

# Journal of the House

SIXTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, May 10, 2012, 10:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 124 members present.

Rep. LeDoux was excused on verified illness.

Prayer by Chaplain Brubaker:

Our Heavenly Father,  
As I thought about what to pray today,  
my spirit was checked and I believe  
I am to pray this passage of Scripture  
that I shared earlier with some of the leaders.  
"Be still and know that I am God."  
What does this mean for our leaders today  
as they make tough decisions?  
*Be still* – help us to quiet ourselves,  
to cease from our own efforts,  
to relax, to quit striving  
get over ourselves – chill.  
*And know* – help us to not just know about You,  
but to know You experientially –  
to know Your power, love, forgiveness and holiness.  
*I am God* – help us to understand You Are –  
That You are who You are –  
You are the Beginning and the End –  
You have always been and always will be –  
You are who we need You to be today.  
Help our leaders to think about, dwell, and live out  
this passage today as they speak,  
vote, and how they treat one another.  
In Christ's Name I pray, Amen.  
(Psalm 46:10)

The Pledge of Allegiance was led by Rep. Slattery.

## INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Goico are spread upon the

Journal:

This certificate acknowledges the achievements of the Salvation Army in the Kansas Supportive Services for Veteran Families program.

The nature of combat in Iraq and Afghanistan has had a detrimental impact on service members and their families. Quite often veterans return home and find themselves without a job and on the verge of losing their homes. Suicide rates have escalated rapidly among these veterans. Programs like this one help protect those who have protected our country and our freedoms, and their families.

The Salvation Army received a grant last year from the United States Department of Veteran Affairs to serve veterans throughout the state.

This program addresses the housing needs for very low income Kansas veterans and their families who are, at the present time, homeless or at risk of becoming homeless. This program provides specialized housing services, case management, access to veteran and state benefits, temporary financial assistance and other supportive services.

The primary goals of the program are:

- 1) Veterans at risk of becoming homeless will remain housed in appropriate, affordable housing.
- 2) Homeless veterans will be housed immediately.
- 3) Veterans will increase their income through counseling and employment assistance.

Program Accomplishments:

- The first veteran participant was enrolled in November, 2011.
- As of April 30, 2012, 169 veterans and their families have been settled in 93 households across the state of Kansas.
- These households include 48 children.
- 82 individuals have completed the program during the first 6 months of service with 95% exiting the program with permanent housing.

This certificate recognizes these memorable achievements in service of our veterans and our state, and offers the wishes of the Kansas House of Representative for continued success.

Rep. Goico presented a framed House certificate to members of the Salvation Army.

#### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H Sub for SB 160; SB 334; S Sub for HB 2077; HB 2502, HB 2613.**

#### **CHANGE OF CONFEREES**

Speaker O'Neal announced the appointment of Reps. Shultz, Hermanson and Grant to replace Reps. Colloton, Kinzer and McCray-Miller as conferees on the conference committee on **HB 2494.**

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**H Sub for SB 59, AN ACT** concerning property taxation; relating to exemptions;

commercial and industrial machinery and equipment; classification; amending K.S.A. 2011 Supp. 79-223 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, S. Gatewood, Goico, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bethell, Billinger, Carlin, Cassidy, Feuerborn, D. Gatewood, Gonzalez, Grant, Henderson, Henry, C. Holmes, Kelly, McCray-Miller, Moxley, Peck, Phelps, Phillips, Ryckman, Swanson, Tietze, Williams.

Present but not voting: None.

Absent or not voting: LeDoux.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: **Sub SB 59** intends to ensure machinery and equipment considered as personal property prior to the enactment of the commercial and industrial machinery and equipment exemption continues to be considered personal property after its enactment. The bill intends to capture property that was exempt in 2006. If exempt property was ordered to be exempt by the Court of Tax Appeals and described as "machinery and equipment" or "personal property", it should continue to be classified as personal property after the expiration of the exemption period. This accomplishes that goal. Although this is written, I am shouting legislative intent. I vote yes. -- SCOTT SCHWAB, MARVIN KLEEB, RICHARD CARLSON

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **House Substitute for SB 160** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No.160, as follows:

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 13 and inserting:

"Section 1. K.S.A. 2011 Supp. 23-3103 is hereby amended to read as follows: follows: 23-3103. (a) Any new or modified order for support shall include a provision for the withholding of income to enforce the order for support.

(b) Except as otherwise provided in subsection (j), (k) or (l), all new or modified orders for support shall provide for immediate issuance of an income withholding order.

The income withholding order shall be issued without further notice to the obligor and shall specify an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for support is entered.

(c) Except as otherwise provided in this subsection or subsections (j) or (l), if no income withholding order is in effect to enforce the support order, an income withholding order shall be issued by the court upon request of the obligee or public office, provided that the obligor accrued an arrearage equal to or greater than the amount of support payable for one month and the requirements of subsections (d) and (h) have been met. The income withholding order shall be issued without further notice to the obligor and shall specify an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the income withholding order is issued.

(d) Not less than seven days after the obligee or public office has served a notice pursuant to subsection (h), the obligee or public office may initiate income withholding pursuant to paragraph (1) or (2).

(1) The obligee or public office may apply for an income withholding order by filing with the court an affidavit stating: (A) The date that the notice was served on the obligor and the manner of service; (B) that the obligor has not filed a motion to stay issuance of the income withholding order or, if a motion to stay has been filed, the reason an income withholding order must be issued immediately; (C) a specified amount to be withheld by the payor to satisfy the order of support and to defray any arrearage; (D) whether the income withholding order is to include a medical withholding order; and (E) that the amount of the arrearage as of the date the notice to the obligor was prepared was equal to or greater than the amount of support payable for one month. In addition to any other penalty provided by law, the filing of such an affidavit with knowledge of the falsity of a material declaration is punishable as a contempt.

Upon the filing of the affidavit, the income withholding order shall be issued without further notice to the obligor, hearing or amendments of the support order. Payment of all or part of the arrearage before issuance of the income withholding order shall not prevent issuance of the income withholding order, unless the arrearage is paid in full and the order for support does not include an amount for the current support of a person. No affidavit is required if the court, upon hearing a motion to stay issuance of the income withholding order or otherwise, issues an income withholding order.

(2) In a title IV-D case, the IV-D agency may issue an income withholding order as authorized by K.S.A. 39-7,147, and amendments thereto. Any such income withholding order shall be considered an income withholding order issued pursuant to this act.

(e) (1) An income withholding order shall be directed to any payor of the obligor. Notwithstanding any other requirement of this act as to form or content, any income withholding order prepared in a standard format prescribed by the secretary of social and rehabilitation services shall be deemed to be in compliance with this act.

(2) An income withholding order which does not include a medical withholding order shall require the payor to withhold from any income due, or to become due, to the obligor a specified amount sufficient to satisfy the order of support and to defray any

arrearage and shall include notice of and direction to comply with the provisions of K.S.A. 2011 Supp. 23-3104 and 23-3105, and amendments thereto.

(3) An income withholding order which consists only of a medical withholding order shall include notice of the medical child support order and shall conform to the requirements of K.S.A. 2011 Supp. 23-3116, and amendments thereto. The medical withholding order shall include notice of and direction to comply with the requirements of K.S.A. 2011 Supp. 23-3104, 23-3105, 23-3114 and 23-3117, and amendments thereto.

(4) An income withholding order which includes both a medical withholding order and an income withholding order for cash support shall meet the requirements of paragraphs (2) and (3).

(f) (1) Upon written request and without the requirement of further notice to the obligor, the clerk of the district court shall cause a copy of the income withholding order to be served on the payor only by personal service or registered mail, return receipt requested.

(2) Without the requirement of further notice to the obligor, the court trustee or IV-D agency may cause a copy of any income withholding order to be served on the payor only by personal service or registered mail, return receipt requested or by any alternate method acceptable to the payor. No payor shall be liable to any person solely because of the method of service accepted by the payor.

(3) As used in this section, "copy of the income withholding order" means any document or notice, regardless of format, that advises the payor of the same general duties, requires the same amount to be withheld from income and requires medical withholding to the same extent as the original income withholding order.

(g) An income withholding order shall be binding on any existing or future payor on whom a copy of the order is served and shall require the continued withholding of income from each periodic payment of income until further order of the court or agency that issued the income withholding order. At any time following issuance of an income withholding order, a copy of the income withholding order may be served on any payor without the requirement of further notice to the obligor.

(h) Except as provided in subsection (k) or (l), at any time following entry of an order for support the obligee or public office may serve upon the obligor a written notice of intent to initiate income withholding. If any notice in the court record indicates that title IV-D services are being provided in the case, whether or not the IV-D services include enforcement of current support, the person or public office requesting issuance of the income withholding order shall obtain the consent of the IV-D agency to the terms of the proposed income withholding order.

