

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 5, 2006—2:00 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I've received a request from a Senator
To pray for some people who toil;
They live by the sweat of their brow,
They're farmers who till the soil.

There's a sign on I-70 which says
One farmer feeds one thirty-eight.
They work in all kinds of weather;
They start early and work till it's late.

I have a close relative who farms;
He loves to see things grow.
He takes his product to market
To support his family, you know.

Many farmers are in love with the land;
They rejoice when they get a good crop.
It's work that gets in your blood;
They find it real hard to stop.

We thank You for the people who work
To provide food for the rest of mankind.
So much depends on the weather;
The most unpredictable master they find.

Give rain to those who need it;
Give good health for physical toil;
Remind them from whence come the blessings...
To the farmers in love with the soil.

I pray in the Name of Jesus Christ,

AMEN

MESSAGE FROM THE GOVERNOR

SB 375, SB 481, SB 485 approved on May 5, 2006.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS VOLUNTEER COMMISSION

February 28, 2006

Richard Jackson, Chair, submitted the Annual Report for 2005.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing the House not adopts the conference committee report on **SB 421**, requests a conference and appoints Representatives Siegfried, Kinzer and Burroughs as second conferees on the part of the House.

The House not adopts the conference committee report on **SB 379**, requests a conference and appoints Representatives Vickrey, Huebert and Sawyer as second conferees on the part of the House.

The House adopts the conference committee report on **Substitute SB 323**.

The House adopts the conference committee report on **SB 503**.

The House announces the appointment of Representatives Wilk, Huff and Thull to replace Representatives Neufeld, Landwehr and Feuerborn as conferees on **SB 55**.

The House announces the appointment of Representative Kelsey to replace Representative Siegfried and Representative Siegfried to replace Representative Edmonds as conferees on **SB 62**.

The House announces the appointment of Representatives Wilk, Huff and Thull to replace Representatives O'Neal, Kinzer and Pauls as conferees on **SB 432**.

The House announces the appointment of Representatives Wilk, Huff and Thull to replace Representatives O'Neal, Kinzer and Pauls as conferees on **House Substitute for SB 435**.

The House announces the appointment of Representatives Wilk, Huff and Thull to replace Representatives Neufeld, Landwehr and Feuerborn as conferees on **HB 2583**.

ORIGINAL MOTION

On motion of Senator Brungardt, the Senate acceded to the request of the House for a conference on **SB 379**.

The President appointed Senators Brungardt, Reitz and Hensley as second conferees on the part of the Senate.

On motion of Senator Brungardt, the Senate acceded to the request of the House for a conference on **SB 421**.

The President appointed Senators Brungardt, Reitz and Hensley as second conferees on the part of the Senate.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub SB 323; SB 503**.

CONFERENCE COMMITTEE REPORT

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

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

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

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

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

On page 2, in line 5, after "park", by inserting a comma; in line 8, by striking "privately-owned common carrier" and inserting "public utility, as defined in K.S.a. 66-104, and amendments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and amendments thereto, pipe-line companies, railroads and all persons and associations of persons, whether incorporated or not, operating such agencies for public use in the conveyance of persons or

property within this state”; in line 10, by striking “by such privately-owned common carrier”; in line 19, by striking “2006” and inserting “2007”; in line 20, after the period, by inserting “If the legislature authorizes eminent domain for private economic development purposes, the legislature shall consider requiring compensation of at least 200% of fair market value to property owners.”; following line 20, by inserting:

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

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

And by renumbering the remaining sections accordingly;

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

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

By striking all on pages 7 and 8;

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

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

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

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

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

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

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

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

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

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

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

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And by renumbering sections accordingly;

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

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

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

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

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

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

And by renumbering the remaining sections accordingly;

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

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

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

And by renumbering the remaining sections accordingly;

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

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

And by renumbering the remaining sections accordingly;

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

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

By striking all on pages 18 through 23;

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

And by renumbering the remaining sections accordingly;

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

On page 25, in line 12, after “surveyor”, by inserting “or a professional engineer who is competent to conduct a land survey,”; in line 25, before “K.S.A.”, by inserting “On and after

July 1, 2007.”; in line 33, after “made”, by inserting a comma; in line 39, by striking “30” and inserting “10”; in line 41, by striking “property” where it appears for the second time and inserting “premises”; also in line 41, after the period, by inserting “The clerk of the district court shall notify the interested parties that the appraisers’ award has been paid and that the defendant shall have 10 days from the payment date to remove personal property from the premises.”;

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

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

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

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

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

And by renumbering the remaining section accordingly;

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

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

ARLEN SIEGFREID

STEVEN R. BRUNK

TOM BURROUGHS

Conferees on part of House

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **Sub SB 323**.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Donovan, Emler, Francisco, Goodwin, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Brungardt, Gilstrap, Jordan, Steineger, Vratil, Wysong.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes for **Sub SB 323** reluctantly. The delay in implementation could cost our citizens their land during the next fourteen months. The progress, however, that the entire bill provides in protecting property rights for Kansans is a step in the right direction. — KARIN BROWNLEE

Senators Journey, O'Connor and Ostmeyer request the record to show they concur with the “Explanation of Vote” offered by Senator Brownlee on **Sub SB 323**.

MR. PRESIDENT: I offer a qualified Aye for **Sub SB 323**. I am a very strong supporter of the enhanced private property protections in this bill. However, there are two severe shortcomings to this measure. First, these protections do not go into effect for another fourteen months and second, this law would still allow a loophole for the Legislature and Governor to vote to strip our citizens of their property rights. But even with these short-

comings, I look forward to July 1, 2007, when Kansans can - once again - be almost secure in their homes, farms and other businesses. — TIM HUELSKAMP

Senator Haley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Huelskamp on **Sub SB 323**.

