amendments thereto.

(b) Subject to appropriations therefor, the state board of education may provide funds to school districts adopting a merit pay plan pursuant to this section to supplement merit pay costs of participating teachers.

(c) The state board of education is authorized to adopt rules and regulations relating to merit pay plans and funding.";

And by renumbering the remaining sections accordingly;

In the title, in line 11, before "amending" by inserting "concerning merit pay";

On roll call, the vote was: Yeas 59; Nays 62; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kilpatrick,

Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Roth, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yonally.

Present but not voting: Kinzer.

Absent or not voting: Faber, E. Johnson, Krehbiel.

The motion of Rep. O'Neal did not prevail.

Also, roll call was demanded on motion of Rep. Decker to amend **Sub. HB 2986** as amended by House Committee of the Whole, on motion of Representative Loyd, on page 14, in line 20, by striking "and"; in line 21, before the period, by inserting "and an amount equal to proceeds derived from a retailers' sales tax imposed by a city or county which are paid or donated to such district";

On roll call, the vote was: Yeas 48; Nays 74; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brunk, Burgess, Carlson, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, F. Miller, Jim Morrison, Myers, Neufeld, O'Neal, Oharah, Otto, Peck, Powell, Powers, Schwartz, Tafanelli, Vickrey, Watkins, Weber.

Nays: Ballard, Brown, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kilpatrick, Kinzer, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, Merrick, M. Miller, Judy Morrison, O'Malley, Olson, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter, E. Johnson, Krehbiel.

The motion of Rep. Decker did not prevail.

Also, roll call was demanded on motion of Rep. Watkins to amend **Sub. HB 2986** on page 1, by striking all after line 17; by striking all of pages 2 through 27 and inserting the following:

"New Section 1. (a) In order to provide for the regional cost differences among the school districts in the state, the state board of education shall make recommendations to the governor for adjustments to the amount of base state aid per pupil. In determining the amount of such adjustment, the board shall use data provided by the legislative division of post audit. The state board shall file such recommendations, if any, as part of the budget estimate required by K.S.A. 75-3717, and amendments thereto.

(b) Any study or data used by the state board in making its recommendations to the governor shall include an examination of the cost of living of the region of the state in which the school district is located, the amenities of the region in which the school district is located and the working conditions of the region in which the district is located.

(c) Unless the state board determines that it would not accurately reflect the regional cost differences in a school district, as used in this section, "region" means the county in which any portion of the school district is located and any county which is adjacent thereto.

New Sec. 2. (a) The urban school district 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 .242. The product is the urban school district at-risk pupil weighting of the district.

(b) As used in this act, "urban school district" means U.S.D. No. 202, U.S.D. No. 259, U.S.D. No. 500 and U.S.D. No. 501.

(c) The urban school district at-risk pupil weighting shall be in addition to the at-risk pupil weighting.

Sec. 3. 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. 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 attendance 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 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 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. Riddell 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, program weighting, low enrollment weighting, if any, correlation 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~~ 1,700 enrollment 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~~ 1,700 or over enrollment.

(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 weighting" means an addend component assigned to enrollment of districts having ~~1,662~~ 1,700 or over enrollment 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~~ 1,700 enrollment.

(s) "*Urban school district at-risk pupil weighting*" means an addend component assigned to enrollment of urban school districts on the basis of enrollment of at-risk pupils.

Sec. 4. 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~~ \$4,659. 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. 5. K.S.A. 72-6411 is hereby amended to read as follows: 72-6411. (a) The transportation weighting of each district shall be determined by the state board as follows:

(1) Determine the total expenditures of the district during the preceding school year from all funds for transporting pupils of public and nonpublic schools on regular school routes;

~~(2) divide the amount determined under (1) by the total number of pupils who were included in the enrollment of the district in the preceding school year and for whom transportation was made available by the district;~~

~~(3) multiply the quotient obtained under (2) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than 2½ miles by the usually traveled road from the school building they attended, and for whom transportation was made available by the district;~~

~~(4) multiply the product obtained under (3) by 50%;~~

~~(5) subtract the product obtained under (4) from the amount determined under (1);~~

~~(6) divide the remainder obtained under (5) by the total number of pupils who were included in the enrollment of the district in the preceding school year, were residing 2½ miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district. add: (A) The number of pupils who were included in the enrollment of the district in the preceding school year, were residing less than 2½ miles by the usually traveled road from the school building they attended, and for whom transportation was made available by the district, and (B) the number of nonresident pupils who were included in the enrollment of the district for the preceding school year and for whom transportation was made available by the district;~~

(3) multiply times two the number of pupils who were included in the enrollment of the district in the preceding school year, were residing 2½ miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district;

(4) divide the amount obtained under (2) by the amount obtained under (3);

(5) add one to the amount obtained under (4);

