

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 31, 2008, 9:00 a.m.

The House met pursuant to recess with Speaker Neufeld in the chair.
The roll was called with 122 members present.
Reps. McCray-Miller, McLeland and Svaty were excused on excused absence by the Speaker.

Present later: Reps. McCray-Miller and Svaty.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Be with our leaders as they begin this last week of session.
Give them physical, emotional and mental strength
to face all their responsibilities and deadlines.
As they reflect over the session,
help them not to dwell on how things
might not have gone the way they wanted . . .
But give them the faith and assurance that what they
have accomplished will benefit the people of Kansas.
May they sense Your presence,
Your guidance, Your wisdom, Your power.
We also lift up to you the families
of the girls killed in Ulysses this past week
as they prepare for final goodbyes tomorrow.
Please surround them with your presence and comfort.
In the name of Jesus I pray, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 652, SB 655, SB 656, SB 658; Sub. SB 662; SB 673.**

Transportation: **SB 677.**

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **H. Sub. for SB 32**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 404**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

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

The Senate nonconcur in House amendments to **H. Sub. for SB 414**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 430**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 470**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 476**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 481**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 545**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 555**, requests a conference and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 580**, requests a conference and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2637** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2734** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2780** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

Also, announcing passage of **SB 591, SB 637, SB 689, SB 696**.

Announcing passage of **HB 2704**.

Announcing passage of **HB 2097**, as amended by **S. Sub. for HB 2097; HB 2110**, as amended by **S. Sub. for HB 2110; Sub. HB 2207**, as amended; **HB 2210**, as amended by **S. Sub. for HB 2210; HB 2343**, as amended; **Sub. HB 2625**, as amended; **HB 2634**, as amended by **S. Sub. for HB 2634; HB 2672**, as amended; **HB 2683**, as amended; **HB 2689**, as amended; **HB 2721**, as amended; **HB 2771**, as amended; **HB 2897**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 591, SB 637, SB 689, SB 696.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 32**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 404**.

Speaker Neufeld thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

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

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 414**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 470**.

Speaker Neufeld thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 476**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 481**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 545**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 555**.

Speaker Neufeld thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 580**.

Speaker Neufeld thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. K. Wolf, **HR 6022**, A resolution observing the month of March as National Colon Cancer Awareness Month and recognizing the need for all adult Kansans age 50 and older to undergo preventive colorectal cancer screening to detect colon cancer early when it is most curable, was adopted.

There being no objection the following remarks of Rep. K. Wolf are spread upon the journal:

As you are aware March is Colon Cancer Awareness month. Colon cancer is the second leading cause of cancer-related death in the United States. Approximately 50,000 people will die from the disease. Five hundred will be Kansans.

Representative Pottorff and I have experienced personally the importance of early detection of colon cancer. My mother died nearly two years ago from this disease. She was an active, intelligent, vibrant woman who never experienced any symptoms until it was in an advanced stage. When I asked why she had not had routine colonoscopies she replied, "We have never had cancer in our family." She lived less than a year after detection.

If detected early the colon cancer survival rate is greater than 90% as compared with 10% when detected in the advanced stages.

Today, I am here to make you aware of the importance of a colonoscopy exam the American Cancer Society recommends one for all adults age 50 and older. This simple test can save your life. Do it for yourself, your family and your friends.

There being no objection, the following remarks of Rep. Pottorff are spread upon the journal:

The Blue Star I am wearing today is a symbol of the united front against colon cancer. This symbol was developed by a coalition of more than 60 public, private and volunteer organizations committed to raising colon cancer awareness. If you are 50 years or older, you need to think about colon cancer.

You all received a flyer on your desk earlier this month from the American Cancer Society about Judy Calhoun of Emporia, KS. To quote Judy regarding her colon screening test, "The prep isn't that bad and it is certainly much easier than going through treatments for advanced stages of colon cancer. I don't know why I didn't have one before I did. Maybe I thought I was just too busy. I was so very, very lucky to have caught it when I did. To think about all the things I would have missed in life is frightening."

On a personal note, my husband and I are both colon cancer survivors. I am very grateful to my physician for suggesting that I have a colonoscopy screening. I was not aware of any symptoms. However, the screening did show that I needed surgery for colon cancer.

As a colon cancer survivor I am happy to be a co-sponsor of **HR 6022** observing March as National Colon Cancer Awareness Month.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2543, An act concerning property taxation; relating to exemptions; newly constructed building or other structure on residential property; procedures; duties of county or district appraiser, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 51; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Brown, Brunk, Burgess, Burroughs, Colloton, Colyer, Crow, Crum, Davis, Donohoe, Faber, Frownfelter, Fund, George, Goico, Gordon, Grange, Henderson, Hill, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Long, Lukert, Mah, Menghini, Merrick, Metsker, Judy Morrison, Moxley, Neighbor, Neufeld, O'Neal, Otto, Owens, Patton, Peck, Peterson, Powell, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Siegfried, Sloan, Spalding, Storm, Swenson, Treaster, Vickrey, Whitham, Wilk, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Bethell, Bowers, Carlin, Carlson, Craft, Dahl, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Goyle, Grant, Hawk, Hayzlett, Henry, Holland, Huebert, Kelley, Kuether, Landwehr, Lane, Loganbill, Mast, Masterson, McKinney, McLachlan, Jim Morrison, Myers, Olson, Palmer, Pauls, Phelps, Pottorff, Powers, Rhoades, Sawyer, Schroeder, Schwartz, Shultz, Swanson, Tafanelli, Tietze, Trimmer, Ward, Watkins, Wetta, Williams.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The substitute bill passed.

HB 2839, An act concerning the grandparents as caregivers act; relating to eligibility requirements; amending K.S.A. 2007 Supp. 38-145 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McKinney, McLachlan, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, Dahl, Faber, Hodge, Kelley, Kinzer, Landwehr, Mast, Merrick, Watkins.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The bill passed.

HB 2891, An act imposing a limitation on the issuance of certain bonds issued by the Kansas development finance authority; establishing a maximum on state general fund bonded debt; prescribing certain powers, duties and functions with respect thereto, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Flora, Kuether, Menghini, Winn.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The bill passed.

H. Sub. for SB 365, An act concerning home and community based services; establishing the joint committee on home and community based services oversight and home and community based services savings funds; making and concerning appropriations for the fiscal year ending June 30, 2009, for the department on aging and the department of social and rehabilitation services; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Olson, Peck, Proehl, Siegfried.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The substitute bill passed, as amended.

H. Sub. for Sub. SB 391, An act concerning the KAN-ED act; relating to the purposes of the act; amending K.S.A. 2007 Supp. 75-7223 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flora, Frownfelter, Fund, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mast, Masterson, McKinney, McLachlan, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Spal-

ding, Storm, Swanson, Swenson, Treaster, Vickrey, Ward, Watkins, Wetta, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Feuerborn, Flaharty, Gatewood, Henderson, Hill, Huntington, Mah, Menghini, Moxley, Palmer, Sloan, Tafanelli, Tietze, Trimmer, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The substitute bill passed.

SB 444. An act concerning taxation; relating to property tax exemptions; tangible personal property not specifically classified; certain housing; homestead property tax refunds, certain social security payments; amending K.S.A. 2007 Supp. 79-201b, 79-213 and 79-4502 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Lane.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The bill passed, as amended.

SB 510. An act concerning property taxation; relating to exemptions; certain farm machinery and equipment; classification and valuation of certain property used in business or industry; amending K.S.A. 2007 Supp. 79-201j and 79-223 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The bill passed, as amended.

SB 534. An Act making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011 and June 30, 2012, for state agencies, authorizing certain transfers, imposing certain restrictions and limitations, and directing or

authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 26; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Brown, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goico, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, Horst, Huebert, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, Menghini, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Shultz, Sloan, Spalding, Storm, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Nays: Bethell, Bowers, Brunk, Burgess, Crum, Dillmore, Donohoe, Fund, George, Gordon, Grange, M. Holmes, Humerickhouse, Huntington, Kiegerl, Lane, Light, Metsker, Moxley, Pottorff, Roth, Schroeder, Schwartz, Siegfried, Tafanelli, Worley.