MR. PRESIDENT: **Sub SB 323** is truly a substitute for what Kansas needs. I support this while still maintaining that KANSAS NEEDS A CONSTITUTIONAL AMENDMENT to protect private property rights from those who would use the power of government to take what they are not willing to obtain through the free market process. — DENNIS PYLE

CONFERENCE COMMITTEE REPORT

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

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

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

By striking all on page 3;

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

“New Sec. 2. The Kansas water office shall purchase one water flow measurement device, and any required data recording device for use with such water flow measurement device, and shall provide for the permanent installation of such devices below the dam of the Cedar Bluff reservoir in accordance with this section. The water flow measurement device and any required data recording device shall be installed at a downstream, man-made channel or drop structure. Prior to installing any such water flow measurement device and any required data recording device, the Kansas water office shall obtain a written authorization from all owners of the property at the location where the water flow measurement device and any required data recording device are to be installed. All data collected by such water flow measurement device shall be made available to the general public electronically through the internet on a real time basis as it is collected and shall be reported to the senate committee on natural resources, the senate committee on ways and means subcommittee on the Kansas water office, the house committee on environment, and the house agriculture and natural resources budget committee during the 2007 regular session of the legislature.”;

And by renumbering sections accordingly;

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

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

SHARON SCHWARTZ

LARRY R. POWELL

JERRY D. WILLIAMS

Conferees on part of House

DWAYNE UMBARGER

JAY SCOTT EMLER

JIM BARONE

Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 503**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Lee.

The Conference Committee report was adopted.

CHANGE OF CONFERENCE

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

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub SB 488, An act concerning taxation; relating to property tax exemptions and credits; property tax reduction, sales tax authority of counties; certain payments to counties; basis for property tax levies of public libraries; income tax credits; amending K.S.A. 75-2551, 79-210 and 79-2930 and K.S.A. 2005 Supp. 74-50,131, 79-201w, 79-213, 79-2959, as amended by section 160 of 2006 Senate Bill No. 480, and 79-32,160a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Taddiken, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Brungardt, Francisco, Gilstrap, Goodwin, Haley, Hensley, Lee, Reitz, Steineger, Teichman, Vratil, Wysong.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **Sub SB 488**. If this property tax exemption for newly acquired business machinery and equipment becomes law, our cities, counties, school districts and other local taxing units will lose an estimated \$627,497,199 thru FY 2013. In reality, these local governments may not really "lose" that money, but instead will likely shift that amount to other classes of property, such as residential homeowners.

The Senate LAVTRF funding would provide \$189,000,000 mitigation over that same time period. 30% of the lost revenue to local governments will be reimbursed by the state. So who will bear the *rest* of the risk of this business tax cut proposal? Our residential homeowners, especially our fixed income seniors.

In addition, no agreement has yet been reached on the funding of our schools SGF profiles show that even without a tax cut, we can barely afford to fund Sub SB 584, the Senate-passed school finance plan, which has a fiscal note of \$466.3 million in FY 2007-FY 2009.

Without increased revenue from some other source, the state cannot afford to provide hundreds of millions in tax cuts to business while at the same time providing hundreds of millions in funding to our schools.

With a fiscal not of \$346,810,000 thru FY 2013, the state cannot afford **Sub SB 488**. My first priority is to make sure our K-12 schools are funded. I vote NO!—BARBARA P. ALLEN

Senators Betts, Gilstrap, Goodwin, Lee, Reitz, Teichman, Vratil and Wysong request the record to show they concur with the "Explanation of Vote" offered by Senator Allen on **Sub SB 488**.

MR. PRESIDENT: I vote in support of **Sub SB 488** and appreciate the Senator from Johnson, Senator Vratil carrying an amendment today that is clearly a part of the Barnett for Governor platform. I also appreciate the 39 votes for the Investment Tax Credit I have proposed. I predict the passage of this credit will spur economic growth and be an incentive for businesses to locate in Kansas.—JIM BARNETT

MR. PRESIDENT: I vote yes on **Sub SB 488** not because I believe the bill as it stands is as I would like it to be, but to simply move the process along. We must clean up some of the amendments that were added to the bill on the Senate floor. If we want to end up with an improved and more fair tax system we must have an improved conference report on this important issue. Here's a yes vote for now and a hope for a more reasonable conference report to be forthcoming.—JIM BARONE

Senator Kelly requests the record to show she concurs with the "Explanation of Vote" offered by Senator Barone on **Sub SB 488**.

MR. PRESIDENT: The reduction of taxes on business equipment could stimulate business investment. The increased productivity and attraction of business are positive for Kansas. Since this is good policy, the state should risk state money on the proposition. This bill is a tax shift to the local units, and I cannot support that policy.

Secondly, the mechanism of property tax forgiveness already exists with the local units. The actual negotiation of landing a company rests at the local level.—PETE BRUNGARDT

Senators Allen, Betts, Gilstrap, Lee, Reitz, Teichman and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Brungardt on **Sub SB 488**.

