

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 13, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.
The roll was called with 124 members present.
Rep. Flaharty was excused on verified illness.

Prayer by guest chaplain, Colonel Dan Paul, Ft. Riley:

Dear Almighty and Gracious God,

As we are gathered here today, to open the Kansas House of Representatives, we pause to honor, to recognize and to pray for all of our men and women serving in our Armed Forces—those in foreign lands and those here at home.

We are thankful for their professional dedication and their selfless sacrificial service to God, to our country, to the people of Kansas and to their comrades in arms.

We are also thankful for their loving families and caring friends who support them.

We acknowledge today, that because of them and all of those who have served before, we and the world enjoy the heritage of freedom that we love and treasure.

And now, O Lord, we pray for You to bless each elected representative in this house. Grant them strength, courage and wisdom to make the right, although sometimes difficult, decisions for the people of Kansas.

We also pray today for our senators, Governor Graves, our military leaders, our judges and all of our elected and appointed officials.

And help each one of us, O Lord, always to be ready to protect freedom, establish justice, assist the helpless, defend the innocent, prevent tyranny and be instruments of bringing about your peace here on earth.

We pray all of these things in Your most Holy and Precious Name. Amen.

The Pledge of Allegiance was led by Rep. Phelps.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2498. An act concerning real estate transactions; requiring certain disclosures by sellers; amending K.S.A. 2000 Supp. 12-6a19 and repealing the existing section, by Committee on Appropriations.

HB 2499. An act authorizing the Kansas water office to obtain loans under certain prescribed conditions; relating to the pooled money investment board; establishing the local water project match fund, by Committee on Appropriations.

HB 2500. An act concerning inspection of certain food service premises; relating to food processing plants and retail food stores; authorizing the secretary of health and environment to fix, charge and collect certain fees; amending K.S.A. 36-503 and repealing the existing section, by Committee on Appropriations.

HB 2501, An act concerning medical care facilities; relating to ambulatory surgical centers; amending K.S.A. 2000 Supp. 65-425 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2493, HB 2494, HB 2495; SB 31, SB 57, SB 133.**

Education: **HB 2496; SB 9, SB 24, SB 25, SB 78.**

Environment: **SB 86; SCR 1605.**

Ethics and Elections: **HB 2489, HB 2490.**

Federal and State Affairs: **HB 2491.**

Health and Human Services: **SB 50.**

New Economy: **HB 2497.**

Transportation: **HB 2492; SB 3, SB 4.**

COMMUNICATIONS FROM STATE OFFICERS

From The Bureau of Waste Management, Kansas Department of Health and Environment, Kansas Solid Waste Program, pursuant to K.S.A. 65-3415a (h), A Review of Program Revenue and Expenditures in FY 2000.

From The Bureau of Waster Management, Department of Health and Environment, Kansas Household Hazardous Waste Program, Report to the Legislature, SFY 2000.

From Kansas Department of Health and Environment, Kansas Water Pollution Control Revolving Loan Fund, Annual Report for Federal Fiscal Year 2000.

From Kansas Department of Health and Environment, Kansas Public Water Supply Loan Fund, Annual Report, Fiscal Year 2000.

From Deloitte & Touche, Independent Auditors' Report, Kansas Public Water Supply Revolving Loan Fund, for years ended June 30, 2000 and 1999.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6009—

By Representatives Pottorff, Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson and Winn

A RESOLUTION in memory of Vernon L. Williams.