The notice of intent to initiate income withholding shall be served on the obligor only by personal service or registered mail, return receipt requested. The notice served on the obligor must state: (1) The terms of the order of support and the total arrearage as of the date the notice was prepared; (2) the amount of income that will be withheld, not including premiums to satisfy a medical withholding order; (3) whether a medical withholding order will be included; (4) that the provision for withholding applies to any current or subsequent payor; (5) the procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact concerning the amount of the support order, the amount of the arrearage, the amount of income to be withheld or the proper identity of the obligor; (6) the period within which the obligor

must act to stay issuance of the income withholding order and that failure to take such action within the specified time will result in payors' being ordered to begin withholding; and (7) the action which will be taken if the obligor contests the withholding.

The obligor may, at any time, waive in writing the notice required by this subsection.

(i) On request of an obligor, the court shall issue an income withholding order which shall be honored by a payor regardless of whether there is an arrearage. Nothing in this subsection shall limit the right of the obligee to request modification of the income withholding order.

(j) (1) In a nontitle IV-D case, upon presentation to the court of a written agreement between the parties providing for an alternative arrangement, no income withholding order shall be issued pursuant to subsection (b). In any case, before entry of a new or modified order for support, a party may request that no income withholding order be issued pursuant to subsection (b) if notice of the request has been served on all interested parties and: (A) The party demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or (B) a written agreement among all interested parties provides for an alternative arrangement. If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has determined that good cause has been shown that direct child support payments to the obligee may be made, then the court shall provide for direct maintenance payments to the obligee and no income withholding order shall be issued pursuant to subsection (b). In a title IV-D case, the determination that there is good cause not to require immediate income withholding must include a finding that immediate income withholding would not be in the child's best interests and, if an obligor's existing obligation is being modified, proof of timely payment of previously ordered support.

(2) Notwithstanding the provisions of subsection (j)(1), the court shall issue an income withholding order when an affidavit pursuant to subsection (d) is filed if an arrearage exists in an amount equal to or greater than the amount of support payable for one month.

(3) If a notice pursuant to subsection (h) has been served in a title IV-D case, there is no arrearage or the arrearage is less than the amount of support payable for one month, and the obligor files a motion to stay issuance of the income withholding order based upon the court's previous finding of good cause not to require immediate income withholding pursuant to subsection (j)(1), the obligor must demonstrate the continued existence of good cause. Unless the court again finds that good cause not to require immediate income withholding exists, the court shall issue the income withholding order.

(4) If a notice pursuant to subsection (h) has been served in a title IV-D case, there is no arrearage or the arrearage is less than the amount of support payable for one month, and the obligor files a motion to stay issuance of an income withholding order based upon a previous agreement of the interested parties for an alternative arrangement pursuant to subsection (j)(1), the court shall issue an income withholding order, notwithstanding any previous agreement, if the court finds that:

- (A) The agreement was not in writing;
- (B) the agreement was not approved by all interested parties;
- (C) the terms of the agreement or alternative arrangement are not being met;
- (D) the agreement or alternative arrangement is not in the best interests of the child;

or

(E) the agreement or alternative arrangement places an unnecessary burden upon the obligor, obligee or a public office.

(5) The procedures and requirements of K.S.A. 2011 Supp. 23-3106, and amendments thereto, apply to any motion pursuant to paragraph (3) or (4) of this subsection-~~(j)~~.

(k) (1) An *ex parte* interlocutory order for support may be enforced pursuant to subsection (b) only if the obligor has consented to the income withholding in writing.

(2) An *ex parte* interlocutory order for support may be enforced pursuant to subsection (c) only if 14 or more days have elapsed since the order for support was served on the obligor.

(3) Any other interlocutory order for support may be enforced by income withholding pursuant to this act in the same manner as a final order for support.

(4) No bond shall be required for the issuance of an income withholding order to enforce an interlocutory order pursuant to this act.

(l) All new or modified orders for maintenance of a spouse or ex-spouse, except orders for a spouse or ex-spouse living with a child for whom an order of support is also being enforced, entered on or after July 1, 1992, shall include a provision for the withholding of income to enforce the order of support. Unless the parties consent in writing to earlier issuance of a withholding order, withholding shall take effect only after there is an arrearage in an amount equal to or greater than the amount of support payable for two months and after service of a notice as provided in subsection (h).

Sec. 2. K.S.A. 2011 Supp. 75-6202 is hereby amended to read as follows: 75-6202. As used in this act:

(a) "Debtor" means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2011 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act ~~(42 U.S.C. § 651 *et seq.*)~~, as amended; or

(3) owes a debt to a foreign state agency.

(b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property; or

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 or K.S.A. 2011 Supp. 20-378, and amendments thereto, or under part D of title IV of the federal social security act ~~(42 U.S.C. § 651 *et seq.*)~~, as amended, which amount shall be considered a debt due and owing the district court trustee or the department of social and rehabilitation services for the purposes of this act.

(c) "Refund" means any amount of Kansas income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each

individual in the proportion of each such spouse's contribution to income, as the term "contribution to income" is defined by rules and regulations of the secretary of revenue.

(d) "Net proceeds collected" means gross proceeds collected through final setoff against a debtor's earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof. "State agency" also shall include any district court utilizing collection services pursuant to K.S.A. 75-719, and amendments thereto, to collect debts owed to such court.

(f) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) "Director" means the director of accounts and reports of the department of administration.

(h) "Municipality" means any municipality as defined by K.S.A. 75-1117, and amendments thereto.

(i) "Payor agency" means any state agency which holds money for, or owes money to, a debtor.

(j) "Foreign state or foreign state agency" means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 75-6215, and amendments thereto.

Sec. 3. K.S.A. 2011 Supp. 23-3103 and 75-6202 are hereby repealed.";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "exceptions" and inserting "child support; relating to collection of support payments";

Also in line 2, by striking "58-3201" and inserting "2011 Supp. 23-3103 and 75-6202"; in line 3, by striking "section" and inserting "sections";

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

LANCE KINZER

JOE PATTON

JANICE L. PAULS

*Conferees on part of House*

THOMAS C. OWENS

JEFF KING

DAVID HALEY

*Conferees on part of Senate*

On motion of Rep. Kinzer, the conference committee report on **H Sub for SB 160** was adopted.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe,

Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Lane.

Present but not voting: None.

Absent or not voting: LeDoux.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 334** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as introduced, as follows:

On page 2, following line 3, by inserting:

"Sec. 2. K.S.A. 2011 Supp. 8-2,101 is hereby amended to read as follows: 8-2,101. The division of vehicles may issue a restricted class C or M driver's license in accordance with the provisions of this section. A restricted class C license issued under this section shall entitle the licensee, while possessing the license, to operate any motor vehicle in class C, as designated in K.S.A. 8-234b, and amendments thereto. A restricted class M license shall entitle the licensee, while possessing such license, to operate a motorcycle.

(a) The division may issue a restricted class C or M driver's license to any person who:

(1) Is at least 15 years of age;

(2) has successfully completed an approved course in driver training;

(3) has held an instructional permit issued under the provisions of K.S.A. ~~8-239-8-2,100~~, and amendments thereto, for a period of at least one year and has completed at least 25 hours of adult supervised driving or has obtained an instructional permit from another state or the district of Columbia which has equivalent or greater requirements; and

(4) upon the written application of the person's parent or guardian, which shall be submitted to the division.

Any licensee issued a restricted license under this subsection, shall provide prior to reaching 16 years of age, a signed affidavit of either a parent or guardian, stating that the applicant has completed the required 25 hours prior to being issued a restricted license and 25 hours of additional adult supervised driving. Of the 50 hours required by this subsection, at least 10 of those hours shall be at night. The adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(b) (1) A restricted license issued under subsection (a) shall entitle a licensee who is

at least 15 years of age but less than 16 years of age, to operate the appropriate motor vehicles at any time:

(A) While going to or from or in connection with any job, employment or farm-related work;

(B) on days while school is in session, over the most direct and accessible route between the licensee's residence and school of enrollment for the purposes of school attendance;

(C) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

(D) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

(2) For a period of six months, a restricted license issued under subsection (a) shall entitle a licensee who is at least 16 years of age to operate the appropriate motor vehicles at any time:

(A) From 5:00 a.m. to 9:00 p.m.;

(B) while going to or from or in connection with any job, employment or farm-related work;

(C) while going to or from authorized school activities;

(D) while going directly to or from any religious worship service held by a religious organization;

(E) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or

(F) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(c) (1) The division may issue a restricted class C or M driver's license to any person who is under 17 years of age but at least 16 years of age, who:

(A) Has held an instructional permit issued under the provisions of K.S.A. ~~8-239-8-~~2,100, and amendments thereto, for a period of at least one year; and

(B) has submitted a signed affidavit of either a parent or guardian, stating that the applicant has completed at least 50 hours of adult supervised driving with at least 10 of those hours being at night. The required adult supervised driving shall be conducted by an adult who is at least 21 years of age and is the holder of a valid commercial driver's license, class A, B or C driver's license.