MR. PRESIDENT: I reluctantly vote “Aye” on **Sub SB 488**. I am very concerned that the economic growth of urban Kansas may well be borne on the backs and pocketbooks of rural Kansans. The only saving aspects of this legislation for my district are the partial return of monies rightfully owed the local units of government (LAVTRF) and a tax credit that will possibly encourage investment in rural Kansas.—JAY SCOTT EMLER

MR. PRESIDENT: I vote NO on **Sub SB 488** because of my objection to the amendment expanding the High Performance Incentive Program (HPIP) that was added to the bill during the debate on the Senate floor.—MARCI FRANCISCO

SB 601. An act reconciling amendments to certain statutes; amending K.S.A. 40-955, as amended by section 2 of 2006 Substitute for Senate Bill No. 539 and K.S.A. 2005 Supp. 8-135, as amended by section 1 of 2006 Senate Bill No. 496, 8-2118, as amended by section 3 of 2006 Senate Bill No. 411, 21-3110, 45-229, as amended by section 1 of 2006 Senate Bill No. 499 and 75-5133 and repealing the existing sections; also repealing K.S.A. 40-955, as amended by section 1 of 2006 Senate Bill No. 442 and 60-4104, as amended by section 11 of 2006 House Bill No. 25 and K.S.A. 2005 Supp. 8-135, as amended by section 2 of 2006 Senate Bill No. 558, 8-2118, as amended by section 5 of 2006 Senate Bill No. 344, 21-3110b and 45-229, as amended by section 1 of 2006 Senate Bill No. 453, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SR 1846. A resolution in support of recognizing March 31st as Terri's Day of Remembrance and celebration of the culture of life, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 2, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Present and Passing: Francisco, Kelly.

The resolution was adopted.

HCR 5037. A concurrent resolution memorializing the Congress of the United States to extend certain provisions of the Voting Rights Act of 1965, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "Aye" on **HCR 5037**. As a young Republican in 1982, I attended the White House ceremonial signing extending the Voting Rights Act of 1965. Being but a few feet away, I distinctly recall hearing President Reagan, in an overflow crowd, mutter something to the effect: "well, I don't see what all of the fuss over this is about but I'll go on and sign this because they all sure wanted it..." it was obvious; President Reagan just didn't get it...

Today, 25 years later, voter disenfranchisement is still too prevalent in American, and Kansas, democracy.

Voter suppression took center stage during the 2000 National election with the focus primarily on Florida.

Our current Kansas Secretary of State has abdicated his responsibility to inclusion and expansion of voting by supporting consolidation of precincts inhabited by aging, minority and/or low income voters; decreasing access by these voters while at the same time, increasing advance voter registration requirements... a blatant attempt to suppress turnout.

The Help America Vote Act (H.A.V.A.) should be embraced by our Great State. Instead, our Secretary of State has proposed and supported impediments for voter identification.

I hope we will not need the Voting Rights Act of 1965 in 2032.—DAVID HALEY

HCR 5042, A concurrent resolution urging support of the "25 by '25" initiative, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted.

REPORT ON ENGROSSED BILLS

H Sub for SB 52 reported correctly engrossed May 4, 2006.

Also, **SB 366** correctly re-engrossed May 4, 2006.

SB 512, SB 528 correctly re-engrossed May 5, 2006.

On motion of Senator D. Schmidt, the Senate recessed until 6:00 p.m.

EVENING SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **SB 506**.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2352, HB 2555, HB 2809**.

CONFERENCE COMMITTEE REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Every driver’s license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver’s license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant’s driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person’s license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

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

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

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

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

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

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

(7) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) a sexually violent predator as defined in subsection (f);

(4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:

(A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;

(B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or

(C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;

(5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:

(A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;

(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;

(C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;

(D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto;

(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto; or

(F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;

(6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;

(7) *any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;*

~~(7)~~ (8) any person who has been convicted of an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in subsection (4) ~~or~~, (5) *or* (7), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4) ~~or~~, (5) *or* (7); or

~~(8)~~ (9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4) ~~or~~, (5) *or* 7.

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, after the effective date of this act, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).

(c) "Sexually violent crime" means:

(1) Rape as defined in K.S.A. 21-3502 and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;

(6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;

(8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;

(10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;

(11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; or

(12) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

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

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

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

- (1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;
- (2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;
- (3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;
- (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;
- (5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto;

or

(6) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

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

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

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

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

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

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

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

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

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

And by renumbering the remaining sections accordingly;

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

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

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

And by renumbering the remaining sections accordingly;

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

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

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 506**.
On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2352**, submits the following report:

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

On page 11, in line 11, after "them" by inserting ", and such additional cases as the board deems appropriate,";

On page 14, in line 5, by striking "parent" where it appears the second time; by striking all in lines 6 and 7 and inserting "investigating officer shall notify or attempt to notify the parent or guardian of the medical examination of the child.";

On page 25, in line 35, by striking "or" and inserting "and";

On page 28, by striking all in lines 37 through 43;

On page 29, by striking all in lines 1 through 5;

On page 48, in line 31, by striking the period; in line 32, after "adoption" by inserting a period;

On page 75, by striking all in lines 2 through 43;

On page 76, by striking all in lines 1 through 6; by striking all in lines 33 through 43;

On page 77, by striking all in lines 1 through 16 and inserting the following:

"Sec. 85. K.S.A. 2005 Supp. 21-3721, as amended by section 6 of 2006 House Bill No. 2703, is hereby amended to read as follows: 21-3721. (a) Criminal trespass is:

(1) Entering or remaining upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft, other than railroad property as defined in K.S.A. 2005 Supp. 21-3761, and amendments thereto, or nuclear generating facility as defined in section 1 of 2006 House Bill No. 2703, and amendments thereto, by a person who knows such person is not authorized or privileged to do so, and:

(A) Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person; or

(B) such premises or property are posted in a manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

(C) such person enters or remains therein in defiance of a restraining order issued pursuant to K.S.A. ~~60-31a05, 60-31a06, K.S.A. 60-1607, 60-3105, 60-3106 or, 60-3107 or K.S.A. 38-1542, 38-1543 or 38-1563, 60-31a05 or 60-31a06 or section 38, 39 or 50,~~ and amendments thereto, and the restraining order has been personally served upon the person so restrained; or

(2) entering or remaining upon or in any public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(b) As used in this section:

(1) "Health care facility" means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) "Health care provider" means any person: (A) Licensed to practice a branch of the healing arts; (B) licensed to practice psychology; (C) licensed to practice professional or practical nursing; (D) licensed to practice dentistry; (E) licensed to practice optometry; (F) licensed to practice pharmacy; (G) registered to practice podiatry; (H) licensed as a social worker; or (I) registered to practice physical therapy.