WHEREAS, Vernon L. Williams of Wichita died January 28, 2001, at age 80; and

WHEREAS, Vernon L. Williams served in the Kansas House of Representatives from 1953-57 and 1983-91. Positions held while in the House of Representatives included speaker pro tem, chairperson of the Aviation Committee and the Labor and Industry Committee; and

WHEREAS, Vernon L. Williams retired from the Coleman Company in 1986 as the company's vice-president for industrial relations. At the Coleman Company he was known as a dedicated person who knew everyone in the company and had a great zest for life; and

WHEREAS, Vernon L. Williams was a native of Wichita who graduated from North High School and attended Wichita University before joining the United States Coast Guard during World War II. After the war he attended and graduated from Washburn Law School. An excellent athlete, he signed a professional baseball contract with the St. Louis Cardinals but was unable to fulfill it because of a severe shoulder injury. He was the leading scorer on the Wichita University basketball team in 1941. In later years he was instrumental in raising money for Levitt Arena, and when the University's basketball team wasn't doing well, would exclaim he still had a year of eligibility and was thinking about going back to school to help the team; and

WHEREAS, Vernon L. Williams is survived by his wife, Marjorie, three sons, Michael, T. Patrick and Bill, and five grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family of Vernon L. Williams and thank him for the public service he provided to the Kansas House of Representatives and the citizens of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Mrs. Vernon L. Williams, 402 S. Martinson, Apt. 311, Wichita, Kansas 67213.

CONSENT CALENDAR

Objection was made to **SB 15** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2063**, **HB 2082**, **HB 2143**, **HB 2184** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2063. An act relating to property taxation; exempting certain school dormitory personal property; amending K.S.A. 2000 Supp. 79-201a and repealing the existing section, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Alldritt.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

HB 2082. An act concerning nonprobate transfer on death; relating to nontestamentary nature, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita,

Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

HB 2143. An act regulating traffic; concerning auxiliary driving lamps and fog lamps; amending K.S.A. 2000 Supp. 8-1725 and repealing the existing section, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Crow, Loyd, Schwartz.

Present but not voting: None.

Absent or not voting: Bethell, Flaharty.

The bill passed.

HB 2184. An act regulating traffic; concerning the width of certain vehicles; amending K.S.A. 2000 Supp. 8-126, 8-1486 and 8-1902 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

HB 2084. An act concerning criminal procedure; relating to competency to stand trial; amending K.S.A. 22-3303 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 47; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Freeborn, Garner, Gordon, Grant, Hayzlett, Holmes, Horst, Howell, Huff, Kauffman, Klein, Krehbiel, Lane, Larkin, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Newton, Novascone, O'Brien, O'Neal, Osborne, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Ruff, Showalter, Shriver, Shultz, Sloan, Stone, Swenson, Thimesch, Toelkes, Weber, Welshimer, D. Williams, Winn.

Nays: Alldritt, Aurand, Benlon, Bethell, Burroughs, Crow, Findley, Flora, Gatewood, Gilbert, Glasscock, Henderson, Henry, Hermes, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kline, Kuether, Landwehr, Levinson, M. Long, Mayans, Mays, Myers, Neufeld, Nichols, Ostmeyer, Powers, Reardon, Rehorn, Schwartz, Sharp, Spangler, Storm, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Wells, Wilk, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2084**. **HB 2084** challenges the current philosophy of state psychiatric hospitals. We have state psychiatric hospitals to treat the mentally ill . . . **NOT** to house folks found not competent to stand trial for reasons other than mental illness. Committing people without mental illness is nonproductive for the individual and we question the Constitutionality of this bill.

In addition, there could be major fiscal implications. SRS has said additional housing units would likely be needed at an estimated cost of \$8 million with approximately \$3.5 million needed annually for operating costs.—KENNY A. WILK, MELVIN NEUFELD

HB 2178. An act concerning controlled substances; relating to gamma hydroxybutyric acid; amending K.S.A. 2000 Supp. 21-3445, 65-4101, 65-4105, 65-4109, 65-4111 and 65-7003 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

HB 2188. An act concerning community colleges; relating to expenditures for scholarships; authorizing the charging of fees; amending K.S.A. 71-203 and K.S.A. 2000 Supp. 71-301 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Alldritt, Faber, Nichols, J. Peterson, T. Powell, Powers, Spangler, Stone, Toplikar, Vickrey.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

HB 2194. An act concerning criminal procedure; relating to reports of forensic examination; amending K.S.A. 2000 Supp. 22-2902a and repealing the existing section, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed.