(2) For a period of six months, a restricted license issued under subsection (c)(1) shall entitle a licensee to operate the appropriate motor vehicles at any time:

(A) From 5:00 a.m. to 9:00 p.m.;

(B) while going to or from or in connection with any job, employment or farm-related work;

- (C) while going to or from authorized school activities;
- (D) while going directly to or from any religious worship service held by a religious organization;
- (E) when the licensee is operating a passenger car, at any time when accompanied by an adult, who is the holder of a valid commercial driver's license, class A, B or C driver's license and who is actually occupying a seat beside the driver; or
- (F) when the licensee is operating a motorcycle, at any time when accompanied by an adult, who is the holder of a valid class M driver's license and who is either operating a motorcycle in the general proximity of the licensee or is riding as a passenger on the motorcycle being operated by the licensee.

After such six-month period, if the licensee has complied with the provisions of this section, such restricted license shall entitle the licensee to operate the appropriate motor vehicles at any time without any of the restrictions required by this section.

(d) (1) Any licensee issued a restricted license under subsection (a):  
 (A) Who is less than 16 years of age shall not operate any motor vehicle with nonbinding minor passengers; or

(B) who is at least 16 years of age, for a period of six months after reaching 16 years of age, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(2) Any licensee issued a restricted license under subsection (c), for a period of six months after such restricted license is issued, shall not operate any motor vehicle with more than one passenger who is less than 18 years of age and who is not a member of the licensee's immediate family.

(3) Any conviction for violating this subsection shall be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(e) Any licensee issued a restricted license under this section shall not operate a wireless communication device while driving a motor vehicle, except that a licensee may operate a wireless communication device while driving a motor vehicle to report illegal activity or to summons medical or other emergency help.

(f) (1) A restricted driver's license issued under this section is subject to suspension or revocation in the same manner as any other driver's license.

(2) A restricted driver's license shall be suspended in accordance with K.S.A. 8-291, and amendments thereto, for any violation of restrictions under this section.

(3) The division shall suspend the restricted driver's license upon receiving satisfactory evidence that the licensee has been involved in two or more accidents chargeable to the licensee and such suspended license shall not be reinstated for one year.

(g) Evidence of failure of any licensee who was required to complete the 50 hours of adult supervised driving under this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(h) Any licensee issued a restricted license under:

(1) Subsection (a) who:

(A) Is under the age of 16 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person reaches 17 years of age;

(B) is under 17 years of age but at least 16 years of age and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(2) until the person reaches 18 years of age; or

(C) fails to provide the affidavit required under subsection (a) shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (b)(1) until the person provides such affidavit to the division or the person reaches 17 years of age, whichever occurs first.

(2) Subsection (c) who is under the age of 17 years and is convicted of two or more moving traffic violations committed on separate occasions shall not be eligible to receive a driver's license which is not restricted in accordance with the provisions of subsection (c) until the person reaches 18 years of age.

(i) This section shall be a part of and supplemental to the motor vehicle driver's license act.";

And by renumbering sections accordingly;

Also on page 2, in line 4, after "Supp." by inserting "8-2,101 and"; also in line 4, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "motor vehicles" and inserting "driver's licenses"; in line 2, by striking the semicolon and inserting a comma; in line 3, after "requirements;" by inserting "restricted licenses;"; also in line 3, after "Supp." by inserting "8-2,101 and"; in line 4, by striking "section" and inserting "sections";

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

GARY K. HAYZLETT  
WILLIAM R. PRESCOTT  
VINCENT WETTA

*Conferees on part of House*

DWAYNE UMBARGER  
BOB MARSHALL  
KELLY KULTALA

*Conferees on part of Senate*

On motion of Rep. Hayzlett, the conference committee report on **SB 334** was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab,

Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: LeDoux.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2077** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2077 as follows:

On page 4, in line 36, after the comma by inserting "a veteran or service-disabled veteran small business"; following line 39, by inserting:

"(d) (1) With respect to any state or local economic development or incentive program, the client shall have access to such program and the client shall not be adversely affected or disqualified because the client:

(A) Has entered into a professional employer agreement; or

(B) uses the services of a professional employer organization.

(2) If a state or local economic development or incentive program has any employee-related requirement necessary to qualify for participation in such program, the employees of the client shall be deemed to be employees for the purpose of satisfying such requirement.";

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

RUTH TEICHMAN

TY MASTERTSON

ALLEN SCHMIDT

*Conferees on part of Senate*

GENE SUELLENTROP

MARVIN KLEEB

MIKE SLATTERY

*Conferees on part of House*

On motion of Rep. Suellentrop, the conference committee report on **S Sub for HB 2077** was adopted.

Call of the House was demanded.

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

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Fawcett, Finney, Garber, Goico, Gonzalez, Gordon, Grange, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Neal, Otto, Peck, Phillips, Pottorff, Powell, Prescott,

Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bollier, Boman, Carlin, Collins, Davis, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goodman, Grant, Gregory, Grosserode, Henderson, Henry, Kinzer, Mah, Meier, O'Hara, Osterman, Patton, Pauls, Peterson, Phelps, Ruiz, Schwartz, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: LeDoux.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2502** submits the following report:

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

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 17-5903 is hereby amended to read as follows: 17-5903. As used in this act:

(a) "Corporation" means a domestic or foreign corporation organized for profit or nonprofit purposes.

(b) "Nonprofit corporation" means a corporation organized not for profit and which qualifies under section 501(c)(3) of the federal internal revenue code of 1986 as amended.

(c) "Limited partnership" has the meaning provided by K.S.A. 56-1a01, and amendments thereto.

(d) "Limited agricultural partnership" means a limited partnership founded for the purpose of farming and ownership of agricultural land in which:

(1) The partners do not exceed 10 in number;

(2) the partners are all natural persons, persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations, or general partnerships other than corporate partnerships formed under the laws of the state of Kansas; and

(3) at least one of the general partners is a person residing on the farm or actively engaged in the labor or management of the farming operation. If only one partner is meeting the requirement of this provision and such partner dies, the requirement of this provision does not apply for the period of time that the partner's estate is being administered in any district court in Kansas.

(e) "Corporate partnership" means a partnership, as defined in K.S.A. 56a-101, and amendments thereto, which has within the association one or more corporations or one or more limited liability companies.

(f) "Feedlot" means a lot, yard, corral, or other area in which livestock fed for slaughter are confined. The term includes within its meaning agricultural land in such acreage as is necessary for the operation of the feedlot.

(g) "Agricultural land" means land suitable for use in farming.

(h) "Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming does

not include the production of timber, forest products, nursery products or sod, and farming does not include a contract to provide spraying, harvesting or other farm services.

(i) "Fiduciary capacity" means an undertaking to act as executor, administrator, guardian, conservator, trustee for a family trust, authorized trust or testamentary trust or receiver or trustee in bankruptcy.

(j) "Family farm corporation" means a corporation:

(1) Founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related;

(2) all of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons; and

(3) at least one of the stockholders is a person residing on the farm or actively engaged in the labor or management of the farming operation. A stockholder who is an officer of any corporation referred to in this subsection and who is one of the related stockholders holding a majority of the voting stock shall be deemed to be actively engaged in the management of the farming corporation. If only one stockholder is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.

(k) "Authorized farm corporation" means a Kansas corporation, other than a family farm corporation, all of the incorporators of which are Kansas residents, family farm corporations or family farm limited liability agricultural companies or any combination thereof, and which is founded for the purpose of farming and the ownership of agricultural land in which:

(1) The stockholders do not exceed 15 in number; and

(2) the stockholders are all natural persons, family farm corporations, family farm limited liability agricultural companies or persons acting in a fiduciary capacity for the benefit of natural persons, family farm corporations, family farm limited liability agricultural companies or nonprofit corporations; and

(3) if all of the stockholders are natural persons, at least one stockholder must be a person residing on the farm or actively engaged in labor or management of the farming operation. If only one stockholder is meeting the requirement of this provision and such stockholder dies, the requirement of this provision does not apply for the period of time that the stockholder's estate is being administered in any district court in Kansas.

(l) "Trust" means a fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney-in-fact and in any similar capacity.

(m) "Family trust" means a trust in which:

(1) A majority of the equitable interest in the trust is held by and the majority of the beneficiaries are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or stepchildren of any such persons, or persons acting in a fiduciary capacity for persons

so related; and

(2) all the beneficiaries are natural persons, are persons acting in a fiduciary capacity, other than as trustee for a trust, or are nonprofit corporations.

(n) "Authorized trust" means a trust other than a family trust in which:

(1) The beneficiaries do not exceed 15 in number;

(2) the beneficiaries are all natural persons, are persons acting in a fiduciary capacity, other than as trustee for a trust, or are nonprofit corporations; and

(3) the gross income thereof is not exempt from taxation under the laws of either the United States or the state of Kansas.

For the purposes of this definition, if one of the beneficiaries dies, and more than one person succeeds, by bequest, to the deceased beneficiary's interest in the trust, all of such persons, collectively, shall be deemed to be one beneficiary, and a husband and wife, and their estates, collectively, shall be deemed to be one beneficiary.