Present but not voting: None.

Absent or not voting: McCray-Miller, McLeland, Svaty.

The bill passed, as amended.

SB 669. An act concerning school districts; relating to virtual schools; relating to school finance; amending K.S.A. 2007 Supp. 72-6407 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Kuether, Landwehr, Lane, Light, Loganbill, Powers, Ruiz, Tietze, Ward, Watkins, Wetta, Winn.

Present but not voting: None.

Absent or not voting: McLeland, Svaty.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **Sub. HB 2725**, An act relating to vehicle protection products; providing exemption from insurance laws.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan,

Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McLeland, Svaty.

On motion of Rep. Jim Morrison, the House concurred in Senate amendments to **HB 2758**, An act concerning schools; relating to the powers and duties thereto; amending K.S.A. 72-3603 and K.S.A. 2007 Supp. 72-8256 and repealing the existing sections.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Hodge, Knox, Otto.

Present but not voting: None.

Absent or not voting: McLeland, Svaty.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 524** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 189** be adopted; and the substitute bill be passed.

On motion of Rep. Watkins, **Sub. SB 485** be amended on page 1, in line 15, by striking "This act" and inserting "Sections 2 through 6, and amendments thereto,";

On page 10, following line 19 by inserting:

"New Sec. 8. Sections 8 through 14, and amendments thereto, shall be known and may be cited as the Kansas unified school district alternative project delivery building construction procurement act.

New Sec. 9. As used in the Kansas unified school district alternative project delivery construction procurement act, unless the context expressly provides otherwise:

(a) "Act" means the Kansas unified school district alternative project delivery building construction procurement act.

(b) "Board" means board of education of every unified school district in Kansas, as defined in K.S.A. 72-8201, and amendments thereto, with the authority to award public contracts for building design and construction.

(c) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor or design build team is selected based on a qualifications and best value approach.

(d) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the board to be required for the project.

(e) "Architectural services" means those services described by subsection (e) of K.S.A. 74-7003, and amendments thereto.

(f) "Best value selection" means a selection based upon project cost, qualifications and other factors.

(g) "Building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure. Building construction does not include highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(h) "Design-build" means a project for which the design and construction services are furnished under one contract.

(i) "Design-build contract" means a contract between the board and a design-builder to furnish the architecture or engineering and related design services required for a given public facilities construction project and to furnish the labor, materials and other construction services for such public project.

(j) "Construction services" means the process of planning, acquiring, building, equipping, altering, repairing, improving or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding stand-alone parking lots.

(k) "Construction management at-risk services" means the services provided by a firm which has entered into a contract with the board to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(l) "Construction management at-risk contract" means the contract whereby the board acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(m) "Construction manager or general contractor" means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the board, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(n) "Cost plus guaranteed maximum price contract" means a cost-plus-a-fee contract with a guaranteed maximum price. This includes the sum of the construction manager's fee, the construction manager's contingency, the construction manager's general conditions, all the subcontracts, plus an estimate for unbid subcontracts. The construction manager agrees to pay for costs that exceed the guaranteed maximum price and are not a result of changes in the contract documents.

(o) "Design-builder" means any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether by itself or through subcontracts.

(p) "Design criteria consultant" means a person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract to the board to provide professional design and administrative services in connection with the preparation of the design criteria package.

(q) "Design criteria package" means performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the board's request for proposals for a design-build project.

(r) "Engineering services" means those services described by subsection (i) of K.S.A. 74-7003, and amendments thereto.

(s) "Guaranteed maximum price" means the cost of the work as defined in the contract.

(t) "Selection recommendation committee" means school board or a committee comprised of school board members.

(u) "Parking lot" means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(v) "Preconstruction services" means a series of services that can include, but are not necessarily limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(w) "Project services" means architectural, engineering services, land surveying, construction management at-risk services, ancillary technical services or other construction-related services determined by the board to be required by the project.

(x) "Public construction project" means the process of designing, constructing, reconstructing, altering or renovating a unified school district building or other structure. Public construction project does not include the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(y) "Stipend" means an amount paid to the unsuccessful proposers to defray the cost of submission of phase II of the design-build proposal.

New Sec. 10. (a) Notwithstanding any other provision of the law to the contrary, the board is hereby authorized to institute an alternative project delivery program whereby construction management at-risk or design-build procurement processes may be utilized on public projects pursuant to this act. This authorization for construction management at-risk and design-build procurement shall be for the sole and exclusive use of planning, acquiring, designing, building, equipping, altering, repairing, improving or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, but shall not include stand-alone parking lots.

(b) The board shall approve those projects for which the use of the alternative project delivery procurement process is appropriate. In making such determination, the board shall consider the following factors:

(1) The likelihood that the alternative project delivery method of procurement selected will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process.

(2) The ability to overlap design and construction phases is required to meet the needs of the end user.

(3) The use of an accelerated schedule is required to make repairs resulting from an emergency situation.

(4) The project presents significant phasing or technical complexities, or both, requiring the use of an integrated team of designers and constructors to solve project challenges during the design or preconstruction phase.

(5) The use of an alternative project delivery method will not encourage favoritism in awarding the public contract or substantially diminish competition for the public contract.

(c) When a board intends to utilize an alternative project delivery method, the board shall allow public comment on this intention at a school board meeting. Notice of this intention shall be clearly stated on the board agenda and in the official newspaper of the school district. Public comment on this intention at a board meeting shall occur before the selection process set forth in this statute may commence.

(d) Notwithstanding the provisions of K.S.A. 72-6760, and amendments thereto, if the board deems that the project does not qualify for the alternative project delivery methods included under this act, then the construction services for such project shall be obtained pursuant to competitive bids and all contracts for construction services shall be awarded to

the lowest responsible bidder consistent with the provisions of K.S.A 72-6760, and amendments thereto.

New Sec. 11. Construction management at-risk project delivery procedures shall be conducted as follows:

(a) The board shall determine the scope and level of detail required to permit a qualified construction manager or general contractor to submit construction management at-risk proposals in accordance with the request for proposals given the nature of the project.

(b) Prior to completion of the construction documents, but as early as during the schematic design phase, the construction manager or general contractor shall be selected. The project design professional may be employed or retained by the board to assist in the selection process.

(c) The board shall publish a notice of the request for qualifications and proposals for the required project services at least 15 days prior to the commencement of such requests in the official newspaper of the school district and with a statewide school board or construction industry association website in accordance with K.S.A. 64-101, and amendments thereto, and in such other appropriate manner as may be determined by the board.

(d) The board shall solicit proposals in a three stage qualifications based selection process. Phase I shall be the solicitation of qualifications and prequalifying a minimum of three but no more than five construction manager or general contractors to advance to phase II. Phase II shall be the solicitation of a request for proposal for the project, and phase III shall include an interview with each proposer to present their qualifications and answer questions.

(1) Phase I shall require all proposers to submit a statement of qualifications which shall include, but not be limited to:

- (A) Similar project experience;
- (B) experience in this type of project delivery system;
- (C) references from design professionals and owners from previous projects;
- (D) description of the construction manager or general contractor's project management approach; and
- (E) bonding capacity. Firms submitting a statement of qualifications shall be capable of providing a public works bond in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bonding capacity to the board with their statement or qualifications. If a firm fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection.

(2) The board shall evaluate the qualifications of all proposers in accordance with the instructions of the request for qualifications. The board shall prepare a short list containing a minimum of three and maximum of five qualified firms, which have the best and most relevant qualifications to perform the services required of the project, to participate in phase II of the selection process. If the board receives qualifications from less than four proposers, all proposers shall be invited to participate in phase II of the selection process. The board shall have discretion to disqualify any proposer that, in the board's opinion, lacks the minimal qualifications required to perform the work.