HB 2208. An act concerning district magistrate judges; relating to the jurisdiction thereof; amending K.S.A. 2000 Supp. 20-302b and repealing the existing section; also repealing K.S.A. 2000 Supp. 20-302d, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor,

Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Crow, Flora, Klein, Rehorn, Sharp, Spangler.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed, as amended.

SB 18, An act concerning the juvenile justice authority; relating to juvenile justice program grants; amending K.S.A. 2000 Supp. 75-7024 and repealing the existing section, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flora, Freeborn, Garner, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Faber, Gatewood, Howell, Landwehr, Powers, Vickrey.

Present but not voting: None.

Absent or not voting: Flaharty.

The bill passed, as amended.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Ballard in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2137**, **HB 2068** be passed.

HB 2023 be passed over and retain a place on the calendar.

Committee report to **HB 2094** be adopted; and the bill be passed as amended.

Committee report to **HB 2101** be adopted; and the bill be passed as amended.

Committee report to **HB 2114** be adopted; and the bill be passed as amended.

Committee report to **HB 2115** be adopted; also, on motion of Rep. Tomlinson be amended on page 1, in the title, in line 11, after "reimbursement, by striking the period; and **HB 2115** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2244** be adopted; also, on motion of Rep. M. Long be amended on page 1, in line 25, after "(F)", by inserting "a representative of municipally owned or operated electric utilities; (G)"; in line 26, by striking "(G)" and inserting "(H)";

Also, on motion of Rep. Kuether **Sub. HB 2244** be amended on page 1, in line 22, after "regents", by inserting "or on the faculty of a municipal university in this state"; and **Sub. HB 2244** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Financial Institutions** recommends **HB 2252** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Judiciary** recommends **HB 2077** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2077," as follows:

"Substitute for HOUSE BILL NO. 2077

By Committee on Judiciary

"AN ACT concerning protection from abuse orders; amending K.S.A. 60-3108 and K.S.A. 2000 Supp. 60-3102 and 60-3104 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2077** was thereupon introduced and read by title.)

The Committee on **Judiciary** recommends **HB 2136** be amended on page 2, in line 9, after "thereto" by inserting "occurring within a period commencing 10 years prior to the date of conviction for the current crime of conviction"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2173** be amended on page 1, in line 21, by striking "not"; in line 22, by striking "directly or indirectly to anyone except" and inserting "only to";

On page 3, in line 17, by striking "not"; in line 18, by striking "directly or indirectly to anyone except" and inserting "only to"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2174** be amended on page 1, in line 16, before "shall" by inserting: ", with the approval of a majority of the district judges of the judicial district,."; in line 19, before "shall" by inserting: ", with the approval of a majority of the district judges of the judicial district,."; in line 33, before "shall" by inserting: ", with the approval of a majority of the district judges of such judicial district,."; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2175** be amended on page 1, by striking all in lines 14 through 43;

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

On page 3, by striking all in lines 1 through 8; in line 9, by striking "Sec. 2." and inserting "Section 1."; by renumbering the remaining sections accordingly;

Also on page 3, in line 16, after the period, by inserting "Thereafter, such judgment may be filed in any county in which real property of the judgment debtor is located pursuant to K.S.A. 60-2202, and amendments thereto."; in line 20, by striking all after "chapter"; by striking all of lines 21 through 23; in line 24, by striking all before the period; in line 28, by striking "60-2202 and"; also in line 28, by striking "are" and inserting "is";

On page 1, in the title, in line 10, by striking "60-2202 and"; in line 11, by striking "sections" and inserting "section"; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2008**, **HB 2009**, be passed.

The Committee on **Taxation** recommends **HB 2245**, **HB 2266**, **HB 2268**, be passed.

(Having been referred separately, **HB 2245**, **HB 2266**, **HB 2268** are now in Committee on **Utilities**.)

