

# Journal of the House

FORTIETH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 12, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.

The roll was called with 122 members present.

Rep. O'Brien was excused on verified illness.

Reps. Mays and Ruff were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. H. Sharon Howell, Senior Pastor, First United Methodist Church, Lawrence, and guest of Rep. Sloan:

O God of all seasons and sessions,  
what the members of this House gather to do is just  
downright hard.

When they signed on for this privilege of service,  
they didn't see all the competing claims,  
or the needs that overwhelm,  
or the necessity for compromise.

O God of March madness and budget miseries,  
there is clarity about the House bracket and today's game,  
with the tip-off at 11:00 am.

What is painfully unclear is the outcome.  
What is the penalty for stubbornness?  
or shortsightedness?  
or expediency?

O God of integrity and honor,  
let those elected to serve in this House  
not be swayed by sound bites or surveys,  
or bent by winds of affluence or influence,  
or broken by whispers of special interests.

O God of all seasons and sessions,  
what the members of this House gather to do is just  
downright difficult.

May the debates and decisions today be a reflection  
of your wisdom and goodness. Amen.

The Pledge of Allegiance was led by Rep. Burroughs.

## INTRODUCTION OF GUESTS

Speaker Glasscock welcomed Charles Hagemeister, Leavenworth, who was awarded the Congressional Medal of Honor for brave and gallant service during the Vietnam War. He was a guest of Reps. Wilk, Crow and Ruff.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill appearing on the Calendar of March 11 as "To Be Referred," was referred to committee as indicated:

Judiciary: **SB 489.**

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Education: **HB 3018**.

Federal and State Affairs: **HCR 5051**.

Utilities: **HB 3017**.

**MESSAGES FROM THE GOVERNOR**

**Sub. HB 2625** approved on March 11, 2002.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2377**, An act relating to income taxation; allowing credits therefrom for property tax paid by certain individuals; providing check-offs for school districts; providing check-offs for home community-based service waivers, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Barnes, Boston, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Findley, Flora, Freeborn, Garner, Gordon, Hayzlett, Henderson, Henry, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Landwehr, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, McCreary, McKinney, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Ostmeyer, Palmer, Patterson, Pauls, Pottorff, L. Powell, T. Powell, Powers, Pyle, Rehorn, Schwartz, Sharp, Showalter, Spangler, Tafanelli, Tanner, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Winn.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Burroughs, Campbell, Cox, Crow, Dreher, Feuerborn, Flaharty, Gatewood, Gilbert, Glasscock, Goering, Grant, Hermes, Horst, Krehbiel, Kuether, Lane, Light, Loyd, McClure, Minor, Jim Morrison, Newton, Osborne, Owens, E. Peterson, J. Peterson, Phelps, Ray, Reardon, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Thimesch, Tomlinson, Weber, Wilk, D. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Mays, O'Brien, Ruff.

The bill passed, as amended.

## EXPLANATIONS OF VOTE

MR. SPEAKER: While I fully support the underlying bill in **HB 2377** which provides tax relief for low income seniors, I cannot support the "chickadees for USD's." The difference in ability to pay between districts will only cause further inequities in our funding system. I believe the public does support education. I do not believe that our tax returns should become a mechanism to gather pretentious evidence of contrary notions. Mr. Speaker, I vote "NO" on **HB 2377**.—DALE SWENSON

MR. SPEAKER: You have said keep explanations of vote to under 100 words. I certainly hope to be far under that.

Mr. Speaker, I vote no on **HB 2377**. Reasons: **MINUS** \$680,000,000.—BOB GRANT

MR. SPEAKER: I vote no on **HB 2377**. With the budget shortfall we are facing I fear an impoverished older Kansan may receive the proposed tax credit for the property tax that was paid on their home, but cannot stay in that home because needed in-home health care could no longer be provided because dollars used for the tax credit reduced even further the availability of monies that could have gone to provide needed services to that person.—DEENA HORST

MR. SPEAKER: It's not that I'm excited about raising taxes, or even that I want to. But in the face of a \$680 million budget deficit we must act responsibly. To the extent we must raise revenues, I prefer the increase be broad based, and not heaped onto one tax. Income tax should provide its share of the burden, so on the Horst amendment to **HB 2377** I voted yes. Because we can hardly afford another \$1.5 million taken away from critical services, on **HB 2377** I must vote no.—WARD LOYD

**Sub. HB 2487**, An act concerning the uniform commercial code; relating to secured transactions; amending K.S.A. 58-244, 66-1217, 66-1219, 79-2616 and 79-2617 and K.S.A.