(o) "Testamentary trust" means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Kansas probate code.

(p) "Poultry confinement facility" means the structures and related equipment used for housing, breeding, laying of eggs or feeding of poultry in a restricted environment. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes and for isolation of the facility to reasonably protect the confined poultry from exposure to disease. As used in this subsection, "poultry" means chickens, turkeys, ducks, geese or other fowl.

(q) "Rabbit confinement facility" means the structures and related equipment used for housing, breeding, raising, feeding or processing of rabbits in a restricted environment. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes and for isolation of the facility to reasonably protect the confined rabbits from exposure to disease.

(r) "Swine marketing pool" means an association whose membership includes three or more business entities or individuals formed for the sale of hogs to buyers but shall not include any trust, corporation, limited partnership or corporate partnership, or limited liability company other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust.

(s) "Swine production facility" means the land, structures and related equipment ~~owned or leased by a corporation or limited liability company~~ and used for housing, breeding, farrowing or feeding of swine. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes in environmentally sound amounts for crop production and to avoid nitrate buildup and for isolation of the facility to reasonably protect the confined animals from exposure to disease.

(t) "Limited liability company" has the meaning provided by K.S.A. 17-7663, and amendments thereto.

(u) "Limited liability agricultural company" means a limited liability company founded for the purpose of farming and ownership of agricultural land in which:

(1) The members do not exceed 10 in number; and

(2) the members are all natural persons, family farm corporations, family farm limited liability agriculture companies, persons acting in a fiduciary capacity for the benefit of natural persons, family farm corporations, family farm limited liability

agricultural companies or nonprofit corporations, or general partnerships other than corporate partnerships formed under the laws of the state of Kansas; and

(3) if all of the members are natural persons, at least one member must be a person residing on the farm or actively engaged in labor or management of the farming operation. If only one member is meeting the requirement of this provision and such member dies, the requirement of this provision does not apply for the period of time that the member's estate is being administered in any district court in Kansas.

(v) "Dairy production facility" means the land, structures and related equipment used for housing, breeding, raising, feeding or milking dairy cows. The term includes within its meaning only such agricultural land as is necessary for proper disposal of liquid and solid wastes and for isolation of the facility to reasonably protect the confined cows from exposure to disease.

(w) "Family farm limited liability agricultural company" means a limited liability company founded for the purpose of farming and ownership of agricultural land in which:

(1) The majority of the members are persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related;

(2) the members are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons; and

(3) at least one of the members is a person residing on the farm or actively engaged in the labor or management of the farming operation. If only one member is meeting the requirement of this provision and such member dies, the requirement of this provision does not apply for the period of time that the member's estate is being administered in any district court in Kansas.

(x) "Hydroponics" means the growing of vegetables, flowers, herbs, or plants used for medicinal purposes, in a growing medium other than soil.

Sec. 2. K.S.A. 17-5904 is hereby amended to read as follows: 17-5904. (a) No corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust shall, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in this state. The restrictions provided in this section do not apply to the following:

(1) A *bona fide* encumbrance taken for purposes of security.

(2) Agricultural land when acquired as a gift, either by grant or devise, by a *bona fide* educational, religious or charitable nonprofit corporation.

(3) Agricultural land acquired by a corporation or a limited liability company in such acreage as is necessary for the operation of a nonfarming business. Such land may not be used for farming except under lease to one or more natural persons, a family farm corporation, authorized farm corporation, family trust, authorized trust or testamentary trust. The corporation shall not engage, either directly or indirectly, in the farming operation and shall not receive any financial benefit, other than rent, from the farming operation.

(4) Agricultural land acquired by a corporation or a limited liability company by process of law in the collection of debts, or pursuant to a contract for deed executed

prior to the effective date of this act, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise, if such corporation divests itself of any such agricultural land within 10 years after such process of law, contract or procedure, except that provisions of K.S.A. 9-1102, and amendments thereto, shall apply to any bank which acquires agricultural land.

(5) A municipal corporation.

(6) Agricultural land which is acquired by a trust company or bank in a fiduciary capacity or as a trustee for a nonprofit corporation.

(7) Agricultural land owned or leased or held under a lease purchase agreement as described in K.S.A. 12-1741, and amendments thereto, by a corporation, corporate partnership, limited corporate partnership or trust on the effective date of this act if: (A) Any such entity owned or leased such agricultural land prior to July 1, 1965, provided such entity shall not own or lease any greater acreage of agricultural land than it owned or leased prior to the effective date of this act unless it is in compliance with the provisions of this act; (B) any such entity was in compliance with the provisions of K.S.A. 17-5901, prior to its repeal by this act, provided such entity shall not own or lease any greater acreage of agricultural land than it owned or leased prior to the effective date of this act unless it is in compliance with the provisions of this act, and absence of evidence in the records of the county where such land is located of a judicial determination that such entity violated the provisions of K.S.A. 17-5901, prior to its repeal shall constitute proof that the provisions of this act do not apply to such agricultural land, and that such entity was in compliance with the provisions of K.S.A. 17-5901, prior to its repeal; or (C) any such entity was not in compliance with the provisions of K.S.A. 17-5901, prior to its repeal by this act, but is in compliance with the provisions of this act by July 1, 1991.

(8) Agricultural land held or leased by a corporation or a limited liability company for use as a feedlot, a poultry confinement facility or rabbit confinement facility.

(9) Agricultural land held or leased by a corporation for the purpose of the production of timber, forest products, nursery products or sod.

(10) Agricultural land used for *bona fide* educational research or scientific or experimental farming.

(11) Agricultural land used for the commercial production and conditioning of seed for sale or resale as seed or for the growing of alfalfa by an alfalfa processing entity if such land is located within 30 miles of such entity's plant site.

(12) Agricultural land owned or leased by a corporate partnership or limited corporate partnership in which the partners associated therein are either natural persons, family farm corporations, authorized farm corporations, limited liability agricultural companies, family trusts, authorized trusts or testamentary trusts.

(13) Any corporation, either domestic or foreign, or any limited liability company, organized for coal mining purposes which engages in farming on any tract of land owned by it which has been strip mined for coal.

(14) Agricultural land owned or leased by a limited partnership prior to the effective date of this act.

(15) Except as provided by K.S.A. 17-5908, as it existed before the effective date of this act, and K.S.A. 1998 Supp. 17-5909, agricultural land held or leased by a corporation or a limited liability company for use as a swine production facility in any county which, before the effective date of this act, has voted favorably pursuant to

K.S.A. 17-5908, as it existed before the effective date of this act, either by county resolution or by the electorate.

(16) Agricultural land held or leased by a corporation ~~or trust~~ limited liability company, limited partnership or corporate partnership for use as a swine production facility in any county where the voters, after the effective date of this act, have voted pursuant to K.S.A. 17-5908, and amendments thereto, to allow establishment of swine production facilities within the county.

(17) Agricultural land held or leased by a corporation ~~or a trust~~ limited liability company, limited partnership or corporate partnership for use as a dairy production facility in any county which has voted favorably pursuant to K.S.A. 17-5907 and amendments thereto, either by county resolution or by the electorate.

(18) Agricultural land held or leased by a corporation or a limited liability company used in a hydroponics setting.

(b) Production contracts entered into by a corporation, trust, limited liability company, limited partnership or corporate partnership and a person engaged in farming for the production of agricultural products shall not be construed to mean the ownership, acquisition, obtainment or lease, either directly or indirectly, of any agricultural land in this state.

(c) Any corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust, violating the provisions of this section shall be subject to a civil penalty of not more than \$50,000 and shall divest itself of any land acquired in violation of this section within one year after judgment is entered in the action. The district courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or district or county attorney shall institute suits on behalf of the state to enforce the provisions of this section.

(d) Civil penalties sued for and recovered by the attorney general shall be paid into the state general fund. Civil penalties sued for and recovered by the county attorney or district attorney shall be paid into the general fund of the county where the proceedings were instigated.";

Also on page 1, in line 10, before "to" by inserting ", as defined in K.S.A. 17-5903, and amendments thereto,"; also in line 10, after "county" by inserting "by a corporation, trust, limited liability company, limited partnership or corporate partnership"; in line 27, before "to" by inserting ", as defined in K.S.A. 17-5903, and amendments thereto,"; in line 28, after "county" by inserting "by a corporation, trust, limited liability company, limited partnership or corporate partnership";

On page 2, in line 9, by striking "business"; by striking all in line 10; in line 11, by striking "facility" and inserting "corporation, trust, limited liability company, limited partnership or corporate partnership"; also in line 11, before "own" by inserting ", either directly or indirectly,"; by striking all in line 27; in line 28, by striking all before "be" and inserting "corporation, trust, limited liability company, limited partnership or corporate partnership"; in line 29, before "own" by inserting ", either directly or indirectly,";

On page 3, by striking all in lines 5 through 9;

On page 4, in line 16, before "to" by inserting ", as defined in K.S.A. 17-5903, and

amendments thereto,"; also in line 16, after "county" by inserting "by a corporation, trust, limited liability company, limited partnership or corporate partnership"; in line 32, before "to" by inserting ", as defined in K.S.A. 17-5903, and amendments thereto,"; in line 33, after "county" by inserting "corporation, trust, limited liability company, limited partnership or corporate partnership";

On page 5, in line 4, by striking "business entity not already authorized by Kansas law to form a"; in line 5, by striking "swine production facility" and inserting "corporation, trust, limited liability company, limited partnership or corporate partnership"; in line 6, before "own" by inserting ", either directly or indirectly,"; in line 22, by striking "business entity not"; in line 23, by striking all before "be" and inserting "corporation, trust, limited liability company, limited partnership or corporate partnership"; in line 24, before "own" by inserting ", either directly or indirectly,";

On page 6, by striking all in lines 1 through 5; following line 5, by inserting:

"Sec. 5. K.S.A. 2011 Supp. 79-32,154 is hereby amended to read as follows: 79-32,154. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Facility" shall mean any factory, mill, plant, refinery, warehouse, feedlot, building or complex of buildings located within the state, including the land on which such facility is located and all machinery, equipment and other real and tangible personal property located at or within such facility used in connection with the operation of such facility. The word "building" shall include only structures within which individuals are customarily employed or which are customarily used to house machinery, equipment or other property.