(c) (1) Criminal trespass is a class B nonperson misdemeanor.

(2) Upon a conviction of a violation of subsection (a)(1)(C), a person shall be sentenced to not less than 48 consecutive hours of imprisonment which must be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

(d) This section shall not apply to a land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees who enter upon lands, waters and other premises in the making of a survey.

Sec. 86. K.S.A. 2005 Supp. 21-3843, as amended by section 1 of 2006 House Bill No. 2617, is hereby amended to read as follows: 21-3843. (a) Violation of a protective order is knowingly or intentionally violating:

(1) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 and 60-3107, and amendments thereto;

(2) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. 2265, and amendments thereto;

(3) a restraining order issued pursuant to ~~K.S.A. 38-1542, 38-1543, 38-1563 and sections 38, 39 and 50 and K.S.A. 60-1607,~~ and amendments thereto;

(4) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case that orders the person to refrain from having any direct or indirect contact with another person;

(5) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or

(6) a protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.

(b) As used in this section, "order" includes any order issued by a municipal or district court.

(c) Violation of a protective order is a class A person misdemeanor.

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

On page 126, in line 31, by striking "or" and inserting a comma; also in line 31, after "(d)(3)" by inserting "or (d)(11)";

On page 158, in line 35, by striking "21-3843," and inserting ", as amended by section 6 of 2006 House Bill No. 2703, 21-3843, as amended by section 1 of 2006 House Bill No. 2617,;"

In the title, in line 21, by striking "21-3843," and inserting ", as amended by section 6 of 2006 House Bill No. 2703, 21-3843, as amended by section 1 of 2006 House Bill No. 2617,;"

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2352**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2555**, submits the following report:

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

On page 4, in line 34, by striking "July 1" and inserting "March 31"; by striking all in lines 35 to 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 24 and inserting the following:

"Sec. 2. K.S.A. 2005 Supp. 46-2801 is hereby revived and amended to read as follows: 46-2801. (a) There is hereby created the joint committee on corrections and juvenile justice oversight which shall be within the legislative branch of state government and which shall be composed of no more than seven members of the senate and seven members of the house of representatives.

(b) The senate members shall be appointed by the president and the minority leader. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(c) The seven representative members shall be appointed as follows:

(1) Two members shall be members of the majority party who are members of the house committee on appropriations and shall be appointed by the speaker;

(2) two members shall be members of the majority party who are members of the house committee on ~~corrections and juvenile justice~~ *judiciary* and shall be appointed by the speaker; and

(3) three members shall be members of the minority party who are members of the house committee on appropriations or the house committee on ~~corrections and juvenile justice~~ *judiciary* and shall be appointed by the minority leader.

(d) Any vacancy in the membership of the joint committee on corrections and juvenile justice oversight shall be filled by appointment in the manner prescribed by this section for the original appointment.

(e) All members of the joint committee on corrections and juvenile justice oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. During odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the

members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. During even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(f) A quorum of the joint committee on corrections and juvenile justice oversight shall be eight. All actions of the joint committee shall be by motion adopted by a majority of those present when there is a quorum.

(g) The joint committee on corrections and juvenile justice oversight may meet at any time and at any place within the state on the call of the chairperson, vice-chairperson and ranking minority member of the house of representatives when the chairperson is a representative or of the senate when the chairperson is a senator.

(h) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on corrections and juvenile justice oversight to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(i) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on corrections and juvenile justice oversight.

(j) The joint committee on corrections and juvenile justice oversight may introduce such legislation as it deems necessary in performing its functions.

(k) In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on corrections and juvenile justice oversight shall:

(1) Monitor the inmate population and review and study the programs, activities and plans of the department of corrections regarding the duties of the department of corrections that are prescribed by statute, including the implementation of expansion projects, the operation of correctional, food service and other programs for inmates, community corrections, parole and the condition and operation of the correctional institutions and other facilities under the control and supervision of the department of corrections;

(2) monitor the establishment of the juvenile justice authority and review and study the programs, activities and plans of the juvenile justice authority regarding the duties of the juvenile justice authority that are prescribed by statute, including the responsibility for the care, custody, control and rehabilitation of juvenile offenders and the condition and operation of the state juvenile correctional facilities under the control and supervision of the juvenile justice authority;

(3) review and study the adult correctional programs and activities and facilities of counties, cities and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders;

(4) review and study the juvenile offender programs and activities and facilities of counties, cities, school districts and other local governmental entities, including programs for the reduction and prevention of juvenile crime and delinquency, the programs and activities of private entities operating community juvenile programs and facilities and the condition and operation of local governmental residential or custodial facilities for the care, treatment or training of juvenile offenders;

(5) study the progress and results of the transition of powers, duties and functions from the department of social and rehabilitation services, office of judicial administration and department of corrections to the juvenile justice authority; and

(6) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

~~(4) The provisions of this section shall expire on December 31, 2005;~~

Also on page 6, in line 25, by striking “K.S.A. 65-4150 and”; also in line 25, following “22-5101” by inserting “and 46-2801, as revived by this act”;