2001 Supp. 17-630, 84-1-105, 84-9-102, 84-9-104, 84-9-306, 84-9-311, 84-9-316, 84-9-317, 84-9-331, 84-9-334, 84-9-406, 84-9-509, 84-9-513, 84-9-525, 84-9-608, 84-9-613, 84-9-615, 84-9-625, 84-9-628, 84-9-702 and 84-9-705 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, 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, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. 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: Mays, O'Brien, Ruff.

The substitute bill passed.

**HB 2996.** An act concerning elections; relating to the time of canvass by the county board of canvassers; amending K.S.A. 25-3104 and K.S.A. 2001 Supp. 25-3107 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Edmonds, Feuerborn, Howell, Shriver, Spangler.

Present but not voting: None.

Absent or not voting: Mays, O'Brien, Ruff.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that roll call was demanded on motion of Rep. Swenson to amend **HB 2867** on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 through 4 and inserting the following:

"Section 1. (a) On and after June 1, 2002, in addition to the tax imposed by the Kansas estate tax act, a tax is hereby imposed on the privilege of succeeding to the ownership of any property, corporeal or incorporeal, and any interest therein within the jurisdiction of this state by any relative, or stranger in the blood, of a decedent other than the spouse,

brothers and sisters, lineal ancestors, lineal descendants, step-parents, step-children, adopted children, lineal descendants of any adopted child or step-child, the spouse or surviving spouse of a son or daughter, or the spouse or surviving spouse of an adopted child or step-child of the decedent. In the case of an adopted child or step-child, a spouse or surviving spouse of an adopted child or step-child or the lineal descendant of an adopted child or step-child of the decedent, such person shall file with the department of revenue an affidavit setting forth the relationship of such person to the decedent. Such affidavit shall be sufficient proof of the adoptive or step-child relationship in question, and the department, or any officer or employee thereof, shall not require any additional proof of such relationship. As used in this paragraph, "step-child" means a child of a spouse or former spouse of the decedent or the brothers and sisters of the decedent.

(b) The tax shall be charged upon the value of the property succeeded to and shall be in an amount equal to a percentage of such value as follows: On any amount up to \$100,000, 10%; or any amount in excess of \$100,000 and up to \$200,000, 12%; on all sums in excess of \$200,000, 15%.

All moneys collected pursuant to the provisions of this section shall be remitted to the state treasurer who shall credit the entire amount thereof to the state general fund.

(d) The provisions of this section shall be deemed supplemental to the Kansas estate tax act.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.;

In the title, in line 9, by striking all after "ACT"; by striking all in lines 10 and 11 and inserting "supplementing the Kansas estate tax act by imposing a tax upon the privilege of succession to property by certain heirs.;"

On roll call, the vote was: Yeas 45; Present but not voting: 1; Absent or not voting: 6.

Yeas: Ballard, Barnes, Campbell, Crow, Dillmore, Dreher, Findley, Flaharty, Gilbert, Glasscock, Grant, Henderson, Henry, Hermes, Horst, Kirk, Kuether, Larkin, Levinson, M. Long, Loyd, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, J. Peterson, Phelps, Reardon, Rehorn, Showalter, Shriver, Shultz, Spangler, Stone, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Welshimer, Wilk, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Garner, Gatewood, Gordon, Hayzlett, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, Loganbill, P. Long, Mason, Mayans, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Sloan, Tafanelli, Tanner, Toplikar, Vickrey, Weber, Wells, D. Williams, J. Williams.

Present but not voting: Burroughs.

Absent or not voting: Flora, Goering, Mays, O'Brien, Ruff, Sharp.

The motion of Rep. Swenson did not prevail.

Also, on motion of Rep. Edmonds to amend **HB 2867**, the motion did not prevail and the bill be passed.