(3) Phase II of the process shall be conducted as follows:

(A) Prequalified firms selected in phase I shall be given a request for proposal. The request for proposal shall require all proposers to submit a more in depth response including, but not be limited to:

- (i) Company overview;
- (ii) experience or references, or both, relative to the project under question;
- (iii) resumes of proposed project personnel;
- (iv) overview of preconstruction services;
- (v) overview of construction planning;
- (vi) proposed safety plan;
- (vii) fees, including fees for preconstruction services, fees for general conditions, fees for overhead and profit.

(4) Phase III shall be conducted as follows:

(A) Once all proposals have been submitted, the selection recommendation committee shall interview all of the proposers, allowing the competing firms to present their proposed

team members, qualifications, project plan and to answer questions. Interview scores shall not account for more than 50% of the total possible score.

(B) The selection recommendation committee shall select the firm providing the best value based on the proposal criteria and weighting factors utilized to emphasize important elements of each project for approval by the board. All scoring criteria and weighting factors shall be identified by the board in the request for proposal instructions to proposers. The selection recommendation committee shall proceed to negotiate with and attempt to enter into contract with the firm receiving the best total score to serve as the construction manager or general contractor for the project. Should the selection recommendation committee be unable to negotiate a satisfactory contract with the firm scoring the best total score, negotiations with that firm shall be terminated, and the committee shall undertake negotiations with the firm with the next best total score, in accordance with this act.

(C) If the selection recommendation committee determines, that it is not in the best interest of the board to proceed with the project pursuant to the proposals offered, the selection recommendation committee shall reject all proposals. If all proposals are rejected, the board may solicit new proposals using different design criteria, budget constraints or qualifications.

(D) The contract to perform construction management at-risk services for a project shall be prepared by the board and entered into between the board and the firm performing such construction management at-risk services. A construction management at-risk contract utilizing a cost plus guaranteed maximum price contract value shall return all savings under the guaranteed maximum price to the school district.

(E) The board or the construction manager at-risk, at the board's discretion shall publish a construction services bid notice in the official newspaper of the school district and website of a statewide school board association or construction industry association and in such other appropriate manner for the construction manager or general contractor as may be determined by the board. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager or general contractor and the board. The board may allow the construction manager or general contractor to self-perform construction services provided the construction manager or general contractor submits a sealed bid proposal under the same conditions as all other competing firms. At the time for opening the bids, the construction manager or general contractor shall evaluate the bids and shall determine the lowest responsible bidder except in the case of self-performed work for which the board shall determine the lowest responsible bidder. The construction manager or general contractor shall enter into a contract with each firm performing the construction services for the project and make a public announcement of each firm selected at the first school board meeting following the selection.

New Sec. 12. Design-build project delivery procedures shall be conducted as follows:

(a) The board shall determine the scope and level of detail required to permit qualified persons to submit design-build proposals in accordance with the request for proposals given the nature of the project.

(b) Notice of requests for proposals shall be published at least 15 days prior to the commencement of such requests in the official newspaper of the school district in accordance with K.S.A. 64-101, and amendments thereto, and a website of a statewide school board association or a construction industry association. The board shall publish a notice of a request for proposal with a description of the project, the procedures for submittal and the selection criteria to be used.

(c) The board shall establish in the request for proposal a time, place and other specific instructions for the receipt of proposals. Proposals not submitted in strict accordance with such instructions shall be subject to rejection.

(d) A request for proposals shall be prepared for each design-build contract containing at minimum the following elements:

(1) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight and the procedures for making awards.

(2) The proposed terms and conditions for the design-build contract.

(3) The design criteria package.

(4) A description of the drawings, specifications or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications or other information that will be acceptable.

(5) A schedule for planned commencement and completion of the design-build contract.

(6) Budget limits for the design-build contract, if any.

(7) Requirements, including any available ratings for performance bonds, payment bonds and insurance.

(8) Any other information that the board at its discretion chooses to supply, including without limitation, surveys, soil reports, drawings of existing structures, environmental studies, photographs or references to public records.

(e) The board shall solicit proposals in a three-stage process. Phase I shall be the solicitation of qualifications of the design-build team. Phase II shall be the solicitation of a technical proposal including conceptual design for the project and phase III shall be the proposal of the construction cost.

(1) The board shall review the submittals of the proposers and assign points to each proposal as prescribed in the instructions of the request for proposal.

(2) Phase I shall require all proposers to submit a statement of qualifications which shall include, but not be limited to, the following:

(A) Demonstrated ability to perform projects comparable in design, scope and complexity.

(B) References of owners for whom design-build projects have been performed.

(C) Qualifications of personnel who will manage the design and construction aspects of the project.

(D) The names and qualifications of the primary design consultants and contractors with whom the design-builder proposes to subcontract. The design-builder may not replace an identified subcontractor or subconsultant without the written approval of the board.

(E) Firms submitting a statement of qualifications shall be capable of providing a public works bond in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bonding capability to the board with their statement of qualifications. If a firm fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection.

(3) The board shall evaluate the qualifications of all proposers in accordance with the instructions prescribed in the request for proposal. Qualified proposers selected by the evaluation team may proceed to phase II of the selection process. Proposers lacking the necessary qualifications to perform the work shall be disqualified and shall not proceed to phase II of the process. Under no circumstances shall price or fees be considered as a part of the prequalification criteria. Points assigned in the phase I evaluation process shall not carry forward to phase II of the process. All qualified proposers shall be ranked on points given in phases II and III only. The two phase evaluation and scoring process shall be combined to determine the greatest value to the board.

(4) The board shall have discretion to disqualify any proposer, which in the board's opinion, lacks the minimal qualifications required to perform the work.

(5) The board shall prepare a short list containing a minimum of three, but no more than the top five qualified proposers to participate in phase II of the process. If less than four proposers respond, all proposers shall be invited to participate in phase II of the selection process.

(6) Phase II of the process shall be conducted as follows:

(A) Proposers shall submit their design for the project to the level of detail required in the request for proposal. The design proposal should demonstrate compliance with the requirements set out in request for proposal.

(B) Up to 20% of the points awarded to each proposer in phase II may be based on each proposer's qualifications and ability to design, construct and deliver the project on time and within budget.

(C) The design proposal shall not contain any reference to the cost of the proposal.

(D) The design submittals shall be evaluated and assigned points in accordance with the requirements of the request for proposal.

(7) Phase III shall be conducted as follows:

(A) The phase III proposal shall provide a firm fixed cost of construction. The proposal shall be accompanied by bid security and any other submittals as required by the request for proposal.

(B) The proposed contract time, in calendar days, for completing a project as designed by a proposer shall be considered as an element of evaluation in phase III. The request proposal shall establish a user delay value for each proposed calendar day identified in the proposal.

(C) Cost and schedule proposals shall be submitted in accordance with the instructions of the request for proposal. Failure to submit a cost proposal on time shall be cause to reject the proposal.

(8) Proposals for phase II and III shall be submitted concurrently at the time and place specified in the request for proposal. The phase III cost proposals shall be opened only after the phase II design proposals have been evaluated and assigned points.

(9) Phase III proposals shall be opened and read aloud at the time and place specified in the request for proposal. At the same time and place, the evaluation team shall make public its scoring of phase II. Cost proposals shall be evaluated in accordance with the requirements of the request for proposal. In evaluating the proposals, each proposers' adjusted score shall be determined by adding the phase III cost proposal to the product of the proposed contract time and the user delay cost, and dividing that sum by the phase II score.

(10) The responsive proposer with the lowest total number of points shall be awarded the contract. If the board determines, that it is not in the best interest of the school district to proceed with the project pursuant to the proposal offered by the proposer with the lowest total number of points, the board shall reject all proposals. In such event, all qualified proposers with higher point totals shall receive a stipend pursuant to subsection (e)(12), and the proposer with the lowest total number of points shall receive an amount equal to two times such stipend.