(b) "Qualified business facility" shall mean a facility which satisfies the requirements of paragraphs (1) and (2) of this subsection.

(1) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise, as defined in subsection (c). Such facility shall not be considered a qualified business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue producing enterprise, the portion employed by the taxpayer in the operation of a revenue producing enterprise shall be considered a qualified business facility, if the requirements of paragraph (2) of this subsection are satisfied.

(2) If such facility was acquired by the taxpayer from another person or persons, such facility was not employed, immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially identical revenue producing enterprise, as defined in subsection (i), at such facility.

(c) "Revenue producing enterprise" shall mean:

(1) The assembly, fabrication, manufacture or processing of any agricultural, mineral or manufactured product;

(2) the storage, warehousing, distribution or sale of any products of agriculture, aquaculture, mining or manufacturing;

(3) the feeding of livestock at a feedlot;

- (4) the operation of laboratories or other facilities for scientific, agricultural, aquacultural, animal husbandry or industrial research, development or testing;
- (5) the performance of services of any type;
- (6) the feeding of aquatic plants and animals at an aquaculture operation;
- (7) the administrative management of any of the foregoing activities; or
- (8) any combination of any of the foregoing activities.

"Revenue producing enterprise" shall not mean a swine production facility as defined in K.S.A. 17-5903, and amendments thereto, that is owned or leased by a corporation or limited liability company.

(d) "Qualified business facility employee" shall mean a person employed by the taxpayer in the operation of a qualified business facility during the taxable year for which the credit allowed by K.S.A. 79-32,153, and amendments thereto, is claimed:

(1) A person shall be deemed to be so engaged if such person performs duties in connection with the operation of the qualified business facility on: (A) A regular, full-time basis; (B) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year; or (C) a seasonal basis, provided such person performs such duties for substantially all of the season customary for the position in which such person is employed. The number of qualified business facility employees during any taxable year shall be determined by dividing by 12 the sum of the number of qualified business facility employees on the last business day of each month of such taxable year. If the qualified business facility is in operation for less than the entire taxable year, the number of qualified business facility employees shall be determined by dividing the sum of the number of qualified business facility employees on the last business day of each full calendar month during the portion of such taxable year during which the qualified business facility was in operation by the number of full calendar months during such period. Notwithstanding the provisions of this subsection, for the purpose of computing the credit allowed by K.S.A. 79-32,153, and amendments thereto, in the case of an investment in a qualified business facility, which facility existed and was operated by the taxpayer or related taxpayer prior to such investment, the number of qualified business facility employees employed in the operation of such facility shall be reduced by the average number, computed as provided in this subsection, of individuals employed in the operation of the facility during the taxable year preceding the taxable year in which the qualified business facility investment was made at the facility.

(2) For taxable years commencing after December 31, 1997, in the case of a taxpayer claiming a credit against the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto or the privilege tax as measured by net income of financial institutions imposed pursuant to chapter 79 article 11 of the Kansas Statutes Annotated, "qualified business employee" shall not mean any person who is employed in the operation of a qualified business facility in the state due to the merger, acquisition or other reconfiguration of the taxpayer unless such employee's position represents a net gain of total positions created by the taxpayer and the employee's position was not in existence at the time of the merger acquisition or other reconfiguration of the taxpayer.

(e) "Qualified business facility investment" shall mean the value of the real and tangible personal property, except inventory or property held for sale to customers in the ordinary course of the taxpayer's business, which constitutes the qualified business

facility, or which is used by the taxpayer in the operation of the qualified business facility, during the taxable year for which the credit allowed by K.S.A. 79-32,153, and amendments thereto, is claimed. The value of such property during such taxable year shall be: (1) Its original cost if owned by the taxpayer; or (2) eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The qualified business facility investment shall be determined by dividing by 12 the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the qualified business facility is in operation for less than an entire taxable year, the qualified business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the qualified business facility was in operation by the number of full calendar months during such period. Notwithstanding the provisions of this subsection, for the purpose of computing the credit allowed by K.S.A. 79-32,153, and amendments thereto, in the case of an investment in a qualified business facility, which facility existed and was operated by the taxpayer or related taxpayer prior to such investment the amount of the taxpayer's qualified business facility investment in such facility shall be reduced by the average amount, computed as provided in this subsection, of the investment of the taxpayer or a related taxpayer in the facility for the taxable year preceding the taxable year in which the qualified business facility investment was made at the facility.

(f) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the qualified business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue producing enterprise in which the taxpayer intends to use the qualified business facility.

(g) "Qualified business facility income" shall mean the Kansas taxable income derived by the taxpayer from the operation of the qualified business facility. If a taxpayer has income derived from the operation of a qualified business facility as well as from other activities conducted within this state, the Kansas taxable income derived by the taxpayer from the operation of the qualified business facility shall be determined by multiplying the taxpayer's Kansas taxable income by a fraction, the numerator of which is the property factor, as defined in paragraph (1), plus the payroll factor, as defined in paragraph (2), and the denominator of which is two. In the case of financial institutions, the property and payroll factors shall be computed utilizing the specific provisions of the apportionment method applicable to financial institutions, if enacted, and the qualified business facility income shall be based upon net income.

(1) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in connection with the operation of the qualified business facility during the tax period, and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in K.S.A. 79-3281 and 79-3282, and amendments thereto.

(2) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as qualified business facility employees, as determined under subsection (d), at the qualified business facility, and the denominator of which is the total amount paid in this

state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in K.S.A. 79-3283, and amendments thereto.

The formula set forth in this subsection (g) shall not be used for any purpose other than determining the qualified business facility income attributable to a qualified business facility.

(h) "Related taxpayer" shall mean: (1) A corporation, partnership, trust or association controlled by the taxpayer; (2) an individual, corporation, partnership, trust or association in control of the taxpayer; or (3) a corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of this act, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least 80% of the total combined voting power of all classes of stock entitled to vote and at least 80% of all other classes of stock of the corporation; "control of a partnership or association" shall mean ownership of at least 80% of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least 80% of the beneficial interest in the principal or income of such trust.

(i) "Same or substantially identical revenue producing enterprise" shall mean a revenue producing enterprise in which the products produced or sold, services performed or activities conducted are the same in character and use, are produced, sold, performed or conducted in the same manner and to or for the same type of customers as the products, services or activities produced, sold, performed or conducted in another revenue producing enterprise.";

And by renumbering sections accordingly;

Also on page 6, in line 6, after "K.S.A." by inserting "17-5903, 17-5904,"; also in line 6, after "17-5908" by inserting "and K.S.A. 2011 Supp. 79-32,154";

On page 1, in the title, in line 3, after "K.S.A." by inserting "17-5903, 17-5904,"; also in line 3, after "17-5908" by inserting "and K.S.A. 2011 Supp. 79-32,154";

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

MARK TADDIKEN  
RUTH TEICHMAN  
MARCI FRANCISCO

*Conferees on part of Senate*

LARRY R. POWELL  
DAN KERSCHEN  
JERRY WILLIAMS

*Conferees on part of House*

On motion of Rep. Powell, the conference committee report on **HB 2502** was adopted.