Committee report to **SB 68** be adopted; also, roll call was demanded on motion of Rep. Cox to amend by striking all in lines 15 through 21; after line 21, by inserting the following:

"Section 1. K.S.A. 2001 Supp. 72-6431 is hereby amended to read as follows: 72-6431.

(a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, 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.

(b) The tax required under subsection (a) shall be levied at a rate of ~~20~~ 25 mills in the ~~2001-02 school year and in the 2002-03 school year~~ and in the 2003-04 school year.

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

(d) On June 1 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 2. K.S.A. Supp. 72-6431 is hereby repealed.”;

In the title, in line 10, by striking all after the semicolon; by striking all in line 11; in line 12, by striking all before the period and inserting “increasing the rate of the statewide unified school district levy; amending K.S.A. 2001 Supp. 72-6431 and repealing the existing section”;

On roll call, the vote was: Yeas 11; Nays 108; Present but not voting: 0; Absent or not voting: 6.

Yeas: Benlon, Cox, DiVita, Huff, Lane, Patterson, E. Peterson, Ray, Stone, Storm, Tomlinson.

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

Present but not voting: None.

Absent or not voting: Boston, Light, Loganbill, Mays, O'Brien, Ruff.

The motion of Rep. Cox did not prevail.

Also, on motion of Rep. Spangler **SB 68** be amended by striking all in lines 15 through 21 and inserting the following:

“Section 1. (a) Whenever the governing body of any city or county which levies or certifies a levy of ad valorem property taxes proposes the adoption of a budget of expenditures for tax year 2003 or 2004, to be funded by the levy of ad valorem property taxes which exceed 103% of the amount of ad valorem taxes levied in the next preceding year for such purpose, it shall provide notice thereof in the notice required by K.S.A. 79-2929, and amendments thereto. If a petition containing the signatures of not less than 10% of the registered voters of such taxing subdivision who voted for the secretary of state in the last election for that office is filed within 30 days after the date of the budget hearing required by K.S.A. 79-2933, and amendments thereto, with the appropriate county election officer, requesting an election on whether the budget shall be funded by such increased ad valorem taxes, an election thereon shall be conducted in the same manner as prescribed for elections under the mail ballot election act, K.S.A. 25-431 *et seq.*, and amendments thereto, except that ballots may be sent to electors at any time not less than three days preceding the date of the election. If such an election is held, no ad valorem taxes shall be levied in excess of the amount levied to fund the budget of expenditures for the next preceding year unless approved by a majority of the electors voting in such election.

(b) The provisions of subsection (a) shall not apply to or limit the levy of ad valorem taxes for the payment of principal and interest on bonds, temporary notes and no-fund warrants or judgments rendered against any such taxing subdivision.

Sec. 2. K.S.A. 2001 Supp. 79-2925b is hereby repealed.”;

In the title, in line 10, by striking all after the semicolon; by striking all in lines 11 and 12 and inserting “providing limitations upon certain property tax increases; repealing K.S.A. 2001 Supp. 79-2925b.”;

Also, on motion of Rep. Edmonds to refer **SB 68** to Committee on Taxation, the motion was withdrawn.

Also, on motion to recommend **SB 68** favorably for passage, the motion did not prevail.

Committee report recommending a substitute bill to **Sub. HB 2488** be adopted; and the substitute bill be passed.

Committee report to **HB 2886** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **Sub. for SB 556** be passed.

The Committee on **Agriculture** recommends **SB 548**, as amended by Senate Committee, be amended on page 1, in line 37, after the period, by inserting “The secretary shall consult with the board of county commissioners of any county prior to designation of such county as a sericea lespedeza disaster area pursuant to this subsection.”; in line 41, by striking “and direction”; and the bill be passed as amended.

The Committee on **Ethics and Elections** recommends **SB 502**, as amended by Senate Committee, be amended on page 5, following line 11 by inserting four new sections as follows:

“Sec. 5. K.S.A. 2001 Supp. 25-2316c is hereby amended to read as follows: 25-2316c. (a) When a registered voter changes name by marriage, divorce or legal proceeding, if such voter is otherwise qualified to vote at such voting place such voter shall be allowed to vote a provisional ballot at any election, or apply for an advance voting ballot, on the condition that such voter first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration records, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any voter completing such application.