In the title, in line 12, by striking “drug paraphernalia” and inserting “joint committee on corrections and juvenile justice oversight”; also in line 12, by striking “K.S.A. 65-4150 and”; in line 13, by striking “sections” and inserting “section”; also in line 13, before the period, by inserting “; reviving and amending K.S.A. 2005 Supp. 46-2801 and repealing the revived section”;

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

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2555**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Journey.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2809**, submits the following report:

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

On page 1, by striking all in lines 19 through 43;

By striking all on pages 2 through 15;

On page 16, by striking all in lines 1 through 9 and inserting new material to read as follows:

“New Section 1. (a) For the purposes of determining the total amount of state moneys paid to school districts, all moneys appropriated by the state for the following services, programs or purposes shall be deemed to be state moneys for educational and support services for school districts:

- (1) Educable deaf-blind and severely handicapped children's programs aid;
- (2) parent education;
- (3) KPERS - employer contributions;
- (4) school district juvenile detention facilities and Flint Hills job corp center grants;
- (5) school food assistance;
- (6) governor's teaching excellence scholarships and awards;
- (7) discretionary grants;
- (8) mentor teacher program grants;
- (9) professional development aid;
- (10) teacher service scholarships;
- (11) special education teacher service scholarships;
- (12) ESOL grants awarded pursuant to section 4, and amendments thereto;

(13) vocational education grants awarded pursuant to section 5, and amendments thereto; and

(14) any other moneys appropriated by the state for distribution to school districts.

(b) The provisions of this section shall not apply to federal moneys appropriated by the state.

New Sec. 2. Whenever the state board of education determines that a school has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide the curriculum required by state law, the state board shall so notify the school district in which the school is located. Such notice shall specify the accreditation requirements that the school has failed to meet and the curriculum that the school has failed to provide. Upon receipt of such notice, the board of education of such district shall reallocate the resources of the district to remedy all deficiencies identified by the state board. The reallocation of resources shall be made on the basis of benchmarks of highly resource-efficient districts as identified in Phase III of the Kansas Education Resource Management Study conducted by Standard and Poors (March 2006).

New Sec. 3. (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;

(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.

(b) 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.

New Sec. 4. (a) The board of education of any school district may reimburse any teacher employed by the school district for the direct costs incurred by such teacher in attaining full endorsement as an ESOL teacher.

(b) Subject to the limitations of appropriations therefor, each school year any school district which has reimbursed teachers as authorized by subsection (a) is eligible to receive a grant of state moneys in an amount to be determined by the state board.

(c) In order to be eligible for a grant under this section, the board of education of the school district shall submit to the state board an application for a grant and shall certify the amount expended on such reimbursements. The application and certification shall be prepared in such form and manner as required by the state board and shall be submitted at a time to be determined and specified by the state board.

(d) Each school district which is awarded a grant under this section shall make such periodic and special reports to the state board as it may request.

(e) All moneys received by a school district under authority of this section shall be deposited in the general fund of the school district and shall be considered reimbursement of the district for the purpose of the school district finance and quality performance act. To the extent that grant moneys have been awarded to the district, the board of education of

any district which has been awarded a grant pursuant to this section shall reimburse teachers employed by the school district for the direct costs incurred by such teacher in attaining full endorsement as an ESOL teacher.

(f) The state board shall establish standards and criteria for reviewing, evaluating and approving applications for grants submitted pursuant to this section. All grants shall be awarded by the state board in accordance with the standards and criteria established by the state board. The state board shall approve applications of school districts for grants, determine the amount of grants and be responsible for payment of grants to school districts. When awarding grants pursuant to this section, the state board shall give priority to those districts with the greatest need for teachers with an ESOL endorsement. If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

(g) Nothing in this section shall be construed as prohibiting districts from reimbursing teachers for such direct costs from other moneys of the district.

(h) As used in this section:

(1) "ESOL" means English for speakers of other languages.

(2) "Direct costs" means the costs of books, fees, tuition or other charges for courses necessary to attain full endorsement as an ESOL teacher.

New Sec. 5. (a) Subject to the limitations of appropriations therefor, any school district which desires to establish a vocational education program may submit an application for a grant of moneys in an amount to be determined by the state board for the purpose of paying the costs of establishing a vocational education program, any operating expenses related thereto and the cost of acquiring equipment therefor.

(b) In order to be eligible for a grant under this section, the board of education of the school district shall submit to the state board an application for a grant. The application shall be prepared in such form and manner as required by the state board and shall be submitted at a time to be determined and specified by the state board.

(c) The state board shall establish standards and criteria for reviewing, evaluating and approving applications for grants submitted pursuant to this section. All grants shall be awarded by the state board in accordance with the standards and criteria established by the state board. The state board shall determine the amount of grants and be responsible for payment of grants to school districts. If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

(d) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may request.

New Sec. 6. In order to achieve uniform reporting of expenditures by school districts in school district budgets, districts shall report expenditures in the manner required by the state board.

New Sec. 7. (a) It is the public policy of the state of Kansas that neither the legislature nor school districts shall be required to pay any costs attributable to meeting requirements of federal law or rules and regulations or standards adopted by the state board in conformance with such federal law unless funding to comply with such federal law, rules and regulations or standards is provided by the federal government in an amount deemed adequate by the legislature.

(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.

New Sec. 8. (a) As used in this section:

(1) "School district" or "district" means a school district which has an extraordinary declining enrollment.

(2) "Extraordinary declining enrollment" means an enrollment which has declined during the preceding three school years at a rate of at least 5% per year or by at least 50 pupils per year.