(11) If all proposals are rejected, the board may solicit new proposals using different design criteria, budget constraints or qualifications.

(12) As an inducement to qualified proposers, the board shall pay a stipend, the amount of which shall be established in the request for proposal, to each prequalified design-builder whose proposal is responsive but not accepted. Upon payment of the stipend to any unsuccessful design-build proposer, the board shall acquire a nonexclusive right to use the design submitted by the proposer, and the proposer shall have no further liability for its use by the board in any manner. If the design-build proposer desires to retain all rights and interest in the design proposed, the proposer shall forfeit the stipend.

New Sec. 13. Every bid proposal conforming to the terms of the advertisement, together with the name of the proposer, shall be recorded, and all such records with the name of the successful proposer indicated thereon shall, after award or letting of the contract, be subject to public inspection upon request. The board shall, within five days after award or letting of the contract, publish the name of the successful proposer. The public notice on public display shall show the phase II and III scores and the adjusted final score. The board shall, within five days after award or letting of the contract, have the names of all proposers whose bid proposals were not selected, together with phase II and III scores and the final adjusted score for each, available for public review.

New Sec. 14. The provisions of the Kansas unified school district alternative project delivery building construction procurement act shall not apply to the process of designing, constructing, altering or repairing stand-alone parking lots.”;

And by renumbering the remaining sections accordingly;

In the title, in line 10, by striking all after “concerning”; in line 11, by striking all before the semicolon and inserting “certain municipalities; relating to construction of buildings”; and **Sub. SB 485** be passed as amended.

On motion of Rep. Humerickhouse to amend **HB 2685**, Rep. Brown requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Humerickhouse challenged the ruling, the question being “Shall the Rules Chair be sustained?” The Rules Chair was sustained, and **HB 2685** be passed.

Committee report to **HB 2991** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 387** be adopted; also, on motion of Rep. King be amended on page 2, following line 43, by inserting the following:

“New Sec. 2. The provisions of sections 2 through 7, and amendments thereto, shall be known and may be cited as the Kansas housing loan deposit program.

New Sec. 3. As used in sections 2 through 7, and amendments thereto:

(a) “Housing loan deposit” means an investment account placed by the director of investments under the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated with an eligible lending institution for the purpose of carrying out the intent of this act;

(b) “housing loan deposit loan package” means the forms provided by the state treasurer for the purpose of applying for a housing loan deposit;

(c) “eligible lending institution” means a bank, as defined under K.S.A. 75-4201, and amendments thereto, that agrees to participate in the Kansas housing loan deposit program and is eligible to be a depository of state funds;

(d) “eligible developer borrower” means any person, firm or corporation building houses; and

(e) “house” means a single-family dwelling that initially sells at or below 350% of the Kansas median household income for the previous year.

New Sec. 4. (a) The state treasurer is hereby authorized to administer the Kansas housing loan deposit program. Such program shall be for the purpose of providing incentives for the making of housing construction development loans. The state treasurer shall promulgate rules and regulations to carry out the provisions of sections 2 through 7, and amendments thereto.

(b) The state treasurer shall submit an annual report outlining the status of the program to the governor and the legislature.

New Sec. 5. (a) The state treasurer is hereby authorized to disseminate information and to provide housing loan deposit loan packages to the lending institutions eligible for participation in this act.

(b) The housing loan deposit loan package shall be completed by the borrower before being forwarded to the lending institution for consideration.

(c) (1) An eligible lending institution that agrees to receive a housing loan deposit shall accept and review applications for loans from eligible developer borrowers. The lending institution shall apply all usual lending standards to determine the credit worthiness of eligible developer borrowers. The total aggregate amount of housing loan deposit loans under this program shall not exceed \$60,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) Only one housing loan deposit loan shall be made and be outstanding at any one time to any developer borrower.

(3) No loan shall be amortized for a period of more than five years.

(d) An eligible developer borrower shall certify on its loan application that the reduced rate loan will be used exclusively for the expenses involved in building houses.

(e) The eligible lending institution may approve or reject a housing loan deposit loan package based on the lending institution’s evaluation of the eligible developer borrowers included in the package, the amount of the individual loan in the package and other appropriate considerations.

(f) The eligible lending institution shall forward to the state treasurer, an approved housing loan deposit loan package, in the form and manner prescribed and approved by the state treasurer. The package shall include information regarding the amount of the loan requested by each eligible developer borrower and such other information regarding each eligible developer borrower the state treasurer requires, including a certification by the applicant that such applicant is an eligible developer borrower.

(g) From July 1, 2008, through July 1, 2011, 50% of the total aggregate amount available under subsection (c)(1), shall be made available for housing loans to eligible developer borrowers building houses in the city of Chanute, Coffeyville, Erie, Fredonia, Greensburg, Independence, Iola, Neodesha, or Osawatomie, Kansas, or within one mile of the city limits of any such city.

New Sec. 6. (a) The state treasurer may accept or reject a housing loan deposit loan package based on the state treasurer's evaluation of whether the loan to the eligible developer borrower meets the purposes of this act. If sufficient funds are not available for a housing loan deposit, then the applications may be considered in the order received when funds are once again available subject to a review by the lending institution.

(b) Upon acceptance, the state treasurer shall certify to the director of investments the amount required for such housing loan deposit loan package and the director of investments shall place a housing loan deposit in the amount certified by the state treasurer with the eligible lending institution at an interest rate, which is 2% below the market rate provided in K.S.A. 75-4237, and amendments thereto, and which shall be recalculated on the first business day of January and July of each year using the market rate then in effect. When necessary, the state treasurer may request the director of investments to place such housing loan deposit prior to acceptance of a housing loan deposit loan package.

(c) The eligible lending institution shall enter into a housing loan deposit agreement with the state treasurer, which shall include requirements necessary to implement the purposes of the Kansas housing loan deposit program. Such requirements shall include an agreement by the eligible lending institution to lend an amount equal to the housing loan deposit to eligible developer borrowers at an interest rate which is not more than 4% greater than the interest rate on housing loan deposits as provided in subsection (b). Such rate shall be recalculated on the first business day of January and July of each year using the market rate then in effect. The agreement shall include provisions for the housing loan deposit to be placed for a maturity considered appropriate in coordination with the underlying housing loan. The agreement shall include provisions for the reduction of the housing loan deposit in an amount equal to any payment of loan principal by the eligible developer borrower.

New Sec. 7. (a) Upon the placement of a housing loan deposit with an eligible lending institution, the institution shall fund the loan to each approved eligible developer borrower listed in the housing loan deposit loan package in accordance with the housing loan deposit agreement between the institution and the state treasurer. The loan shall be at a rate as provided in section 6, and amendments thereto. A certification of compliance with this section in the form and manner as prescribed by the state treasurer shall be required of the eligible lending institution.

(b) The state treasurer shall take any and all steps necessary to implement the Kansas housing loan deposit program.

New Sec. 8. The state and the state treasurer shall not be liable to any eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible developer borrower. Any delay in payments or default on the part of an eligible developer borrower does not in any manner affect the housing loan deposit agreement between the eligible lending institution and the state treasurer.

Sec. 9. K.S.A. 2007 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the lesser of 10% or ~~\$60,000,000~~ \$140,000,000 of the state moneys shall be invested.

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years ~~and~~; agricultural production loan deposits authorized under the provisions of K.S.A. 2007 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years *and housing loan deposits authorized under sections 2 through 7, and amendments thereto, shall not exceed a period of five years.*

(h) Investments in securities under paragraph (1) of subsection (a) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under paragraph (3) of subsection (a), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

Sec. 10. K.S.A. 2007 Supp. 75-4209 is hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 9, following "ACT" by inserting "relating to investments of idle funds"; in line 12, preceding the period by inserting "establishing the Kansas housing loan deposit program; amending K.S.A. 2007 Supp. 75-4209 and repealing the existing section"; and **H. Sub. for SB 387** be passed as amended.