(b) When a registered voter changes residence, such voter shall reregister in order to be eligible to vote, except that when a registrant has moved from an address on the registration book to another address within the county and has not reregistered, such registrant shall be allowed to vote a provisional ballot at any election, or to apply for an advance voting ballot, on the condition that such registrant first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration record, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any such voter. Whenever the county election officer receives from any other election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer, such officer shall remove the name of such voter from the registration book and party affiliation list.

(c) Every application for registration completed under this section shall be returned to the county election officer with the registration books.

(d) A registrant shall not be removed from the registration list on the ground that the registrant has changed residence unless the registrant:

(1) Confirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction; or

(2) has failed to respond to the notice described in subsection (e)(4) and has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

(e) A county election officer shall send a confirmation notice upon which a registrant may state such registrant's current address, within 45 days of the following events:

- (1) A notice of disposition of an application for voter registration is returned as undeliverable;
- (2) change of address information supplied by the national change of address program identifies a registrant whose address may have changed;
- (3) if it appears from information provided by the postal service that a registrant has moved to a different residence address in the county in which the registrant is currently registered; or
- (4) if it appears from information provided by the postal service that a registrant has moved to a different residence address outside the county in which the registrant is currently registered.

The confirmation notice shall be sent by forwardable mail and shall include a postage prepaid and preaddressed return card in a form prescribed by the chief state election official.

(f) Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists. Whenever (1) an obituary notice appears in a newspaper having general circulation in the county reports the death of a registered voter, or (2) a registered voter requests in writing that such voter's name be removed from registration, or (3) a court of competent jurisdiction orders removal of the name of a registered voter from registration lists, or (4) the name of a registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto, or appears on a copy of a death certificate provided by the secretary of health and environment, or appears in information provided by the social security administration, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased. The county election officer shall not use or permit the use of such lists of deceased residents or copies for any other purpose than provided in this section.

(g) When the chief state election official receives written notice of a felony conviction in a United States district court, such official shall notify within five days the county election officer of the jurisdiction in which the offender resides. Upon notification of a felony conviction from the chief state election official, or from a county or district attorney or a Kansas district court, the county election officer shall remove the name of the offender from the registration records.

(h) Except as otherwise provided in this section, no person whose name has been removed from the registration books shall be entitled to vote until such person has registered again.

Sec. 6. K.S.A. 2001 Supp. 25-3102 is hereby amended to read as follows: 25-3102. In the event that a member of the county board of canvassers shall die, be absent, or from any casualty be prevented from serving on such board, the remaining members of the county board of canvassers shall select an elector to serve on the county board of canvassers in such member's place. If more than one member of the county board of canvassers shall die, be absent, or from any casualty be prevented from serving on the county board of canvassers, the remaining member or members of the board ~~and the county election officer~~ *in consultation with the county election officer* shall ~~jointly~~ select ~~two~~ electors to serve in their place. Functions and duties of the county election officer may be performed by the deputy of the county election officer in the absence of the county election officer.

Sec. 7. K.S.A. 25-4005 is hereby amended to read as follows: 25-4005. The nomination papers or petitions as mentioned in K.S.A. 25-4004, and amendments thereto, shall be in substantially the following form:

I, the undersigned, an elector of the county of \_\_\_\_\_, and state of Kansas, and a duly registered voter and a member of the \_\_\_\_\_ party, hereby nominate

---

(Here insert name and city)

and state of Kansas as a candidate for the office of governor, and running with such candidate

---

(Here insert name and city)

and state of Kansas as a candidate for the office of lieutenant governor to be voted for at the primary to be held on the first Tuesday in August in \_\_\_\_\_, as representing the principles of such party; and I further declare that I intend to support the candidates herein named and that I have not signed and will not sign any petition or nomination paper for any other persons, for such offices at the next ensuing election.