(6) multiply times the amount obtained under (5) the number of pupils who were included in the enrollment of the district in the preceding school year, were residing 2½ miles or more by the usually traveled road from the school building they attended and for whom transportation was made available by the district;

(7) divide the amount obtained under (1) by the amount obtained under (6). The quotient is the per-pupil cost of transportation;

~~(8) on a density-cost graph plot the per-pupil cost of transportation for each district;~~

~~(9) construct a curve of best fit for the points so plotted;~~

(10) locate the index of density for the district on the base line of the density-cost graph and from the point on the curve of best fit directly above this point of index of density follow a line parallel to the base line to the point of intersection with the vertical line, which point is the formula per-pupil cost of transportation of the district;

~~(11) divide the formula per-pupil cost of transportation of the district by base state aid per pupil;~~

(12) multiply the quotient obtained under ~~(11)~~ (11) by the number of pupils who are included in the enrollment of the district, are residing 2½ miles or more by the usually traveled road to the school building they attend, and for whom transportation is being made

available by, and at the expense of, the district. The product is the transportation weighting of the district.

(b) For the purpose of providing accurate and reliable data on pupil transportation, the state board is authorized to adopt rules and regulations prescribing procedures which districts shall follow in reporting pertinent information relative thereto, including uniform reporting of expenditures for transportation.

(c) "Index of density" means the number of pupils who are included in the enrollment of a district in the current school year, are residing  $2\frac{1}{2}$  miles or more by the usually traveled road from the school building they attend, and for whom transportation is being made available on regular school routes by the district, divided by the number of square miles of territory in the district.

(d) "Density-cost graph" means a drawing having: (1) A horizontal or base line divided into equal intervals of density, beginning with zero on the left; and (2) a scale for per-pupil cost of transportation to be shown on a line perpendicular to the base line at the left end thereof, such scale to begin with zero dollars at the base line ascending by equal per-pupil cost intervals.

(e) "Curve of best fit" means the curve on a density-cost graph drawn so the sum of the distances squared from such line to each of the points plotted on the graph is the least possible.

(f) The provisions of this section shall take effect and be in force from and after July 1, ~~1992~~ 2006.

Sec. 6. K.S.A. 2005 Supp. 72-6412 is hereby amended to read as follows: 72-6412. ~~(a)~~ A low enrollment weighting factor shall be assigned to each school district as provided by this section.

~~(b) For districts with enrollment of 1,662 or more, 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, 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 2004-2005;~~

~~(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.~~

*(a) The low enrollment weighting for districts with 100 enrollment shall be 0.77273;*

*(b) The low enrollment weighting for districts with 125 enrollment shall be 0.55683;*

*(c) The low enrollment weighting for districts with 225 enrollment shall be 0.32061;*

*(d) The low enrollment weighting for districts with 400 enrollment shall be 0.20529;*

*(e) The low enrollment weighting for districts with 625 enrollment shall be 0.13575;*

*(f) The low enrollment weighting for districts with 875 enrollment shall be 0.12345;*

*(g) The low enrollment weighting for districts with 1,350 enrollment shall be 0.04688;*

*(h) The low enrollment weighting for districts with 1,770 enrollment shall be 0.00000;*

*(i) for districts with 0-99 enrollment, the low enrollment weighting is equal to the low enrollment weighting set under (a);*

*(j) for districts with 100-124 enrollment:*

*(1) Subtract the low enrollment weighting set under (a) from the low enrollment weighting set under (b);*

*(2) Subtract 100 from the enrollment of the district in the current school year;*

*(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);*

*(4) Divide the product obtained under (3) by 25;*

*(5) Add the low enrollment weighting set under (a) to the quotient obtained under (4). The sum is the low enrollment weighting of the district;*

(k) for districts with 125-224 enrollment:

(1) Subtract the low enrollment weighting set under (b) from the low enrollment weighting set under (c);

(2) Subtract 125 from the enrollment of the district in the current school year;

(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);

(4) Divide the product obtained under (3) by 100;

(5) Add the low enrollment weighting set under (b) to the quotient obtained under (4).

The sum is the low enrollment weighting of the district;

(l) for districts with 225-399 enrollment:

(1) Subtract the low enrollment weighting set under (c) from the low enrollment weighting set under (d);

(2) Subtract 225 from the enrollment of the district in the current school year;

(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);

(4) Divide the product obtained under (3) by 175;

(5) Add the low enrollment weighting set under (c) to the quotient obtained under (4).

The sum is the low enrollment weighting of the district;

(m) for districts with 400-624 enrollment:

(1) Subtract the low enrollment weighting set under (d) from the low enrollment weighting set under (e);

(2) Subtract 400 from the enrollment of the district in the current school year;

(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);

(4) Divide the product obtained under (3) by 225;

(5) Add the low enrollment weighting set under (d) to the quotient obtained under (4).