On roll call, the vote was: Yeas 98; Nays 26; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell,

Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Landwehr, Lane, Loganbill, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Burgess, Burroughs, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Henderson, Kiegerl, Kinzer, Kuether, Mah, McCray-Miller, Pauls, Peterson, Phelps, Rubin, Ruiz, Ryckman, Tyson, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: LeDoux.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2613** submits the following report:

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

On page 1, following line 7, by inserting:

"Section 1. K.S.A. 2011 Supp. 21-5512 is hereby amended to read as follows: 21-5512. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee or volunteer of the department of corrections, or the employee or volunteer of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate;

(2) the offender is a parole officer, volunteer for the department of corrections or the employee or volunteer of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole, conditional release or postrelease supervision and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is an inmate who has been released and is currently on parole, conditional release or postrelease supervision;

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such jail;

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility or sanctions house;

(5) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined to such facility;

(6) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide direct supervision and offender control services to the juvenile justice authority and:

(A) The person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older and who has been:

(A) (i) Released on conditional release from a juvenile correctional facility under the supervision and control of the juvenile justice authority or juvenile community supervision agency; or

(B) (ii) placed in the custody of the juvenile justice authority under the supervision and control of the juvenile justice authority or juvenile community supervision agency; and

(B) the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) the offender is an employee of the department of social and rehabilitation services or the employee of a contractor who is under contract to provide services in a social and rehabilitation services institution or to the department of social and rehabilitation services and the person with whom the offender is engaging in consensual sexual intercourse, ~~not otherwise subject to subsection (a)(2) of K.S.A. 2011 Supp. 21-5503, and amendments thereto,~~ lewd fondling or touching, or sodomy, ~~not otherwise subject to subsection (b)(3)(C) of K.S.A. 2011 Supp. 21-5504, and amendments thereto,~~ is a person 16 years of age or older who is a patient in such institution or in the custody of the secretary of social and rehabilitation services;

(8) the offender is a worker, volunteer or other person in a position of authority in a family foster home licensed by the department of health and environment and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a foster child placed in the care of such family foster home;

(8) (9) the offender is a teacher or a other person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(3) of K.S.A. 2011 Supp. 21-5503, or subsection (b) (1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, lewd fondling or touching, not otherwise subject to subsection (a) of K.S.A. 2011 Supp. 21-5506, or subsection (b) (2) or (b)(3) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, or sodomy, not otherwise subject to subsection (a) of K.S.A. 2011 Supp. 21-5504, or subsection (b)(1) or (b)(2) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, lewd fondling or touching, or sodomy is a person 16 years of age or older who is a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the provisions of subsection (b) of K.S.A. 2011 Supp. 21-5604, and amendments thereto, shall apply, not this subsection;

(9) (10) the offender is a court services officer or the employee of a contractor who

is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services; or

~~(10)~~ (11) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of community corrections.

(b) Unlawful sexual relations as defined in:

(1) Subsection (a)(5) is a severity level 4, person felony; and

(2) subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), ~~or (a)(10) or (a)(11)~~ is a severity level 5, person felony.

(c) (1) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of K.S.A. 2011 Supp. 21-5503, and amendments thereto, the provisions of K.S.A. 2011 Supp. 21-5503, and amendments thereto, shall apply, not this section.

(2) If an offender violates the provisions of this section by engaging in consensual sexual intercourse which would constitute a violation of subsection (b)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(1) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, shall apply, not this section.

(3) If an offender violates the provisions of this section by engaging in sodomy which would constitute a violation of subsection (a)(3), (a)(4) or (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, the provisions of subsection (a)(3), (a)(4) or (b) of K.S.A. 2011 Supp. 21-5504, and amendments thereto, shall apply, not this section.

(4) If an offender violates the provisions of this section by engaging in lewd fondling or touching which would constitute a violation of subsection (b)(2) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, the provisions of subsection (b)(2) of K.S.A. 2011 Supp. 21-5506, and amendments thereto, shall apply, not this section.

~~(e)~~ (d) As used in this section:

(1) "Correctional institution" means the same as in K.S.A. 75-5202, and amendments thereto;

(2) "inmate" means the same as in K.S.A. 75-5202, and amendments thereto;

(3) "parole officer" means the same as in K.S.A. 75-5202, and amendments thereto;

(4) "postrelease supervision" means the same as in K.S.A. 2011 Supp. 21-6803, and amendments thereto;

(5) "juvenile detention facility" means the same as in K.S.A. 2011 Supp. 38-2302, and amendments thereto;

(6) "juvenile correctional facility" means the same as in K.S.A. 2011 Supp. 38-

2302, and amendments thereto;

(7) "sanctions house" means the same as in K.S.A. 2011 Supp. 38-2302, and amendments thereto;

(8) "institution" means the same as in K.S.A. 76-12a01, and amendments thereto;

(9) "teacher" means and includes teachers, coaches, supervisors, principals, superintendents and any other professional employee in any public or private school offering any of grades kindergarten through 12;

(10) "community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the revised Kansas juvenile justice code, K.S.A. 2011 Supp. 38-2301 *et seq.*, and amendments thereto;

(11) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state; and

(12) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the juvenile justice authority.";

And by renumbering sections accordingly;

On page 8, in line 25, after "Supp." by inserting "21-5512,";

On page 1, in the title, in line 2, after the second semicolon by inserting "relating to unlawful sexual relations;"; in line 3, after "Supp." by inserting "21-5512,";

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

THOMAS C. OWENS

JEFF KING

DAVID HALEY

*Conferees on part of Senate*

PAT COLLOTON

LANCE KINZER

MELODY McCRAY-MILLER

*Conferees on part of House*

On motion of Rep. Colloton, the conference committee report on **HB 2613** was adopted.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell,

Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: LeDoux.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Hayzlett in the chair.

### COMMITTEE OF THE WHOLE

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

Recommended that committee report to **Sub SB 393** be adopted; also, on motion of Rep. Aurand be amended on page 32, in line 43, before "\$4,200" by inserting "is";

On page 34, in line 13, by striking "25%" and inserting "22.5%"; in line 20, by striking "31%" and inserting "28%"; in line 29, by striking "30%" and inserting "27%"; in line 32, by striking "30%" and inserting "27%";

On page 37, in line 43, by striking "\$420" and inserting "10% of the base state aid per pupil";

On page 38, in line 33, by striking "\$4,433" and inserting "\$4,926";

On page 45, in line 42, by striking "31%" and inserting "28%";

On page 47, in line 26, by striking "31%" and inserting "28%";

Also, on further motion of Rep. Aurand, **SB 393** be amended on page 18, by striking all in lines 32 through 43;

On page 19, by striking all in lines 1 through 16;

On page 21, in line 25, by striking "17" and inserting "16";

On page 27, in line 28, by striking "18" and inserting "17";

On page 28, in line 3, by striking "20" and inserting "19";

And by renumbering sections accordingly;

Also, on further motion of Rep. Aurand, **SB 393** be amended on page 32, in line 43, by striking "\$4,200" and inserting "is \$4,241";

On page 33, in line 1, after "2012-2013" by inserting "and school year 2013-2014 and \$4,492 in school year 2014-2015";

Also, roll call was demanded on motion of Rep. Winn to amend **Sub SB 393**, on page 12, by striking all in lines 35 through 43;

On page 13, by striking all in lines 1 through 14;

On page 14, by striking all in lines 8 through 43;

By striking all on pages 15 through 48;

On page 49, by striking all in lines 1 through 34;

And by renumbering sections accordingly;

On page 52, in line 12, by striking all after "K.S.A."; by striking all in lines 13 through 16; in line 17, by striking all before "are" and inserting:

"72-4417 and 72-4419 and K.S.A. 2011 Supp. 72-4470a, 72-6413, 72-6455 and 72-6459";

On page 1, in the title, in line 4, by striking all following "K.S.A."; by striking all in

lines 5 through 7; in line 8, by striking all before the second "and" and inserting:

"72-4417 and 72-4419 and K.S.A. 2011 Supp. 71-201, 72-4470a, 72-6413 and 72-6455";

On roll call, the vote was: Yeas 39; Nays 83; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Billinger, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Ryckman, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Phillips, Powell, Prescott, Rhoades, Rubin, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: M. Holmes, Kleeb, LeDoux.

The motion of Rep. Winn did not prevail.

Also, on motion of Rep. Meigs, **Sub SB 393** be amended on page 52, following line 6, by inserting:

"New Sec. 43. (a) As used in this section:

(1) "Authorized to adopt an extracurricular school activities budget" means that a district has adopted a resolution under this section and the resolution was approved at an election thereon.

(2) "District average amount per pupil" means the average amount per pupil for the preceding school year of the combined general fund budget and local option budget of the district as computed by the state board under subsection (g).

(3) "School district" or "district" means a school which has adopted a local option budget not less than 30% of the state financial aid of the district in the current school year and is below the statewide average amount per pupil.

(4) "State board" means the state board of education.

(5) "Statewide average amount per pupil" means the average amount per pupil for the preceding school year of the combined general fund budgets and local option budgets of all districts as computed by the state board under subsection (f).

(b) (1) Each school year, the board of education of any district, by resolution, may adopt an extracurricular school activities budget. Except as provided by subsection (b)(2), an extracurricular school activities budget shall not exceed 2% of the statewide average amount per pupil.

(2) If the sum of the district average amount per pupil and the extracurricular school activities budget as adopted in subsection (b)(1) is an amount greater than the statewide average per pupil, then the extracurricular school activities budget shall be the difference between the statewide average amount per pupil and the district average amount per pupil for such district.