(3) "Joint committee" means the joint committee on state building construction.

(b) The board of education of any school district shall not authorize the issuance of any bonds for the construction of a new building without having first advised and consulted with the joint committee. Prior to the date of the hearing of the joint committee at which the board is scheduled to appear, the board shall submit any information requested by the joint committee. Following such hearing, the committee shall make a recommendation on the advisability of the proposed issuance of bonds. A copy of the committee's recommendation shall be provided to the school district and to the state board of education within 15 days of the date of the hearing.

(c) If the joint committee recommends against the issuance of any bonds for the construction of a new building and if the district proceeds to issue bonds for such construction, the district shall not be entitled to, and shall not receive, state aid for such bonds under K.S.A. 75-2319, and amendments thereto unless approved by the state board.

(d) The provisions of this section shall not apply to any district which is not entitled to state aid under K.S.A. 75-2319, and amendments thereto.

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.

New Sec. 10. (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.

Sec. 11. K.S.A. 2005 Supp. 72-6405 is hereby amended to read as follows: 72-6405. (a) K.S.A. 72-6405 through 72-6440 ~~and~~, the provisions of chapter 152 ~~and~~, sections 1 through 18 of chapter 194 of the 2005 session laws of Kansas ~~and sections 1 through 9~~, and amendments thereto, shall be known and may be cited as the school district finance and quality performance act.

~~(b) The provisions of the school district finance and quality performance act are 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.~~

(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.

(c) It is the intent of this act to give school districts the greatest flexibility possible in the expenditure of moneys received by districts to carry out their duties under section 4 of article 6 of the constitution of the state of Kansas to maintain, develop and operate local public schools and to attain the public policy goal of the legislature to provide an opportunity for all pupils of the state of Kansas to meet standards established by the state board of

education. It also is the intent of this act to require greater accountability from school districts in the expenditure of such moneys.

Sec. 12. 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 $\frac{1}{2}$.65 pupil 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. 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 $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

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

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

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

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

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of

pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

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

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

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, 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 1,602 enrollment in school year 2007-2008 and under 1,572 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, 1,602 or over enrollment in school year 2007-2008 and 1,572 or over enrollment in school year 2008-2009 and each school year thereafter.

(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)~~ (l) "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.

(m) “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.

(n) “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.

(o) “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.

(p) “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.

(q) “~~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, 1,602 or over enrollment in school year 2007-2008 and 1,572 or over enrollment in school year 2008-2009 and each school year thereafter 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.

(r) “*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.

Sec. 13. K.S.A. 2005 Supp. 72-6409 is hereby amended to read as follows: 72-6409. (a) “General fund” means the fund of a district from which operating expenses are paid and in which is deposited the proceeds from the tax levied under K.S.A. 72-6431, and amendments thereto, all amounts of general state aid under this act, payments under K.S.A. 72-7105a, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program, and such other moneys as are provided by law.

(b) “Operating expenses” means the total expenditures and lawful transfers from the general fund of a district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-6430, and amendments thereto.

(c) “General fund budget” means the amount budgeted for operating expenses in the general fund of a district.

(d) “Budget per pupil” means the general fund budget of a district divided by the enrollment of the district.

(e) “Program weighted fund” means and includes the following funds of a district: Vocational education fund, *preschool-aged at-risk fund*, and bilingual education fund.

(f) “Categorical fund” means and includes the following funds of a district: Special education fund, food service fund, driver training fund, adult education fund, adult supplementary education fund, area vocational school fund, professional development fund, parent education program fund, summer program fund, extraordinary school program fund, and educational excellence grant program fund.

Sec. 14. 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, \$4,356 in school year 2007-2008 and \$4,391 in school year 2008-2009 and each school year thereafter.* The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of the federal impact aid of the district.

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

Sec. 15. 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 or more *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,* 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 1,602 in school year 2007-2008 and less than 1,572 in school year 2008-2009 and 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.~~

Sec. 16. K.S.A. 2005 Supp. 72-6414 is hereby amended to read as follows: 72-6414. (a) The at-risk pupil weighting of each district shall be determined by the state board by multiplying the number of at-risk pupils included in enrollment of the district by ~~193~~ .268 *in school year 2006-2007*, .368 *in school year 2007-2008* and .482 *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).

Sec. 17. K.S.A. 2005 Supp. 72-6414a is hereby amended to read as follows: 72-6414a. (a) There is hereby established in every district a fund which shall be called the at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. ~~Notwithstanding any other provision of law, all moneys received by the district from whatever source for at-risk assistance plans or programs shall be credited to the at-risk education fund established by this section.~~ The expenses of a district directly attributable to providing at-risk assistance or programs shall be paid from the at-risk education fund.

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

(c) *In order to achieve uniform reporting of the number of at-risk pupils provided service or assistance by school districts in at-risk programs, districts shall report the number of at-risk pupils served or assisted in the manner required by the state board.*

Sec. 18. K.S.A. 2005 Supp. 72-6414b is hereby amended to read as follows: 72-6414b. (a) There is hereby established in every district a fund which shall be called the preschool-aged at-risk education fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. ~~Notwithstanding any other provision of law, all moneys received by the district from whatever source for preschool-aged at-risk assistance plans or programs shall be credited to the preschool-aged at-risk education fund established by this section.~~ The expenses of a district directly attributable to providing preschool-aged at-risk assistance or programs shall be paid from the preschool-aged at-risk education fund.

