

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 22, 2005, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Rep. Showalter was excused on verified illness.
Rep. Huy was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Dear God, we know the sun is up there somewhere. We know that there is warmth and bright light above the clouds that shroud the earth. We know that there is a spring waiting to burst forth even with snow in the forecast. And we know, Lord, that there is an end in sight to the work that your servants in this house have been called to do. We know all these things, O God, because we know you. We know of your promise of covenant and love and compassion. We know of your fulfillment of every promise, your satisfaction of every need, and your answer to every prayer.

O God of all new things, hear our prayer of hope and expectation this day. Hear our prayer of trust in you and in your providence. Hear our prayer of thanksgiving for your faithfulness to all generations.

Above all, O Lord our God, hear our prayer of supplication for the vision, the wisdom, and the courage that can only come from you; and for the work of hearts and minds in these final days of this gathering of the representatives of the people of Kansas.

Guide us to the new life you promise. Amen.

The Pledge of Allegiance was led by Rep. Carlson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:

Utilities: **HR 6026**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6027—

By Representatives Knox and Mast

A RESOLUTION in memory of Sheriff Matthew H. “Matt” Samuels.

WHEREAS, Matthew H. “Matt” Samuels, 42, sheriff of Greenwood County, was fatally wounded in the line of duty January 19 while serving two warrants at a rural house in northeast Greenwood County; and

WHEREAS, Samuels’ career in law enforcement began as he worked part-time as a jailer in 1979 for his father, the late Charles Samuels, and sheriff of Greenwood County until 1986. He was awarded the Silver Medal of Valor in 1992 for his acts of heroism while saving the life of another person. Matt Samuels was elected sheriff in 2000 and reelected in 2004. A longtime resident of Eureka, he was a friendly and outgoing person who believed in

moderation and communication instead of confrontation. He was very proud of the service of his family in law enforcement; and

WHEREAS, Matt Samuels was president of the local Kiwanis Club, a member of Masonic Lodge Fidelity No. 106, Midian Shrine and served as a district and county director of special olympics. At one time he set up a bicycle safety clinic for local children and made repairs as needed. He and his wife made a habit of checking on the safety of elderly women in the community. Known in the area as an avid hunter, he is remembered as a talented wrestler and football player at Eureka High School where he graduated in 1981; and

WHEREAS, Matt Samuels married Tamara Bechtle on April 23, 1983. They are the parents of two children, a daughter, Sharlee, 15, who is a sophomore at Eureka High School, and a son, Heath, 19, who attends Washburn University in Topeka; and

WHEREAS, Over 3,000 people gathered at the funeral services on January 23, 2005, at the Eureka High School to show their love and respect for Sheriff Samuels and his family. Over 1,000 of those in attendance were fellow law enforcement officers who came from over seven states to pay their respects to one of their own, fallen; and

WHEREAS, On the morning that Sheriff Samuels was shot and killed at a "meth lab" in Greenwood County, testimony was being heard from fellow law enforcement officers at the State Capitol in Topeka in support of Kansas Senate Bill 27. Senate Bill 27 is proposed legislation which would control the sale of ephedrine and pseudoephedrine, "meth" precursors; and

WHEREAS, Senate Bill 27 was passed by unanimous vote of the Senate and named "the Sheriff Matt Samuels Chemical Control Act": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we acknowledge the death of a fine and compassionate lawman, devoted husband and father who made the ultimate sacrifice in line of duty; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Mrs. Matthew H. Samuels, 1106 N. Oak Street, Eureka, KS 67045.

HOUSE RESOLUTION No. 6028—

By Representative Horst

A RESOLUTION in memory of Carol Edward Beggs.

WHEREAS, Carol Beggs, 77, of Salina died January 19; and

WHEREAS, Carol Beggs was elected in 1994 to represent the 71st representative district in the Kansas House of Representatives. He was reelected to successive terms and was sworn in for the 2005-2006 term before his death. While in the house of representatives he served as chairperson of the committee on tourism, vice chairperson of the committees on education and business, commerce and labor and as a member of the committees on economic development and local government; and

WHEREAS, With a jovial and outgoing personality, Representative Beggs promoted economic development, tourism and small business interests and was greatly concerned with school accountability. He had a talent of being able to remember people's names and with his sense of humor was a very effective legislator. He is particularly remembered for his rendition on the harmonica of "Danny Boy" on Saint Patrick's Day for the entertainment of the entire house of representatives; and

WHEREAS, Representative Beggs began his political career by being elected to the Salina city commission in 1989. He subsequently served as Salina's mayor from 1992 to 1993; and

WHEREAS, Recognized as a leader even in high school, he graduated from Washington High School in 1944. During World War II he served in the United States Navy in the South Pacific. He later entered the United States Army Reserve eventually retiring as a lieutenant colonel of artillery. He opened a motorcycle shop in 1949 selling Indian, Royal Enfield and BSA motorcycles. In 1962 the business was moved to a new location where he and his wife, and eventually their sons Dan and David, sold Yamaha motorcycles at Beggs Yamaha Cycleland until 2000; and

WHEREAS, Mr. Beggs was a board member of the Salina Salvation Army and a member of the Salina Area Chamber of Commerce, Downtown Lions Club, Masonic Lodge 60, Salina Scottish Rite Consistory and the ISIS Shrine; and

WHEREAS, Carol Beggs is survived by his wife, Betty, three sons, Larry, David and Daniel, and five grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the body expresses our appreciation for the public service this man gave to his state and community and extend our deepest sympathy to his wife and family; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide four enrolled copies of this resolution to Mrs. Carol Beggs, 125 Overhill, Salina, KS 67401.