(c) (1) Such resolution shall not be effective unless it is submitted to and approved by a majority of the qualified electors of the school district voting on the question at an election thereon. The resolution submitted to the qualified electors of the school district shall specify the maximum extracurricular school activities budget, which shall not exceed the amount determined in subsection (b). If any district is authorized to adopt an extracurricular school activities budget under this section, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount stated in the resolution, such board of education may so choose. Whenever an initial resolution has been adopted under this subsection, and such resolution specified an amount less than the amount specified in the resolution, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the amount as specified in any such subsequent resolution. Any amount specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the amount authorized in any subsequent resolution is not in excess of the amount determined in subsection (b). If the resolution is not approved by a majority of the voters voting on the question at the election thereon, no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(2) The authority to adopt an extracurricular school activities budget granted by the resolution to a school district shall expire five years from the date of the election in which the resolution was approved by the majority of the qualified electors of the school district voting on the question at the election thereon. Upon expiration, no school district shall levy a tax under subsection (h) of this section unless a new resolution has been approved at an election in accordance with this subsection.

(d) Any election called pursuant to this section shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. Such election may be conducted in the manner provided by the mail ballot act.

(e) (1) There is hereby established in every district that adopts an extracurricular school activities budget a fund which shall be called an extracurricular school activities fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Amounts in the extracurricular school activities fund may be expended for the purpose of funding the cost of providing extracurricular school activities in the district which are voluntary activities sponsored by the school and are not required by state law to be provided in accredited schools. Extracurricular school activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

(3) Any balance remaining in the extracurricular school activities fund at the end of the school year shall be carried forward into that fund for succeeding school years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the extracurricular school activities budget of such school district, the amounts credited to and the amount on hand in the extracurricular school activities fund, and the amount expended therefrom shall be included in the

annual extracurricular school activities fund budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(f) Each school year, the state board shall determine the statewide average amount per pupil as follows:

(1) Determine the general fund budgets for all districts for the preceding school year.

(2) Determine the local option budgets for all districts for the preceding school year.

(3) Determine the enrollment of pupils in all districts for the preceding school year.

(4) Divide the sum of paragraphs (1) and (2) by paragraph (3). The result is the statewide average amount per pupil.

(g) Each school year for a district, the state board shall determine the district average amount per pupil as follows:

(1) Determine the general fund budget for the district for the preceding school year.

(2) Determine the local option budget for the district for the preceding school year.

(3) Determine the enrollment of pupils in the district for the preceding school year.

(4) Divide the sum of paragraphs (1) and (2) by paragraph (3). The result is the district average amount per pupil for such district.

(h) (1) The board of a district that has adopted an extracurricular school activities budget may levy an *ad valorem* tax on the taxable tangible property of the district for the purpose of financing that portion of the district's extracurricular school activities budget which is not financed from any other source provided by law and for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

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

And by renumbering sections accordingly;

Also, roll call was demanded on motion of Rep. Smith to amend **Sub SB 393** on page 52, following line 6, by inserting:

"Sec. 43. K.S.A. 2011 Supp. 72-64b01 is hereby amended to read as follows: 72-64b01. (a) No school district shall expend, use or transfer any moneys from the general fund or supplemental general fund of the district for the purpose of engaging in or supporting in any manner any litigation by the school district or any person, association, corporation or other entity against the state of Kansas, the state board of education, the state department of education, other state agency or any state officer or employee regarding the school district finance and quality performance act or any other law concerning school finance. No such moneys shall be paid, donated or otherwise provided to any person, association, corporation or other entity and used for the purpose of any such litigation.

(b) ~~Nothing in K.S.A. 72-6433 or this section, and amendments thereto, shall be construed as prohibiting the expenditure, use or transfer of moneys from the~~

supplemental general fund Any moneys received by a school district under K.S.A. 72-8210, and amendments thereto, may be expended for the purposes specified in subsection (a).";

And by renumbering sections accordingly;

Also on page 52, in line 16, after "72-6459," by inserting "72-64b01,";

On page 1, in the title, in line 7, after "72-6456," by inserting "72-64b01,";

On roll call, the vote was: Yeas 75; Nays 37; Present but not voting: 0; Absent or not voting: 13.

Yeas: Alford, Arpke, Aurand, Boman, Brown, Bruchman, Brunk, Burgess, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bethell, Billinger, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Kuether, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bowers, Brookens, Calloway, Colloton, Hineman, Lane, LeDoux, Moxley, Roth, Schroeder, Shultz, Sloan, K. Wolf.

The motion or Rep. Smith prevailed.

Also, on motion of Rep. Seiwert, **Sub SB 393** be amended on page 52, following line 6, by inserting:

"New Sec. 43. (a) For the tax years commencing after December 31, 2012, each Kansas state individual income tax return form shall contain a designation as follows:

Unified School District Contribution Program. Check if you wish to donate, in addition to your tax liability, or designate from your refund, \_\_\_\$1, \_\_\_\$5, \_\_\_\$10, or \$\_\_\_\_\_ to unified school district No. \_\_\_\_\_.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the unified school district contribution program pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the unified school district contribution program check-off fund which is hereby established in the state treasury. Such funds shall be administered by the department of education to be provided to the unified school district designated by the taxpayer, and such funds shall be treated as a donation by the unified school district in accordance with K.S.A. 72-8210, and amendments thereto. The director shall remit the entire amount thereof to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All moneys deposited in such fund shall be used for the purpose of financing education in the unified school district of the taxpayer's choice. All expenditures from such fund shall be made in accordance with appropriation acts upon

warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of education.";

And by renumbering sections accordingly;

Also, on motion of Rep. O'Hara to amend **Sub SB 393**, Rep. Goico requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion to amend by Rep. O'Hara, which did not prevail.

**Also, on motion of Rep. Meier, SB 393 be amended** on page 52, following line 6, by inserting:

"Sec. 43. K.S.A. 2011 Supp. 76-729 is hereby amended to read as follows: 76-729.

(a) (1) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 60 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(2) The provisions of this subsection shall be applicable to any person enrolling at a state educational institution from and after July 1, 2006. Any person who (A) qualifies as a resident of the state of Kansas for fee purposes under the provisions of this subsection, (B) attended a state educational institution during academic year 2006-2007 and (C) paid fees as if such person was not a resident of the state of Kansas, may apply to such state educational institution to be reimbursed in an amount equal to the difference between the amount the person paid in fees and the amount the person would have paid if such person had been treated as a resident of the state of Kansas. Such reimbursement shall be paid by the state educational institution at which such person was enrolled during academic year 2006-2007.

(3) The provisions of this subsection shall not apply to a person who is deemed a resident for fee purposes pursuant to K.S.A. 2011 Supp. 76-731a, and amendments thereto.

(b) The state board of regents may authorize the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

(1) Persons who are employees of a state educational institution;

(2) ~~persons who are in military service;~~

~~(3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);~~

~~(4) persons having special domestic relations circumstances;~~

~~(5)~~(3) persons who have lost their resident status within six months of enrollment;

~~(6)~~(4) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto;

~~(7)~~(5) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; and

~~(8)~~(6) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse; and

~~(9) persons who have retired or have been honorably discharged from military service, had a permanent change of station order for active duty in Kansas during such military service and live in Kansas at the time of enrollment.~~

(c) (1) The state board of regents shall authorize the following class of persons to pay an amount equal to resident fees:

(A) Persons who are in military service;

(B) persons who are domiciliary residents of the state at the time of enrollment, were in active military service for a period of not less than 36 months prior to becoming domiciliary residents of the state and have been discharged or retired from military service under honorable conditions; and

(C) any dependent or spouse of a person in military service who is reassigned from Kansas to another duty station so long as such dependent or spouse continues to reside in Kansas.

(2) So long as a person dependent or spouse of a person in military service, as described in paragraph (1) of this subsection, remains continuously enrolled, exclusive of summer sessions, a person who qualifies to pay resident fees by virtue of being a spouse or dependent of a person in military service shall not lose such status because of a divorce or the death of a spouse.

(d) As used in this section:

(1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ~~ascribed thereto by~~ provided by K.S.A. 59-3051, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the revised Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in

Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(6) "Dependent" means: (A) A birth child, adopted child or stepchild; or

(B) any child other than the foregoing who is actually dependent in whole or in part on the person in military service and who is related to such individual by marriage or consanguinity.

(7) "Military service" means: (A) Any active service in any armed service of the United States; or (B) membership in the Kansas army or air national guard.

(8) "Academic year" means the twelve-month period ending June 30.";

And by renumbering sections accordingly;

Also on page 52, in line 17, by striking "and" and inserting a comma; also in line 17, following "75-2319" by inserting "and 76-729";

On page 1, in the title, in line 8, by striking the first "and" and inserting a comma; also in line 8, following "75-2319" by inserting "and 76-729"; and **Sub SB 393** be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 102** be adopted; also, on motion of Rep. Kinzer to amend, the motion did not prevail. Also, on motion of Rep. Brunk to amend, the motion did not prevail. Also, on motion of Rep. O'Brien to amend, the motion did not prevail. Also, on motion of Rep. Davis to amend, the motion did not prevail; and **H Sub for SB 102** be passed.