Committee report to **HB 2983** be adopted; also, on motion of Rep. Pottorff be amended on page 1, in line 24, following "Kansas" by inserting "and are current or former participants in a Kansas graduate medical residency program"; in line 31, following "(7)" by inserting "one member who is an administrator of a rural hospital who shall be appointed by the Kansas hospital association; (8)"; in line 33, by striking "(8)" and inserting "(9)"; in line 34, by striking "(9)" and inserting "(10)"; in line 35, by striking "(10)" and inserting "(11)";

On page 2, in line 5, by striking all following "issues"; in line 6, by striking all preceding the comma; in line 7, by striking "the program while" and inserting "graduate medical education programs sponsored by the university of Kansas school of medicine in Kansas City and Wichita, with special attention to"; in line 8, by striking "and" and inserting a comma; also in line 8, preceding the semicolon by inserting "and the university of Kansas medical center - Wichita"; in line 10, by striking "the program" and inserting "graduate medical education sponsored by the university of Kansas"; in line 11, by striking "business" and inserting "strategic"; and **HB 2983** be passed as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2097** and asked for a conference.

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

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2110** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Myers, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2210** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Myers, Goico and Ruff as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurrred in Senate amendments to **HB 2343** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. Faber, the House nonconcurrred in Senate amendments to **Sub. HB 2625** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2634** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurrred in Senate amendments to **HB 2672** and asked for a conference.

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

On motion of Rep. Burgess, the House nonconcurrred in Senate amendments to **HB 2683** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Shultz to nonconcur in Senate amendments to **HB 2689** and that a conference committee be appointed, Rep. Dillmore offered a substitute motion to nonconcur and that a conference committee not be appointed.

Call of the House was demanded.

On roll call, the vote was: Yeas 56; Nays 66; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Huntington, Kiegerl, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Otto, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Spalding, Storm, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, King, Kintzer, Knox, Landwehr, Light, Mast, Masterson, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Owens, Patton, Peck, Pottorff, Powell, Powers, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: McLeland, Peterson, Svaty.

The motion of Rep. Dillmore did not prevail and the question reverted back to the motion of Rep. Shultz that the House nonconcur in Senate amendments to **HB 2689** and that a conference committee be appointed. The motion prevailed.

Speaker Neufeld thereupon appointed Reps. Shultz, Brown and Dillmore as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurrred in Senate amendments to **HB 2721** and asked for a conference.

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

On motion of Rep. Brunk, the House nonconcurrred in Senate amendments to **HB 2771** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

On motion of Rep. Faber, the House nonconcurrred in Senate amendments to **HB 2897** and asked for a conference.

Speaker Neufeld thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 477**.

The Senate concurs in House amendments to **SB 512**.

The Senate nonconcurrred in House amendments to **SB 46**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **H. Sub. for SB 169**, requests a conference and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **H. Sub. for Sub. SB 309**, requests a conference and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **H. Sub. for SB 329**, requests a conference and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **H. Sub. for SB 379**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **Sub. SB 453**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **Sub. SB 491**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 562**, requests a conference and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 565**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2119** and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2307** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2617** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2727** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2746** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2772** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2845** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2858** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2908** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2916** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2923** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 46**.

Speaker Neufeld thereupon appointed Reps. Siegfried, Huebert and Peterson as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 169**.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for Sub. SB 309**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 329**.

Speaker Neufeld thereupon appointed Reps. Siegfried, Huebert and Loganbill as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 379**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 430**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **Sub. SB 453**.

Speaker Neufeld thereupon appointed Reps. Watkins, Grange and Gatewood as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **Sub. SB 491**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 562**.

Speaker Neufeld thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 565**.

Speaker Neufeld thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that **Sub. HB 2694; SB 417; H. Sub. for SB 180** be passed over and retain a place on the calendar.

Committee report to **SB 531** be adopted; also, on motion of Rep. Watkins be amended on page 1, following line 20 by inserting:

"Section 1. K.S.A. 2007 Supp. 72-1111 is hereby amended to read as follows: 72-1111.

(a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma or a general educational development (GED) credential, shall require such child to be regularly enrolled in and attend continuously each school year (1) a public school for the duration of the school term provided for in K.S.A. 72-1106, and amendments thereto, or (2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section.

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if (1) the child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program, or (2) the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain

in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out, and a listing of educational alternatives that are available for the child, or (3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. The provisions of this clause (3) shall be applicable to children from and after July 1, 1997 and shall relate back to such date.

(c) Any child who is under the age of seven years, but who is enrolled in school, is subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act is subject to the compulsory attendance requirements of such act and is exempt from the compulsory attendance requirements of this section.

(e) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(f) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, which is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions: (1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include parent (or person acting as parent) supervised projects in agriculture and homemaking, work-study programs in cooperation with local business and industry, and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities, and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law, and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made, and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto;

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards therefor which shall be specified by the state board of education;

(8) if the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(g) *Any child with dyslexia or other reading disability may be withdrawn from school during the school day in order to attend alternative educational programs, educational enrichment programs or remedial educational programs if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended stating that the child will be withdrawn from school during the school day and stating the reason for the withdrawal.*

~~(g)~~ (h) As used in this section:

(1) "Parent" and "person acting as parent" have the meanings respectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

(2) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.":

And by renumbering the remaining sections accordingly;

On page 7, in line 38, after "Supp." by inserting "72-1111,";

In the title, in line 17, after "Supp." by inserting "72-1111,";

Also, roll call was demanded on motion of Rep. O'Neal to amend **SB 531** on page 1, by striking all in lines 21 through 43;

On page 2, by striking all in lines 1 through 33;

And by renumbering the remaining sections accordingly;

On page 7, in line 38, by striking "72-6410 and";

In the title, in line 17, by striking "72-6410 and";

On roll call, the vote was: Yeas 42; Nays 73; Present but not voting: 0; Absent or not voting: 10.

Yeas: Beamer, Brown, Brunk, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Goico, Gordon, Grange, Hodge, M. Holmes, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, O'Neal, Olson, Owens, Patton, Peck, Quigley, Rhoades, Siegfried, Spalding, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Bowers, Burgess, Burroughs, Carlin, Craft, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goyle, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, Horst, Humerickhouse, Johnson, Kelsey, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Neufeld, Otto, Palmer, Pauls, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Sawyer, Schroeder, Shultz, Sloan, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Crow, Feuerborn, Henry, McLeland, Peterson, Powell, Ruiz, Schwartz, Tafanelli.

The motion of Rep. O'Neal did not prevail.

Also, on motion of Rep. Brown to amend **SB 531**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Kinzer to amend **SB 531** on page 1, in line 29, by striking "\$4,492" and inserting "\$4,463";

On page 2, following line 33 by inserting:

“Sec. 2. K.S.A. 2007 Supp. 72-6412 is hereby amended to read as follows: 72-6412. (a) The low enrollment weighting shall be determined by the state board as provided by this section.

(b) For districts with enrollment of ~~1,637 or more in school year 2006-2007, and 1,622 or more in school year 2007-2008~~ and each school year thereafter *1,585 or more*, the low enrollment weighting shall be 0.

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

(d) For districts with enrollment of less than ~~1,637 in school year 2006-2007 and less than 1,622 in school year 2007-2008~~ and each school year thereafter *1,585* and more than 99, the low enrollment weighting shall be determined by the state board as follows:

- (1) Determine the low enrollment weighting for such districts for school year 2004-2005;
- (2) multiply the low enrollment weighting 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 of the district.