The sum is the low enrollment weighting of the district;

(n) for districts with 625-874 enrollment:

(1) Subtract the low enrollment weighting set under (e) from the low enrollment weighting set under (f);

(2) Subtract 625 from the enrollment of the district in the current school year;

(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);

(4) Divide the product obtained under (3) by 250;

(5) Add the low enrollment weighting set under (e) to the quotient obtained under (4).

The sum is the low enrollment weighting of the district;

(o) for districts with 875-1,349 enrollment:

(1) Subtract the low enrollment weighting set under (f) from the low enrollment weighting set under (g);

(2) Subtract 875 from the enrollment of the district in the current school year;

(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);

(4) Divide the product obtained under (3) by 475;

(5) Add the low enrollment weighting set under (f) to the quotient obtained under (4).

The sum is the low enrollment weighting of the district;

(p) for districts with 1,350-1,769 enrollment:

(1) Subtract the low enrollment weighting set under (g) from the low enrollment weighting set under (h);

(2) Subtract 1,350 from the enrollment of the district in the current school year;

(3) Multiply the remainder obtained under (1) by the remainder obtained under (2);

(4) Divide the product obtained under (3) by 420;

(5) Add the low enrollment weighting set under (g) to the quotient obtained under (4).

The sum is the low enrollment weighting of the district.

Sec. 7. K.S.A. 2005 Supp. 72-6413 is hereby amended to read as follows: 72-6413. The program weighting of each district shall be determined by the state board as follows:

(a) Compute ~~full time equivalent~~ the head count enrollment in programs of bilingual education and multiply the ~~computed~~ enrollment by ~~.395~~ .100;

(b) compute full time equivalent enrollment in approved vocational education programs and multiply the computed enrollment by ~~0.5~~ .323;

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



Sec. 8. 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~~ .484. 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).

Sec. 9. K.S.A. 2005 Supp. 72-6442b is hereby amended to read as follows: 72-6442b. The correlation weighting of each district with ~~1,662~~ 1,700 or over enrollment shall be determined by the state board as follows:

~~(a) Determine the schedule amount for a district with 1,662 enrollment 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 weighting of the district. by determining the low enrollment weighting for a district with 1,700 enrollment as calculated under (p) of K.S.A. 72-6412, and amendments thereto. The result is the correlation weighting of the district.~~

Sec. 10. 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~~ expenditures in the classroom for instruction, including expenditures for property and equipment 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) (2) divide the remainder obtained in paragraph (2) amount in paragraph (1) 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;~~

(3) determine the total full-time equivalent enrollment of exceptional children receiving special education and related services provided by all school districts, where such children spend at least 50% of their time during the school week receiving these services outside the regular education classroom;

~~(5) (4) multiply the amount of the quotient obtained in paragraph (3) (2) by the full-time equivalent enrollment determined in paragraph (4) (3);~~

~~(6) (5) determine the amount of federal funds received by all school districts for the provision of special education and related services;~~

~~(7) (6) 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;~~

~~(6)~~ (7) add the amounts determined under paragraphs ~~(6)~~ and ~~(7)~~ (5) and (6) to the amount of the product obtained under paragraph ~~(5)~~ (4);

~~(9)~~ (8) determine the total amount of expenditures of all school districts for the provision of special education and related services;

~~(10)~~ (9) subtract the amount of the sum obtained under paragraph ~~(9)~~ (7) from the amount determined under paragraph ~~(9)~~ (8); and

~~(11)~~ (10) (A) for school year 2005-2006, multiply the remainder obtained under paragraph ~~(10)~~ (9) by 89.3%, except such limitation is suspended if there is a transfer of moneys pursuant to subsection (b) of section 25 of *House Substitute for Senate Bill No. 3 of the 2005 special session*; and

(B) for school year 2006-2007 and each school year thereafter, multiply the remainder obtained under paragraph ~~(10)~~ (9) by 92%.

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)~~ (b) 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 2/5 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. 11. K.S.A. 72-6411 and K.S.A. 2005 Supp. 72-978, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414 and 72-6442b are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, in line 11, by striking all after “amending”; by striking all of lines 12 through 15 and inserting “K.S.A. 72-6411 and K.S.A. 2005 Supp. 72-978, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414 and 72-6442b and repealing the existing sections.”;

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

Yeas: None.

Nays: Aurrand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, 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, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, 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, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Krehbiel, Powers.

The motion of Rep. Watkins did not prevail.

Also, on motion of Rep. Pilcher-Cook to amend **Sub. HB 2986**, Rep. Davis requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Powers to amend **Sub. HB 2986**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Pilcher-Cook to amend **Sub. HB 2986** on page 27, after line 14, by inserting the following:

“New Sec. 40. (a) As used in this section:

(1) “Abortion” or “abortion procedure” means any surgical or other procedure or drug used to terminate a pregnancy, whether the fetus is viable or not.