On motion of Rep. Sloan to refer **HR 6032** to Committee on Energy and Utilities, the motion did not prevail, and the resolution be adopted.

## REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 175**, by Representative Goico, commending The Salvation Army in recognition for their Supportive Services for Veteran Families program;

**Request No. 176**, by Representative Gregory, congratulating Baldwin City High School Real World Design Team for being named 2012 National Champions in Real World Design Challenge for aviation.

**Request No. 177**, by Representative Grant, congratulating Mike Watt on reaching his 500th win as Head Coach of the St. Mary's Colgan Panthers Baseball Team;

**Request No. 178**, by Representative Meier, congratulating the Leavenworth High School Girls' Powerlifting Team for excelling in team and individual awards at the 29<sup>th</sup> Annual NASA High School Powerlifting National Championships;

**Request No. 179**, by Representative Grant, congratulating Chuck Smith on winning 300 games as St. Marys Colgan High School head football coach and becoming the 6<sup>th</sup> member of the 300-win coaching club in Kansas high school football;

**Request No. 180**, by Representative Wolfe Moore, congratulating Carol Marinovich on receiving the Liberty Bell Award;

**Request No. 181**, by Representative Frownfelter, congratulating Helen Windhorst on Teacher of the Year for USD 500 and for her exemplary contributions to the students of the district and the state of Kansas;

**Request No. 182**, by Representatives Ruiz and Frownfelter, congratulating Steve Howard on Teacher of the Year and for his exemplary contributions to S USD 500 School District, the students of the district and the state of Kansas.

**Request No. 183**, by Representatives O'Brien and Donohoe congratulating Basehor-Linwood High School as the 2012 Class 4A Boys Basketball State Champions 2012;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Siegfroid, the committee report was adopted.

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

**HB 2797**, AN ACT concerning the Kansas restraint of trade act, by Committee on Appropriations.

### MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report on **SB 207**.

The Senate adopts the Conference Committee report on **SB 300**.

The Senate adopts the Conference Committee report to agree to disagree on **S Sub for HB 2157**, and has appointed Senators **Donovan, Apple** and **Holland** as 2<sup>nd</sup> conferees on the part of the Senate.

The Senate adopts the Conference Committee report on **S Sub for Sub HB 2318**.

The Senate adopts the Conference Committee report on **S Sub for HB 2730**.

The Senate concurs in House amendments to **SB 211**, and requests return of the bill.

The Senate nonconcurrs in House amendments to **H Sub for Sub SB 39** requests a conference and has appointed Senators **Owens, King** and **Haley** as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 314** requests a conference and has appointed Senators **Ostmeyer, McGinn** and **Francisco** as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2729** and has appointed Senators **Brungardt, Reitz** and **Francisco** as conferees on the part of the Senate.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **H Sub for Sub SB 39**.

Speaker O'Neal thereupon appointed Reps. Rhoades, Kelley and Feuerborn as conferees on the part of the House.

On motion of Rep. Siegfroid, the House acceded to the request of the Senate for a conference on **SB 314**.

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

## INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfried, pursuant to House Rule 2311, **H Sub for SB 102** was advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**H Sub for SB 102**, AN ACT concerning reapportionment; relating to state legislative districts and state board of education member districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-3,731, 4-3,732, 4-3,733, 4-3,734, 4-3,735, 4-3,736, 4-3,737, 4-3,738, 4-3,739, 4-3,740, 4-3,741, 4-3,742, 4-3,743, 4-3,744, 4-3,745, 4-3,746, 4-3,747, 4-3,748, 4-3,749, 4-3,750, 4-3,751, 4-3,752, 4-3,753, 4-3,754, 4-3,755, 4-3,756, 4-3,757, 4-3,758, 4-3,759, 4-3,760, 4-3,761, 4-3,762, 4-3,763, 4-3,764, 4-3,765, 4-3,766, 4-3,767, 4-3,768, 4-3,769, 4-3,770, 4-3,771, 4-3,772, 4-3,773, 4-3,774, 4-3,775, 4-3,776, 4-3,777, 4-3,778, 4-3,779, 4-3,780, 4-3,781, 4-3,782, 4-3,783, 4-3,784, 4-3,785, 4-3,786, 4-3,787, 4-3,788, 4-3,789, 4-3,790, 4-3,791, 4-3,792, 4-3,793, 4-3,794, 4-3,795, 4-3,796, 4-3,797, 4-3,798, 4-3,799, 4-3,800, 4-3,801, 4-3,802, 4-3,803, 4-3,804, 4-3,805, 4-3,806, 4-3,807, 4-3,808, 4-3,809, 4-3,810, 4-3,811, 4-3,812, 4-3,813, 4-3,814, 4-3,815, 4-3,816, 4-3,817, 4-3,818, 4-3,819, 4-3,820, 4-3,821, 4-3,822, 4-3,823, 4-3,824, 4-3,825, 4-3,826, 4-3,827, 4-3,828, 4-3,829, 4-3,830, 4-3,831, 4-3,832, 4-3,833, 4-3,834, 4-3,835, 4-3,836, 4-3,837, 4-3,838, 4-3,839, 4-3,840, 4-3,841, 4-3,842, 4-3,843, 4-3,844, 4-3,845, 4-3,846, 4-3,847, 4-3,848, 4-3,849, 4-3,850, 4-3,851, 4-3,852, 4-3,853, 4-3,854, 4-3,855, 4-3,856, 4-3,857, 4-3,858, 4-4,451, 4-4,452, 4-4,453, 4-4,454, 4-4,455, 4-4,456, 4-4,457, 4-4,458, 4-4,459, 4-4,460, 4-4,461, 4-4,462, 4-4,463, 4-4,464, 4-4,465, 4-4,466, 4-4,467, 4-4,468, 4-4,469, 4-4,470, 4-4,471, 4-4,472, 4-4,473, 4-4,474, 4-4,475, 4-4,476, 4-4,477, 4-4,478, 4-4,479, 4-4,480, 4-4,481, 4-4,482, 4-4,483, 4-4,484, 4-4,485, 4-4,486, 4-4,487, 4-4,488, 4-4,489, 4-4,490, 4-4,491, 4-4,492, 4-4,493, 4-514, 4-515, 4-516, 4-517, 4-518, 4-519, 4-520, 4-521, 4-522, 4-523, 4-524 and 4-525, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 50; Present but not voting: 3; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Brunk, Calloway, Carlson, Cassidy, Crum, DeGraaf, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Knox, Mast, McLeland, Mesa, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Peterson, Phillips, Powell, Prescott, Proehl, Rubin, Ryckman, Scapa, Schwab, Schwartz, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bollier, Brookens, Bruchman, Burgess, Burroughs, Carlin, Colloton, Davis, Denning, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Grosserode, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Montgomery, Moxley, Pauls, Phelps, Pottorff, Rhoades, Roth, Ruiz, Schroeder, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: Bethell, Hineman, Sloan.

Absent or not voting: Collins, Kleeb, Landwehr, LeDoux, Seiwert.

The substitute bill passed.

## EXPLANATIONS OF VOTE

**Mr. Speaker:** I vote no on **H Sub for SB 102**. I respect the right of the Senate to draw its own map. – **Pat Colloton, Jo Ann Pottorff**

**MR. SPEAKER:** It is truly unfortunate that political circumstances have led to bitter divisions in the Kansas Senate which have complicated their redistricting process. However, longstanding tradition holds that the Senate draws their map and the House draws its map. It is neither proper nor productive for those of us in the House to insert ourselves into that internal squabble. We vote NO on **H Sub for SB 102**. – J. ROBERT BROOKENS, CHARLES B. ROTH

**MR. SPEAKER:** I vote yes on **H Sub for SB 102**. Redistricting is our constitutional responsibility as legislators. **H Sub for SB 102** provides Kansans with the proper and fair representation that they deserve. – GREG SMITH, TOM ARPKE

**MR. SPEAKER:** I vote no on **H Sub for SB 102**. Johnson County has seen the largest population growth over the last decade and added two full House and two partially new districts in the state House district map. We need a map that will support the growing population by adding a new Senate seat in Johnson County. According to the 2010 census, Johnson County has a population 544,179 which should translate into nearly eight senate districts. **H Sub for SB 102** does not shift a new seat to the county for the needed level of representation which is why I cannot support this map. – KELLY MEIGS, MIKE SLATTERY, KAY WOLF, AMANDA GROSSERODE, JIM DENNING, ROBERT MONTGOMERY, SHERYL SPALDING, RON WORLEY

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced the referral of the following bill to committee as indicated:

Judiciary: **HB 2797**.

## REPORT ON ENGROSSED BILLS

**S Sub for HB 2596** reported correctly engrossed May 10, 2012.

**S Sub for HB 2117; S Sub for HB 2313** reported correctly re-engrossed May 10, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Friday, May 11, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