Sec. 3. K.S.A. 2007 Supp. 72-6442b is hereby amended to read as follows: 72-6442b. The high enrollment weighting of each district with ~~1,637 or over enrollment in school year 2006-2007, 1,622 or over enrollment in school year 2007-2008~~ and each school year thereafter *1,585 enrollment or over* shall be determined by the state board as follows:

(a) Determine the schedule amount for a district with ~~1,637 enrollment in school year 2006-2007, and 1,622 enrollment in school year 2007-2008~~ and each school year thereafter *1,585 enrollment* as derived from the linear transition under (d) of K.S.A. 72-6412, and amendments thereto, and subtract the amount determined under (c) of K.S.A. 72-6412, and amendments thereto, from the schedule amount so determined;

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

And by renumbering the remaining sections accordingly;

On page 7, in line 38, before “and” where it appears the second time by inserting “, 72-6412, 72-6442b”;

In the title, in line 17, after “72-6410” by inserting “, 72-6412, 72-6442b”;

On roll call, the vote was: Yeas 23; Nays 94; Present but not voting: 1; Absent or not voting: 7.

Yeas: Brown, Colloton, Donohoe, Goico, Hodge, Huebert, Huntington, Kiegerl, Kinzer, Masterson, Merrick, Metsker, Judy Morrison, Neighbor, Olson, Owens, Quigley, Rardin, Siegfried, Spalding, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kelley, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Jim Morrison, Moxley, Neufeld, O’Neal, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf.

Present but not voting: Powers.

Absent or not voting: Colyer, Landwehr, Mast, McLeland, Myers, Peterson, Shultz.

The motion of Rep. Kinzer did not prevail.

Also, on further motion of Rep. Kinzer to amend **SB 531**, the motion did not prevail.

Also, on motion of Rep. Donohoe to amend **SB 531**, Rep. Dillmore requested a ruling on the amendment being germane to the bill. Rep. Donohoe subsequently withdrew his amendment.

Also, roll call was demanded on motion of Rep. Colloton to amend **SB 531** on page 1, following line 20 by inserting:

“Section 1. K.S.A. 2007 Supp. 72-6454 is hereby amended to read as follows: 72-6454.
(a) The nonproficient pupil weighting of each district shall be determined by the state board as follows:

(1) Determine the number of pupils who were not eligible for free meals under the national school lunch act and who scored below proficiency or failed to meet the standards established by the state board on either the mathematics or reading state assessments in the preceding school year; and

(2) multiply the number determined under paragraph (1) by ~~0.465~~ .456. The product is the nonproficient pupil weighting of the district.

(b) If the state board determines that as a result of the occurrence of a disaster in the school district, pupils in the school district are unable to participate in the state assessments, the nonproficient pupil weighting of the school district shall be equal to the nonproficient pupil weighting of the district in the preceding school year.

As used in this subsection, “disaster” means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, tornado, wind, storm, drought, epidemics, air contamination, blight, drought, infestation or explosion.”;

And by renumbering the remaining sections accordingly;

On page 7, in line 38, by striking “and” where it appears the second time and inserting a comma; in line 39, after “6445a” by inserting “and 72-6454”; in line 41, by striking “statute book” and inserting “Kansas register”;

In the title, in line 17, by striking “and” where it appears the second time and inserting a comma; in line 18, after “6445a” by inserting “and 72-6454”;

On roll call, the vote was: Yeas 28; Nays 92; Present but not voting: 0; Absent or not voting: 5.

Yeas: Brown, Colloton, Donohoe, Faber, Hodge, Huebert, Huntington, Kiegerl, Kinzer, Masterson, Merrick, Metsker, Judy Morrison, Neighbor, Olson, Owens, Powell, Quigley, Rardin, Shultz, Siegfried, Spalding, Storm, Vickrey, Whitham, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kelley, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, Menghini, Jim Morrison, Moxley, Myers, Neufeld, O’Neal, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powers, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sloan, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Colyer, Landwehr, McLeland, Peterson, Swenson.

The motion of Rep. Colloton did not prevail.

Also, on motion of Rep. Donohoe to amend **SB 531**, the motion did not prevail. Also, on motion of Rep. M. Holmes to amend, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Merrick to amend **HB 2978**, Rep. Metsker offered a motion to rerefer the bill to Committee on Elections and Governmental Organization. The motion did not prevail.

The question reverted back to the motion of Rep. Merrick to amend **HB 2978**, which did not prevail.

Also, on motion of Rep. Mah, **HB 2978** be amended on page 1, after line 12, by inserting the following:

“New Section 1. Except as provided in this section no land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) of K.S.A. 12-520, and amendments thereto, unless the board of county commissioners determines by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation that the proposed annexation will not have an adverse effect on such county. The board of county commissioners shall deliver

a copy of such resolution to the city. If the board of county commissioners fails to adopt such a resolution within the 30-day period, the annexation shall be deemed to have been approved by the board of county commissioners.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Wetta, **HB 2978** be amended on page 3, after line 22, by inserting the following:

“Sec. 3. K.S.A. 2007 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner. *This subsection from and after January 1, 2008, shall not be utilized by a city to annex a portion of an individual's tract of land.*

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A. 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) No city may utilize any provision of this section from and after January 1, 2008, to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.

And by renumbering the remaining sections accordingly;

Also on page 3, in line 23, after "12-532" by inserting "and K.S.A. 2007 Supp. 15-520"; in line 25, by striking "statute book" and inserting "Kansas register";

In the title, in line 10, after "12-532" by inserting "and K.S.A. 2007 Supp. 12-520";

Also, roll call was demanded on motion of Rep. Otto to amend **HB 2978** on page 3, after line 22, by inserting the following:

"New Sec. 3. (a) Notwithstanding the provisions of any other law, when a city adopts an ordinance to annex land pursuant to K.S.A. 12-521, and amendments thereto, the annexation shall be subject to a protest petition as authorized pursuant to this section.

(b) Upon publication of the annexation ordinance referenced in subsection (a), the city shall provide a copy of the ordinance, including a description of the land area to be annexed, to the county election officer of such county or counties affected by the ordinance. Within 14 days of adoption of the ordinance, the county election officer shall publish in the official newspaper of the county and maintain on public file, a list of all registered voters currently registered in the area included in the proposed annexation.

(c) If within 90 days of the adoption of the ordinance, the county election officer is presented with a petition containing the names of 25% of the registered voters residing in the area to be annexed requesting a mail ballot election on the issue of whether the area should be annexed, the county election officer shall order that such election shall be held not less than 30 days from the submission of the petition nor more than 90 days from such submission, which election is to be voted on by the registered voters of the area to be annexed as identified by the county election officer pursuant to subsection (b) of this section.

(d) The county election officer shall mail to all registered voters on the list certified pursuant to subsection (b), a ballot asking whether the voters approve or disapprove of the proposed annexation as described by the annexing city. Such ballot shall include a self addressed prepaid return envelope in which to place the ballot.

(e) Following receipt and tally of the mail ballots, the county election officer shall certify the results of the election to the county commission and the city proposing to annex the area in question. If the voters in the election have not disapproved of the annexation by a $\frac{3}{4}$ or more majority, the city or the county shall proceed with the proposed annexation in accordance with the sections of law under which the ordinance was adopted. If the voters of the area to be annexed disapprove the annexation by a $\frac{3}{4}$ or more majority, the annexation may not proceed unless the county commission approves the annexation by unanimous vote of all commissioners of the counties included in whole or in part by the area to be annexed by such city. The county commission shall vote on such annexation at the next scheduled county commission meeting but not later than 30 days from the date of certification of the election results by the county election officer.

(f) The county election officer shall submit to the city enacting the annexation ordinance which has been subject to a protest petition, a bill for the cost of printing and mailing of the ballots required by this section which shall be paid in full by the city. The city shall not be responsible for the ordinary costs of the county election officer in performing the above referenced duties, except the printing and mailing costs.