The Committee on **Taxation** recommends **HB 2007** be amended on page 3, in line 14, by striking "or" and inserting a comma; also in line 14, before the comma, by inserting "or of any county within which is located any such city"; in line 26, by striking all after "such"; in line 27, by striking "the"; also in line 27, by striking "of any city located within such county" and inserting "to any member of an appropriate governing body or to any financial officer thereof designated by any such governing body to receive such information"; after line 30, by inserting two new sections to read as follows:

"Sec. 2. K.S.A. 2000 Supp. 12-1694 is hereby amended to read as follows: 12-1694. (a) Any tax levied and collected pursuant to K.S.A. 12-1693, and amendments thereto, shall become due and payable by the business monthly, on or before the 25th day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the 25th day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto,

may, with the approval of the secretary of revenue and upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailer's sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be paid into the state treasury daily by the secretary of revenue, and the state treasurer shall place 2% of all taxes so collected in the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of such taxes shall be credited to the county and city transient guest tax fund, which fund is hereby established. All moneys in the county and city transient guest tax fund shall be remitted at least quarterly by the state treasurer, on instruction from the secretary of revenue, to the treasurers of those cities which, by virtue of their participation in the election provided for in K.S.A. 12-1693, and amendments thereto, are qualified to receive disbursements from such transient guest tax fund for the amount collected within such city, and to the treasurer of such county for the amount collected in the unincorporated areas of such county.

(d) The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a transient guest tax, *of any city located within any such county or of any county within which is located any such city* monthly reports identifying each person doing business in such city or county to which such tax is applicable setting forth the tax liability and the amount of such tax remitted by such business during the preceding month, and identifying each business location maintained by the person within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be kept confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner, *except that, such information may be divulged by any such clerk or treasurer to any member of an appropriate governing body or to any financial officer designated by any such governing body to receive such information.* Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

(e) All such moneys received by the county treasurer or city treasurer from disbursements from the county and city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion, except that not more than 20% of the moneys credited to such fund shall be expended for tourism promotion.

Sec. 3. K.S.A. 2000 Supp. 12-1698 is hereby amended to read as follows: 12-1698. (a) Any tax levied and collected pursuant to K.S.A. 12-1697, and amendments thereto, shall become due and payable by the business monthly, on or before the 25th day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the 25th day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the

Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailers' sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be paid into the state treasury daily by the secretary of revenue, and the state treasurer shall place 2% of all taxes so collected in the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of such taxes shall be credited to the county or city transient guest tax fund, which fund is hereby established. All moneys in the county or city transient guest tax fund shall be remitted at least quarterly by the state treasurer to the county or city treasurer of each county or city levying a transient guest tax under the provisions of this act in the proportion, as certified by the director of taxation, that the amount collected from such tax in each such county or city bears to the total amount collected from such taxes in all counties or cities for the period covered by the distribution.

(d) The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a transient guest tax *of any city located within any such county or of any county within which is located any such city*, monthly reports identifying each person doing business in such city or county to which such tax is applicable setting forth the tax liability and the amount of such tax remitted by such business during the preceding month, and identifying each business location maintained by the person within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be kept confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner, *except that, such information may be divulged by any such clerk or treasurer to any member of an appropriate governing body or to any financial officer designated by any such governing body to receive such information*. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

(e) Except as otherwise provided in K.S.A. 12-1774, and amendments thereto, all such moneys received by the county or city treasurer from disbursements from the county or city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion.”;

And by renumbering existing sections accordingly;

Also on page 3, in line 31, by striking “is” and inserting “, 12-1694 and 12-1698 are”;

In the title, in line 9, after “sales” by inserting “and transient guest”; in line 11, before “and” by inserting “, 12-1694 and 12-1698”; in line 12, by striking “section” and inserting “sections”; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2502. An act limiting the expenditures by state agencies for the fiscal year ending June 30, 2002, to the aggregate amount of expenditures by state agencies for the fiscal year ending June 30, 2001, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2404** from Committee on Appropriations and referral to Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2208 reported correctly engrossed February 12, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, February 14, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