(b) Any balance remaining in the preschool-aged at-risk education fund at the end of the budget year shall be carried forward into the preschool-aged at-risk education fund for

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

Sec. 19. K.S.A. 2005 Supp. 72-6421 is hereby amended to read as follows: 72-6421. (a) There is hereby established in every district a fund which shall be called the vocational education fund. ~~All moneys received by a district for any course or program authorized and approved under the provisions of article 44 of chapter 72 of Kansas Statutes Annotated, except for courses and programs conducted in an area vocational school, shall be credited to the vocational education fund. All moneys received by the district from tuition, fees or charges or from any other source for vocational education courses or programs, except for courses and programs conducted in an area vocational school, shall be credited to the vocational education fund. The expenses of a district directly attributable to vocational education shall be paid from the vocational education fund.~~ *The expenses of the district directly attributable to vocational education shall be paid from the vocational education fund.*

(b) Obligations of a district pursuant to lawful agreements made under K.S.A. 72-4421, and amendments thereto, shall be paid from the vocational education fund established by this section. If any such agreement expresses an obligation of a district in terms of a mill levy, such obligation shall be construed to mean an amount equal to that which would be produced by the levy.

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

Sec. 20. K.S.A. 2005 Supp. 72-6426 is hereby amended to read as follows: 72-6426. (a) There is hereby established in every district a fund which shall be called the contingency reserve fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The fund shall be maintained for payment of expenses of a district attributable to financial contingencies as determined by the board. Except as otherwise provided in subsection (b), at no time in any school year shall the amount maintained in the fund exceed an amount equal to 4% of the general fund budget of the district for the school year.

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

(2) Except as provided in paragraph (1) of this subsection, at no time in school year ~~2005-2006~~ 2006-2007, shall the amount maintained in the fund exceed an amount equal to 6% of the general fund budget of the district for such school year.

Sec. 21. K.S.A. 2005 Supp. 72-6434 is hereby amended to read as follows: 72-6434. (a) In each school year, each district that has adopted a local option budget is eligible for entitlement to an amount of supplemental general state aid. Entitlement of a district to supplemental general state aid shall be determined by the state board as provided in this subsection. The state board shall:

(1) Determine the amount of the assessed valuation per pupil in the preceding school year of each district in the state;

(2) rank the districts from low to high on the basis of the amounts of assessed valuation per pupil determined under (1);

(3) identify the amount of the assessed valuation per pupil located at the 81.2 percentile of the amounts ranked under (2);

(4) divide the assessed valuation per pupil of the district in the preceding school year by the amount identified under (3);

(5) subtract the ratio obtained under (4) from 1.0. If the resulting ratio equals or exceeds 1.0, the eligibility of the district for entitlement to supplemental general state aid shall lapse. If the resulting ratio is less than 1.0, the district is entitled to receive supplemental general state aid in an amount which shall be determined by the state board by multiplying the amount of the local option budget of the district by such ratio. The product is the amount of supplemental general state aid the district is entitled to receive for the school year.

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

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

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

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

Sec. 22. 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, 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 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, 1,602 enrollment in school year 2007-2008 and 1,572 enrollment in school year 2008-2009 and each school year thereafter as derived from the linear transition under (d) of K.S.A. 72-6412, and amendments thereto, and subtract the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, from the schedule amount so determined;

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

Sec. 23. K.S.A. 2005 Supp. 72-8204c is hereby amended to read as follows: 72-8204c. (a) Each year the board of education of a school district shall ~~prepare a budget and a summary of the proposed budget. Such budget~~ *conduct a needs-assessment of each attendance center in the district. The needs-assessment shall be prepared in the manner and on forms prescribed by the state board. The board shall prepare a budget and a summary of the budget for the school district. The budget and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.*

(b) The budget and the summary of the proposed budget shall be on file at the administrative offices of the school district. Copies of such budget and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budget and the summary of the proposed budget is on

file at the administrative offices of the district and that copies of such budget and summary are available upon request.

Sec. 24. K.S.A. 2005 Supp. 72-8814 is hereby amended to read as follows: 72-8814. (a) ~~There is hereby established in the state treasury the school district capital outlay state aid fund. Such fund shall consist of all amounts transferred thereto under the provisions of subsection (c):~~

~~(b)~~ In each school year, each school district which levies a tax pursuant to K.S.A. 72-8801 et seq., and amendments thereto, shall be entitled to receive payment ~~from the school district~~ ~~for capital outlay state aid fund~~ in an amount determined by the state board of education as provided in this subsection. The state board of education shall:

(1) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this section;

(2) determine the median AVPP of all school districts;

(3) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(4) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. The state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive ~~from the school district~~ ~~for capital outlay state aid fund~~ in the school year.

~~(b)~~ The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection ~~(b)~~, and an amount equal thereto shall be transferred by the director from the state general fund to the school district ~~(a)~~ ~~for payment of capital outlay state aid fund for distribution~~ to school districts in accordance with the provisions of appropriation acts.

~~(c)~~ Payments ~~from the school district~~ ~~for capital outlay state aid fund~~ shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment ~~from the fund of capital outlay state aid~~, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for the purposes of such fund.

Sec. 25. K.S.A. 2005 Supp. 72-9509 is hereby amended to read as follows: 72-9509. (a) There is hereby established in every school district a fund which shall be called the "bilingual education fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. Notwithstanding any other provision of law, all moneys received ~~by the school district from whatever source for bilingual education programs established under this act shall be credited to the fund established by this section.~~ The expenses of a

district directly attributable to such bilingual education programs shall be paid from the bilingual education fund.