Sec. 4. K.S.A. 12-521 is hereby amended to read as follows: 12-521. *Except as provided in section 1, and amendments thereto, any city may petition the board of county commissioners as provided in this section.*

(a) Whenever the governing body of any city deems it advisable to annex land which such city is not permitted to annex under K.S.A. 12-520, and amendments thereto, or if the governing body of any city is permitted to annex land under K.S.A. 12-520, and amendments thereto, but deems it advisable not to annex thereunder, the governing body may annex such land as provided by this section. The governing body, in the name of the city, may present a petition to the board of county commissioners of the county in which the land sought to be annexed is located. The petition shall set forth a legal description of the land sought to be annexed and request a public hearing on the advisability of such annexation.

The governing body of such city shall make plans for the extension of services to the tract of land proposed to be annexed and shall file a copy thereof with the board of county commissioners at the time of presentation of the petition. Such report shall include:

(1) A sketch clearly delineating the land proposed to be annexed and the area of the city adjacent thereto to show the following information:

(A) The present and proposed boundaries of the city affected by such proposed annexation;

(B) the present streets, water mains, sewers and other city utility lines, and the proposed extension thereto;

(C) the general land use pattern in the areas to be annexed.

(2) A statement setting forth a plan of sufficient detail to provide a reasonable person with a full and complete understanding of the intentions of the city for extending to the area to be annexed each major municipal service provided to persons and property located within the city and area proposed to be annexed at the time of annexation and the estimated cost of providing such services. The plan shall state the estimated cost impact of providing such services to the residents of the city and the residents of the area proposed to be annexed. The plan shall state the method by which the city plans to finance the extension of such services to such area. The plan shall include a timetable for the extension of major municipal services to the area proposed to be annexed. The plan shall state the means by which the services currently provided by a township or special district in the area to be annexed shall be maintained by the city at a level which is equal to or better than the level of services provided prior to annexation. The plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the presentation of the petition requesting such hearing. Notice of the time and place of the hearing, together with a legal description of the land sought to be annexed and the names of the owners thereof, shall be published in a newspaper of general circulation in the city not less than one week and not more than two weeks preceding the date fixed for such hearing.

A copy of the notice providing for the public hearing shall be mailed by certified mail to each owner of the land proposed to be annexed not more than 10 days following the date of the presentation of the petition requesting such hearing.

A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with such notice and a copy thereof mailed to the owner of the property with such notice.

The board for good cause shown may continue the hearing beyond the time specified in the notice without further publication.

(c) On the day set for hearing, the board of county commissioners shall hear testimony as to the advisability of such annexation, and a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed.

The action of the board of county commissioners shall be quasi-judicial in nature. The board of county commissioners shall consider the impact of approving or disapproving the annexation on the entire community involved, including the city and the land proposed to be annexed, in order to insure the orderly growth and development of the community. The board shall make specific written findings of fact and conclusions determining whether such annexation or the annexation of a lesser amount of such area causes manifest injury to the owners of any land proposed to be annexed, or to the owners of land in areas near or adjacent to the land proposed to be annexed or to the city if the annexation is disapproved. The findings and conclusions shall be based upon the preponderance of evidence presented to the board. In determining whether manifest injury would result from the annexation, the board's considerations shall include, but not be limited to, the extent to which the following criteria may affect the city, the area to be annexed, the residents of the city and the area to be annexed, other governmental units providing services to the area to be annexed, the utilities providing services to the area to be annexed, and any other public or private person, firm or corporation which may be affected thereby:

- (1) Extent to which any of the area is land devoted to agricultural use;
- (2) area of platted land relative to unplatted land;
- (3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
- (4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;
- (5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
- (6) the extent of business, commercial and industrial development in the area;
- (7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;
- (8) the proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;
- (9) tax impact upon property in the city and the area;
- (10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
- (11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, fire districts;
- (12) existing petitions for incorporation of the area as a new city or for the creation of a special district;
- (13) likelihood of significant growth in the area and in adjacent areas during the next five years; and
- (14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.

(d) The board of county commissioners shall render a judgment within seven days after the hearing has been adjourned sine die. If a majority of the board of county commissioners concludes that the annexation or any part thereof should be allowed, the board shall so find and grant the annexation by order; and thereupon the city may annex the land by ordinance. Orders of the board of county commissioners denying the petition or a part thereof for annexation shall require a majority vote of the members of the board. When an order denying a petition or part thereof is issued, it shall be by resolution, which shall be sent by certified mail to the city proposing the annexation. All orders of the board of county commissioners granting or denying petitions for annexation shall be spread at length upon the journal of proceedings of the board. The failure of such board to spread an order granting annexation upon the journal shall not invalidate such order.

(e) Any owner of land annexed pursuant to this section or the city aggrieved by the decision of the board of county commissioners may appeal the decision of the board to the district court of the same county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Nothing in this subsection shall be construed as granting the owner of land in areas near or adjacent to land annexed pursuant to this section the right to appeal the decision of the board of county commissioners. Any city so appealing shall not be required to execute the bond prescribed therein.

New Sec. 5. Any annexation approved by any county pursuant to K.S.A. 12-521, and amendments thereto, in which the county has not fully complied with the provisions of K.S.A. 12-531, and amendments thereto, prior to approval of such annexation on or before January 1, 2008, such annexation is void and is subject to the provisions of this act.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 23, after “K.S.A.” by inserting “12-521.”; in line 25, by striking “statute book” and inserting “Kansas register”;

In the title, in line 9, after “K.S.A.” by inserting “12-521.”;

On roll call, the vote was: Yeas 45; Nays 65; Present but not voting: 0; Absent or not voting: 15.

Yeas: Aurand, Beamer, Bowers, Brown, Brunk, Burgess, Carlson, Dahl, Donohoe, Fund, Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Hodge, M. Holmes, Horst,

Huebert, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Mah, Mast, Masterson, McLachlan, Merrick, Jim Morrison, Neufeld, O'Neal, Otto, Patton, Peck, Shultz, Svaty, Tietze, Vickrey, Watkins, B. Wolf.

Nays: Ballard, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Faust-Goudeau, Flaharty, Flora, Frownfelter, Goyle, Hawk, Henderson, Hill, Holland, C. Holmes, Huntington, Johnson, Kuether, Light, Loganbill, Long, Lukert, McCray-Miller, McKinney, Menghini, Metsker, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Pottorff, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Colyer, Feuerborn, Garcia, Henry, Humerickhouse, Lane, McLeland, Judy Morrison, Myers, Olson, Peterson, Powell, Schwartz, Tafanelli.

The motion of Rep. Otto did not prevail, and **HB 2978** be passed as amended.

Committee report to **SB 471** be adopted; also, on motion of Rep. Aurand to amend, Rep. Kuether requested a ruling on amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Aurand to amend on page 5, after line 9 by inserting:

“New Sec. 6. (a) As used in this section:

(1) “Adjusted carbon dioxide emissions” means the average of the amounts of carbon dioxide emissions per net megawatt hour emitted from all electricity generating capacity operated by a utility.

(2) “Carbon mitigation incentive tax” means the annual excise tax on carbon dioxide emissions imposed pursuant to this section.

(3) “Electricity generating capacity” means coal-fired electricity generating capacity, located in this state, which has a nameplate capacity greater than 350 megawatts.

(4) “Emissions fees” means emissions fees pursuant to K.S.A. 65-3024, and amendments thereto.

(5) “Secretary” means the secretary of health and environment.

(6) “Utility” means the owner of electricity generating capacity.

(b) There is hereby imposed the carbon mitigation incentive tax on carbon dioxide emissions from electricity generating capacity. The rate of such tax shall be \$37 per ton of adjusted carbon dioxide emissions for total net megawatt hours produced during the preceding calendar year in excess of 110% of the statewide average adjusted carbon dioxide emissions for total net megawatt hours produced by all electric utilities, as determined by the secretary, during the preceding calendar year.

