

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 2, 2007—8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with twenty-nine senators present.
Senators Apple, Barnett, Brungardt, Donovan, Gilstrap, Haley, Morris, Palmer, Schodorf, Wagle and Wysong were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

On this day of the week it is not unusual to hear the expression, T G I F, which stands for, “Thank God, It’s Friday”.

But it occurs to me, O God, that there are more important things to thank You for:

For those whose wedding day is this month, it could be, “Thank God, It’s February!”

For someone getting into an old boat T G I F might mean “Thank God, It Floats!”

When the Emancipation proclamation was finally signed, to the slaves in America it could have meant, “Thank God, I’m Free.”

But for those who have been redeemed, it could appropriately mean, “Thank God, I’m Forgiven!”

And for that I do thank You, O God, in the Name of Jesus Christ, my Redeemer,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 256, An act concerning sales taxation; relating to exemptions; Frontenac Education Foundation; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 257, An act concerning wildlife; relating to prairie dog management, control and conservation; amending K.S.A. 80-1201 and repealing the existing section; also repealing K.S.A. 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208, by Committee on Natural Resources.

SB 258, An act relating to litter control; requiring certain beverage containers to be redeemable; providing penalties for violations relating thereto, by Committee on Natural Resources.

SB 259, An act relating to the secretary of state; concerning corporations and partnerships; amending K.S.A. 56-1a104, 56-1a504, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 and K.S.A. 2006 Supp. 17-2036, 17-2718, 17-4634, 17-4677, 17-6202, 17-7002, 17-7304, 17-7666, 17-76,123 and 17-76,139 and repealing the existing sections, by Committee on Judiciary.

SB 260, An act concerning public contracts for services; prohibitions on knowingly employing or contracting with illegal aliens; provisions in public contracts for services; penalties for violations, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2013**.

Assessment and Taxation: **SB 240, SB 241**.

Commerce: **SB 242**.

Committee of the Whole: **SB 252; SCR 1606**.

Elections and Local Government: **SB 249**.

Federal and State Affairs: **SB 244, SB 246**.

Financial Institutions & Insurance: **SB 239, SB 243(Separately); SB 255; HB 2110**.

Judiciary: **SB 247, SB 248, SB 251, SB 253, SB 254**.

Public Health and Welfare: **SB 243(Separately); SB 250**.

Utilities: **SB 238**.

Ways and Means: **SB 245**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS SENTENCING COMMISSION

February 1, 2007

Helen Pedigo, Executive Director, submitted the Kansas Sentencing Commission 2007 Report to the Legislature.

The Vice 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.

REPORT ON ENGROSSED BILLS

SB 14, SB 34, SB 65 reported correctly engrossed February 1, 2007.

SB 9 reported correctly engrossed February 2, 2007.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 68** be amended on page 1, following the enacting clause by inserting the following:

“Section 1. K.S.A. 2006 Supp. 72-6407 is hereby amended to read as follows: 72-6407.

(a) (1) “Pupil” means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil’s attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil’s postsecondary education enrollment and attendance together with the pupil’s attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil’s postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil’s vocational education enrollment and attendance together with the pupil’s attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil’s

vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. 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. 2006 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, density at-risk weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if

any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

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

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

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto.

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

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

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2006 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

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

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

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

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

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

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime, anyplace" basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2006 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2006 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to

low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) “*High* density at-risk pupil weighting” means an addend component assigned to enrollment of districts to which the provisions of ~~section 5~~ K.S.A. 2006 Supp. 72-6455, and amendments thereto, apply.

(t) “Nonproficient pupil” means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during *the preceding* school year ~~2004-2005~~ and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) “Nonproficient pupil weighting” means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2006 Supp. 72-6454, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page one in line 13, by striking “Section” and inserting “Sec.”; in line 36, by striking “(1)” and inserting “(a)”; in line 38, by striking “72-6454 is” and inserting “72-6407 and 72-6454 are”; in line 40, by striking “statute book” and inserting “Kansas register”;

In the title, in line 10, following “Supp.” by inserting “72-6407 and”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 104** be passed.

Also, **SB 105** be amended on page 2, in line 13, following “(c)” by inserting “(1)”; also in line 13, following “of” by inserting “(A)”; in line 14, by striking the comma and inserting “or”; also in line 14, by striking all following “address”; in line 15, by striking all preceding “within”; also in line 15, by striking “conviction.” and inserting “(B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, “conviction” means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.”;

On page 4, in line 19, following “(c)” by inserting “(1)”; also in line 19, following “of” by inserting “(A)”; in line 20, by striking the comma and inserting “or”; also in line 20, by striking all following “address”; in line 21, by striking all preceding “within”; also in line 21, by striking “conviction.” and inserting “(B) a conviction of any felony or misdemeanor, that is specified in rules and regulations adopted by the board, within 30 days from the date the conviction becomes final.

(2) As used in this subsection, “conviction” means a final conviction without regard to whether the sentence was suspended or probation granted after such conviction. Also, for the purposes of this subsection, a forfeiture of bail, bond or collateral deposited to secure a defendant’s appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.”;

And the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Monday, February 5, 2007.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