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

Sec. 26. K.S.A. 2005 Supp. 79-2926 is hereby amended to read as follows: 79-2926. (a) Subject to the provisions of subsection (b), the director of accounts and reports shall prepare and prescribe forms for the annual budgets of all taxing subdivisions or municipalities of the state. Such forms shall show the information required by this act necessary and proper to disclose complete information as to the financial condition of such taxing subdivision or municipality, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) ~~From and after July 1, 2004 and~~ Based upon recommendations by the state department of education, the director shall prepare and prescribe forms for the annual budget and a summary of the proposed budget of school districts. The state department of education shall make such recommendations ~~after considering~~ *taking into consideration* the best practices and standards established by the government finance officers association and the association of school business officials *and recommendations of the legislative division of post audit.*

(2) (A) The school district budget form shall include a separate table outlining the aggregate amount of expenditures for salaries and wages for the following categories:

- (i) Certified and noncertified administrators;
- (ii) persons employed full-time as teachers;
- (iii) other certified employees who are not employed full-time as teachers;
- (iv) classified employees;
- (v) other positions designated by the state department of education; and
- (vi) substitutes and other temporary employees.

(B) The school district budget form shall show the number of full-time employee positions specified in paragraph (A) of this subsection and the average salaries or wages for such positions.

(C) The school district budget form shall show any other information recommended by the state department of education.

(3) The summary of the proposed budget form shall include:

- (A) An overview of the proposed budget of the school district and the budgetary process;
- (B) a summary of the changes in the proposed budget from the previous budget year;
- (C) 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;
- (D) the internet website address for school building report cards compiled by the state department of education; and
- (E) any other information specified by the state department of education.

(4) Nothing in this subsection (b) 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.

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

(c) All such budget 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. The forms for all other taxing subdivisions or municipalities of the state shall be delivered by the director to the county clerk of each county, who shall deliver the same to the presiding officer of the governing body of the respective taxing subdivisions or municipalities within the county.

Sec. 27. K.S.A. 2005 Supp. 79-2927a is hereby amended to read as follows: 79-2927a. (a) When preparing the budget for ~~a~~ *the* school district, the board of education of the district

shall budget to expend only the amount estimated to be spent from each fund of the school district. *When preparing the budget for the school district, the board shall consider the needs-assessment required by K.S.A. 72-8204c, and amendments thereto.*

(b) Except as provided by this subsection, any unexpended moneys remaining in a fund of a school district at the end of the budget year may be carried forward into such fund for succeeding budget years. The provisions of this subsection shall not apply to the general fund or the supplemental general fund of the school district.

(c) Whenever unexpended moneys in a school district fund are carried forward into such fund for the succeeding budget year, the budget of the school district shall reflect the ending balance in such fund which the school district estimates will be carried forward to the succeeding budget year.

(d) If the board of education determines it is necessary to expend moneys which had been budgeted to be carried forward into the next succeeding budget year, the board shall amend its previously adopted budget. Any amended budget shall be subject to the same publication, notice and public hearing requirements as is required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget.

Sec. 28. 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. 29. 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.

New Sec. 30. (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 determination 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. 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.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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. 74-7283 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.

Sec. 32. 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%~~ 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.~~

New Sec. 33. (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.

Sec. 34. K.S.A. 2005 Supp. 46-1131, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-6433, 72-6434, 72-6442b, 72-6449, 72-64b01, 72-64b02, 72-64b03, 72-64b04, 72-64c01, 72-64c02, 72-64c04, 72-8204c, 72-8814, 72-9509, 75-2320, 79-2926 and 79-2927a are hereby repealed.

Sec. 35. This act shall take effect and be in force from and after its publication in the Kansas register.;

In the title, by striking all in lines 12 through 16 and inserting the following:

"AN ACT concerning school districts and the powers and duties thereof; relating to the state board of education and the powers and duties thereof; relating to school finance; providing for an early high school graduation incentive program; amending K.S.A. 2005 Supp. 46-1131, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-6433, 72-6434, 72-6442b, 72-64c01, 72-64c04, 72-8204c, 72-8814, 72-9509, 79-2926 and 79-2927a and repealing the existing sections; also repealing K.S.A. 2005 Supp. 72-6449, 72-64b01, 72-64b02, 72-64b03, 72-64b04, 72-64c02 and 75-2320.;"

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

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

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

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2809**.

On roll call, the vote was: Yeas 9, Nays 31, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Betts, Francisco, Gilstrap, Haley, Hensley, Steineger, Vratil, Wysong.

Nays: Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Goodwin, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson.

The Conference Committee report was not adopted.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Schodorf moved the Senate reconsider its adverse action on **HB 2809**, and a new conference committee be appointed.

The motion carried, and the President appointed Senators Schodorf, Vratil and Lee as second conferees on the part of the Senate on **HB 2809**.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **HB 2792**, as amended by House Committee, be passed.

On motion of Senator D. Schmidt, the Senate recessed until 8:00 p.m.

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE HOUSE

Announcing the House not adopts the conference committee report on **SB 549**, requests a conference and appoints Representatives Decker, Hayzlett and Crow as second conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **HB 2809** and has appointed Representatives Decker, Hayzlett and Crow as second conferees on the part of the House.

The House announces the appointment of Representatives Neufeld, Landwehr and Feuerborn to replace Representatives Vickrey, Huebert and Sawyer as conferees on **HB 2529**.

ORIGINAL MOTION

On motion of Senator D. Schmidt, the Senate acceded to the request of the House for a conference on **SB 549**.

The President appointed Senators Schodorf, Vratil and Lee as second conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Brungardt, Vratil and Hensley as members of the Conference Committee on **HB 2529** to replace Senators Vratil, Bruce and Goodwin.

On motion of Senator D. Schmidt the Senate adjourned until 2:00 p.m., Monday, May 8, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