(HEADING)

Name of Signers	Street Number or RR (as Registered)	Name of City	Date of Signing
--------------------	---	-----------------	--------------------

All nomination papers shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

Each signer of a nomination paper shall sign but one such paper for governor and lieutenant governor, and shall declare that such signer intends to support the candidates therein named, and shall add to the signer's signature the signer's residence, if in a city, by street and number (if any); or, otherwise by address as shown on such signer's registration. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

All signers of each separate nomination paper shall reside in the same county. The affidavit of a registered voter who resides in such county *petition circulator who is a resident of the state of Kansas and has the qualifications of an elector of the state of Kansas* shall be appended to each such nomination paper, stating that to the best of such ~~voter's~~ *petition circulator's* knowledge and belief, all the signers thereof are qualified electors of that county; that the ~~voter~~ *petition circulator* knows that they signed the same with full knowledge of the contents thereof; that their respective residences are correctly stated therein; that each signer signed the same on the date stated opposite such signer's name, and that the affiant intends to support the candidates therein named. Such affidavit shall be prima facie evidence of the facts therein stated. ~~The person making such affidavit shall be duly registered.~~

Such nomination papers shall be signed by not less than 1% of the total vote of the party designated in the state. The basis of the percentage shall be the vote of the party for secretary of state at the last preceding general election of secretary of state; or, in case of a new party, the basis of a percentage shall be the vote cast for the successful candidate for secretary of state at the last preceding general election of secretary of state.

Sec. 8. K.S.A. 25-4324 is hereby amended to read as follows: 25-4324. The petitions shall be circulated in person by a sponsor ~~and only in the election district in which such sponsor resides~~. No petition shall be circulated in more than one county. The county election officer of the county in which each petition is circulated shall certify to the county election officer where petitions are required to be filed the sufficiency of the signatures on the petition. Any registered elector of such election district may subscribe to the petition by signing such elector's name and address. A person who has signed the petition may withdraw such person's name only by giving written notice to the county election officer where petitions are to be filed before the date filed. The necessary signatures on a petition shall be secured within 90 days from the date that the recall committee receives notice that the county or district attorney has determined that the grounds for recall as stated in the petition are sufficient as required by K.S.A. 25-4322, and amendments thereto. The petition shall be signed only in ink. Illegible signatures unless accompanied by a legible printed name may be rejected by the county election officer.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 12, by striking “and 25-2706” and inserting “, 25-2706, 25-4005 and 25-4324 and K.S.A. 2001 Supp. 25-2316c and 25-3102”;



On page 1, in the title, in line 11, before the semicolon by inserting “; relating to clean up amendments”; in line 12, by striking “and 25-2706” and inserting “, 25-2706, 25-4005 and 25-4324 and K.S.A. 2001 Supp. 25-2316c and 25-3102”; and the bill be passed as amended.

The Committee on **Financial Institutions** recommends **SB 398** be passed.

The Committee on **Financial Institutions** recommends **SB 470**, as amended by Senate Committee, be amended on page 1, in line 14, by striking “The” and inserting “Subject to the provisions of appropriation acts, the”; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2714**, as amended by House Committee, be further amended on page 1, in line 27, by striking “and”; in line 28, after the first comma by inserting “30% of the property tax levied for property tax year 2005, 35% of the property tax levied for property tax year 2006, and 40% of the property tax levied for property tax year 2007,”;

On page 2, in line 14, by striking “2002 and 2003” and inserting “2003 and 2004”; in line 15, by striking “2004” and inserting “2005”; and the bill be passed as amended.

The Committee on **Utilities** recommends **SB 480** be passed.

The Committee on **Utilities** recommends **HB 2754** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2754,” as follows:

“Substitute for HOUSE BILL No. 2754

By Committee on Utilities

“AN ACT concerning telecommunications; amending K.S.A. 2001 Supp. 66-2005 and 66-2008 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 66-2012 and 66-2016.”; and the substitute bill be passed.

(**Sub. HB 2754** was thereupon introduced and read by title.)

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 bills were thereupon introduced and read by title:

**HB 3019**, An act concerning public records; pertaining to certain records pertaining to the performance of a governmental function by certain persons or entities; amending K.S.A. 45-217 and repealing the existing section, by Committee on Appropriations.

**HB 3020**, An act concerning schools; relating to the general fund of districts; amending K.S.A. 72-6429, 72-8801 and 72-8804 and K.S.A. 2001 Supp. 72-6410 and repealing the existing sections, by Committee on Appropriations.

#### **REPORT ON ENGROSSED BILLS**

**HB 2377** reported correctly engrossed March 11, 2002.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, March 13, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