(2) “Institution” means any secondary school which receives public moneys.

(3) “Pregnancy related instruction” means a course, special event, seminar or forum on any or all of the following topics: human reproduction, human sexuality and sex education.

(b) Whenever any institution offers pregnancy-related instruction, there shall be included in such instruction information and materials specifically addressing human fetal development and gestation. Such information and materials shall describe the anatomical and physiological characteristics of the fetus at four-week gestational increments from fertilization to full term, including pictures or realistic drawings, or both, giving actual size dimensions. Such information and materials shall be objective and designed to convey only accurate scientific information about the fetus at various gestational stages.

(c) Whenever any instruction discusses abortion, such information shall include a description of all methods of abortion, including, but not limited to: (1) morning after pill; (2) suction; (3) RU 486/methotrexate; (4) dilation and extraction; (5) saline; (6) prostaglandin; and (7) partial birth abortions. The information and materials shall be objective and designed to convey only accurate scientific information about the medical risks associated with each procedure as well as information concerning the fetal development at the time of each procedure. Such fetal information shall include the probable physical sensations or pain a fetus feels or detects, or may feel or detect, during the various abortion procedures. Such fetal information shall also include relevant information on the survival of the fetus, if the fetus is not killed during an abortion procedure.

(d) The method of implementing this act shall be determined by the governing body of the institution.

(e) A parent or legal guardian of a child may choose to remove such child from the instruction required by this section by notifying the school administration.

(f) Any institution that provides pregnancy related instruction in violation of this act shall be ineligible to receive general state aid.”;

And by renumbering sections accordingly

On roll call, the vote was: Yeas 60; Nays 61; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Swenson, Tafanelli, Vickrey, Watkins, Weber.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Gordon, E. Johnson, Krehbiel, Light.

The motion of Rep. Pilcher-Cook did not prevail.

Also, roll call was demanded on motion of Rep. O’Neal to amend **Sub. HB 2986** on page 27, by striking all in lines 19 and 20 and inserting:

“Sec. 41. The provisions of this act relating to changes which occur after school year 2006-2007 shall become effective on and after its publication in the statute book and on the date of the issuance by the Kansas Supreme Court of the mandate and dismissal of Ryan Montoy, et al. v. State of Kansas, et al., case no. 92,032.”;

On roll call, the vote was: Yeas 62; Nays 61; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Krehbiel.

The motion of Rep. O'Neal did not prevail.

Also, roll call was required on motion of Rep. Watkins to strike the enacting clause on **Sub. HB 2986**.

On roll call, the vote was: Yeas 56; Nays 67; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Watkins, Weber.

Nays: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Krehbiel.

The motion to strike the enacting clause did not prevail.

Also, on motion of Rep. Ward to amend **Sub. HB 2986**, the motion was withdrawn.

Also, on further motion of Rep. Ward to amend, Rep. O'Neal requested the question be divided. Rep. O'Neal subsequently withdrew his request, and the question reverted back to the motion of Rep. Ward to amend **Sub. HB 2986** on page 27, in line 19, by striking New Section 41, lines 19 through 29; and inserting:

Section 41. This act shall take effect and be in force from and after its publication in the Kansas Register.;

Roll call was demanded.

On roll call, the vote was: Yeas 65; Nays 56; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk, Yoder.

Present but not voting: None.

Absent or not voting: E. Johnson, Kelsey, Krehbiel, Myers.

The motion of Rep. Ward prevailed.

Also, roll call was demanded on motion to recommend **Sub. HB 2986** favorably for passage.

On roll call, the vote was: Yeas 64; Nays 57; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp,

Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk.

Present but not voting: None.

Absent or not voting: E. Johnson, Kelsey, Krehbiel, Myers.

The motion prevailed, and **Sub. HB 2986** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 84** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 84," as follows:

"HOUSE Substitute for SENATE BILL No. 84

By Committee on Appropriations

"AN ACT concerning umbilical cord banks; relating to certain guidelines and procedures regarding the operations thereof; prescribing certain duties and functions for the department of health and environment and Kansas bioscience authority."; and the substitute bill be passed.

(**H. Sub. for SB 84** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 317** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 317," as follows:

"HOUSE Substitute for SENATE BILL No. 317

By Committee on Federal and State Affairs

"AN ACT concerning abuse, neglect and exploitation of persons with disabilities; creating a unit to investigate such abuse in the office of the attorney general."; and the substitute bill be passed.

(**H. Sub. for SB 317** was thereupon introduced and read by title.)

#### REPORT ON ENROLLED RESOLUTIONS

**HCR 5011** reported correctly enrolled and properly signed on March 23, 2006.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Friday, March 24, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