(c) For purposes of this section, adjusted carbon dioxide emissions from electricity generating capacity shall be determined by the utility operating the capacity consistent with the methods required by rules and regulations of the secretary. The utility shall report the amount so determined to the secretary on the date specified by rules and regulations of the secretary for purposes of determining such fees.

(d) The utility shall remit the tax imposed by this section to the secretary on or before the date for payment of emissions fees. The secretary shall remit to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys received by the secretary pursuant to this section. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.

(e) The secretary shall administer, enforce and collect the tax imposed by this section in the manner provided by law for administration, enforcement and collection of emissions fees. All laws and rules and regulations of the secretary relating to the administration, enforcement and collection of emissions fees shall apply to such tax insofar as they can be made applicable, and the secretary shall adopt such additional rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

New Sec. 7. (a) As used in this section:

(1) Terms have the meanings provided in section 6, and amendments thereto.

(2) “Qualified taxpayer” means the utility which had the lowest adjusted carbon dioxide emissions of all utilities during the preceding calendar year, after deduction of amounts, as

reported to and approved by the secretary of health and environment in accordance with rules and regulations of the secretary, of carbon dioxide emissions captured and sequestered by the utility or mitigated or offset by such utility by the generation of electricity from renewable resources or the purchase of electricity generated from renewable resources. The secretary of health and environment shall adopt rules and regulations for the determination of carbon dioxide emissions captured and sequestered, mitigated or offset for purposes of identifying a qualified taxpayer.

(b) For all taxable years commencing after December 31, 2008, there shall be allowed a tax credit against the income tax liability imposed upon a qualified taxpayer pursuant to the Kansas income tax act in an amount equal to the total amount of carbon mitigation incentive tax collected from all utilities pursuant to section 6, and amendments thereto, for the preceding calendar year. If the amount of such tax credit exceeds the qualified taxpayer's income tax liability for the year in which the taxpayer qualifies, such excess amount may be carried over for deduction from such taxpayer's income tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the qualified rehabilitation plan was placed in service.

(c) If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

(d) Any taxpayer, hereinafter designated the transferor, may sell, assign, convey or otherwise transfer a tax credit allowed and earned pursuant to this section. The sale price of a tax credit shall be at least 75% of the full value of the credit. The taxpayer acquiring earned credits, hereinafter designated the transferee, shall be required to be an entity engaged in the business of generation, marketing and sale of electricity. The transferee may use the amount of the acquired credit to offset up to 100% of the transferee's income tax liability in the taxable year in which the transferor qualified for the tax credit or the taxable year in which the credit is acquired. Unused credit amounts claimed by the transferee may be carried forward for up to five years. Such credits may be sold or transferred only one time and, if sold or transferred, shall be transferred in the taxable year such credit is earned or the two successive taxable years. The transferor shall enter into a written agreement with the transferee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the director of taxation in writing within 30 calendar days following the effective date of the transfer and shall provide any information as may be required by such director to administer and carry out the provisions of this section. The amount received by the transferor of such tax credit shall be taxable as income of the transferor, and the excess of the value of such credit over the amount paid by the transferee for such credit shall be taxable as income of the transferee.”;

By renumbering sections accordingly;

In the title, in line 17, before “income” by inserting “imposing a carbon mitigation incentive tax and providing for an income tax credit relating thereto;”;

Roll call was demanded.

On roll call, the vote was: Yeas 78; Nays 42; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Bethell, Bowers, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Feuerborn, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mast, Masterson, McKinney, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Pauls, Peck, Phelps, Pot-

torff, Powell, Powers, Proehl, Quigley, Rhoades, Roth, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Treaster, Vickrey, Watkins, Wetta, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Flaherty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, Menghini, Judy Morrison, Neighbor, Palmer, Rardin, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Trimmer, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Humerickhouse, Landwehr, McLeland, Patton, Peterson.

The motion of Rep. Aurand prevailed.

Also, on motion of Rep. Olson to amend **SB 471**, Rep. Ward requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Olson challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained, and **SB 471** be passed as amended.

CHANGE OF CONFEREES

Speaker Neufeld announced the appointment of Reps. Bethell and Henry as members of the conference committee on **H. Sub. for Sub. SB 309** to replace Reps. Tafanelli and Feuerborn.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **H. Sub. for SB 365**, requests a conference and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for Sub. SB 391**, requests a conference and has appointed Senators Emler, Brownlee and Kelly as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 534**, requests a conference and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 669**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2097** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2110** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2343** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2625** and has appointed Senators McGinn, Ostmeier and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2634** and has appointed Senators McGinn, Ostmeier and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2672** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2683** and has appointed Senators Huelskamp, Reitz and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2689** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2721** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2771** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 365**.

Speaker Neufeld thereupon appointed Reps. Schwartz, Bethell and Henry as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H Sub. for Sub. SB 391**.

Speaker Neufeld thereupon appointed Reps. McLeland, O'Neal and Sawyer as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 534**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 669**.

Speaker Neufeld thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6025—

By Representative Colyer

A RESOLUTION calling upon the members of the Board of Healing Arts to promptly make changes as necessary to ensure that the board effectively fulfills its statutory duties and to restore public confidence in the board's operations and activities.

WHEREAS, The Kansas Board of Healing Arts is charged by K.S.A. 65-2801 et seq. with protecting the Kansas public against "unprofessional, improper, unauthorized and unqualified practice of the healing arts"; and

WHEREAS, A 2006 legislative post audit identified serious problems with delay and slow resolution of various complaints and cases by the Board of Healing Arts; and

WHEREAS, The House Health and Human Services Committee and the Senate Health Care Strategies Committee recently conducted public hearings that identified problems with agency operations; and

WHEREAS, The Office of United States Attorney for the District of Kansas has expressed concern about certain operations of the Board of Healing Arts in connection with a case or cases in which the alleged conduct of a licensee of the Board of Healing Arts was so egregious as to result in federal criminal prosecution; and

WHEREAS, Recent high-profile cases have cast further doubt upon whether the Kansas Board of Healing Arts is functioning in a manner that meets its statutory duty to protect the people of Kansas; and

WHEREAS, The Legislature is considering legislation, developed in consultation with the Board of Healing Arts and with medical professionals, to improve the statutory authority of the Board of Healing Arts to better carry out its statutory duty; and

WHEREAS, Senior staff of the Board of Healing Arts serve at the pleasure of the members of the Board of Healing Arts and confidence in the ability of the senior staff at the Board of Healing Arts to remedy the identified problems is essential; and

WHEREAS, Statutory changes alone are unlikely to restore public confidence in the ability of the Board of Healing Arts to properly fulfill its statutory duty to protect the public: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the House of Representatives calls upon the members of the Board of Healing Arts to promptly make such changes as may be necessary to ensure that the board effectively fulfills its statutory duties and to restore public confidence in the board's operations and activities; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to each member of the Board of Healing Arts.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to House Rule 2307, the following bills and concurrent resolution were stricken from the calendar:

HB 2573, HB 2974; HCR 5030; SB 15; H. Sub. for SB 214; H. Sub. for SB 294; SB 401, SB 426, SB 498, SB 511, SB 519, SB 549, SB 561, SB 563; Sub. SB 596; SB 612.

REPORT ON ENGROSSED BILLS

Sub. HB 2725; HB 2983, HB 2991 reported correctly engrossed March 31, 2008.

HB 2758 reported correctly re-engrossed March 31, 2008.

REPORT ON ENROLLED BILLS

Sub. HB 2505; HB 2520; Sub. HB 2545; HB 2570, HB 2644, HB 2688, HB 2691, HB 2714, HB 2726, HB 2740, HB 2804, HB 2805, HB 2905 reported correctly enrolled, properly signed and presented to the governor on March 31, 2008.

REPORT ON ENROLLED RESOLUTIONS

HCR 5028 reported correctly enrolled and properly signed on March 31, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, April 1, 2008.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