CONSENT CALENDAR

No objection was made to **SB 46** appearing on the Consent Calendar for the second day.

No objection was made to **SB 8** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 8, An act concerning capital improvement projects for state educational institutions; amending K.S.A. 2004 Supp. 76-759 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Huy, Showalter.

The bill passed.

HB 2264, An act concerning the department of health and environment; relating to the director of health; amending K.S.A. 75-5603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty,

Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Kuether, Otto.

Present but not voting: None.

Absent or not voting: Huy, Showalter.

The bill passed, as amended.

HB 2485, An act concerning notaries public; prohibiting certain acts and providing penalties and remedies for violations amending K.S.A. 53-118 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Huy, Showalter.

The bill passed, as amended.

SB 58, An act concerning sales taxation; relating to countywide retailers' sales tax in Sedgwick county; amending K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kelley, Kilpatrick, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mays, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Aurand, Carlson, Carter, Crow, Dahl, Faber, Freeborn, Henderson, M. Holmes, Huebert, Hutchins, Kelsey, Kiegerl, Kinzer, Knox, Mast, McCreary, McKinney, F. Miller, Myers, Peck, Powell, Powers, Schwartz, Svaty, Winn.

Present but not voting: None.

Absent or not voting: Huy, Showalter.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I have probably attended more events at the Kansas Coliseum than anybody here in the Capitol. I have had season tickets to the Wichita Thunder games for 8 years. In addition to the Thunder games, I have also attended numerous concerts and events at the Coliseum. Thus, it is obvious I have nothing against the Kansas Coliseum. However, the people of Wichita have spoken; and I agree with the people of Wichita: it is time for a

change. The next few years are going to be very exciting for Wichitans and I am glad to be a part of it. I vote yes on **SB 58**.—TODD NOVASCONE

SB 102, An act concerning civil procedure; relating to collateral source benefits; amending K.S.A. 60-3802, 60-3804 and 60-3805 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 67; Nays 56; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Jack, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Knox, Krehbiel, Landwehr, Light, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Vickrey, Watkins, Weber, Wilk, Yonally.

Nays: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Huff, D. Johnson, Kinzer, Kirk, Kuether, Lane, Larkin, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, Jim Morrison, Judy Morrison, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Huy, Showalter.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **SB 102** for these reasons:

1. Kansas consumers should not be penalized because they have worked, earned benefits, and raised children to find out that the benefits will be used against them if they are completely disabled as a result of negligence covered by insurance.

2. The benefits should not be brought into a courtroom as a method of limiting their recovery as this bill would allow.

3. Insurance companies, should not bolster their political war chests with money they save from the pain and suffering of consumers.

4. No Fault did not reduce premiums; caps did not reduce premiums. Why should we believe that this bill would reduce premiums?—MICHAEL J. PETERSON

MR. SPEAKER: We vote no on **SB 102**, not because of a strong feeling about the content of the bill, but because of the process that got it here. A complicated issue was debated in Judiciary Committee where it belonged and then not passed out after much testimony by both proponents and opponents. But then it was sent to another committee where it was rushed through without public input or much debate. Another chairman was asked to promote the bill through a "gut and go." The intent of new rules relating to "gut and go" process was circumvented. If we don't support our process we diminish its credibility. We vote no.—TIM OWENS, DAN JOHNSON, JOANN POTTORFF

MR. SPEAKER: We vote "No" on **SB 102**. This bill would overturn centuries of legal precedent that the wrong doer pay for damages caused. By shifting the burden to the injured party, this bill allows defendants to benefit from the victim's health insurance or other collateral sources. While there are problems in the system, better solutions exist. Our constituents have the foresight to save money, pay expensive health premiums, and prepare for the future. It is unfair to allow negligent parties to benefit from that preparation. It is plain and simple, if a defendant injures someone, that defendant should pay for damages caused and not the innocent party.—KEVIN YODER, LANCE KINZER, WARD LOYD

MR. SPEAKER: I vote yes on **SB 102** because I believe there are problems with the current law, however, I am concerned that the amended concept did not have a hearing in the committee where the original bill was assigned and doesn't address all of the concerns. In fact, this solution may create additional problems. Therefore, I am hopeful that all interested parties will seek to study this issue in an interim committee so a fair solution may be developed for all concerned.—DEENA HORST

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **Sen Sub. for HB 2016** and asked for a conference.

Speaker Mays thereupon appointed Reps. Loyd, Owens and Davis as conferees on the part of the House.

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2122** and asked for a conference.

Speaker Mays thereupon appointed Reps. Loyd, Owens and Davis as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2262** and asked for a conference.

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

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2314** and asked for a conference.

Speaker Mays thereupon appointed Reps. Loyd, Owens and Davis as conferees on the part of the House.

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **HB 2347** and asked for a conference.

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

On motion of Rep. Neufeld, the House concurred in Senate amendments to **HB 2347**. An act concerning land conveyances; authorizing the state board of regents to sell and convey a certain tract of real estate located in Ellis county, Kansas, for and on behalf of Fort Hays state university to the city of Hays, Kansas; authorizing the secretary of the department of administration to transfer certain land.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Huy, Showalter.

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2387** and asked for a conference.

Speaker Mays thereupon appointed Reps. Loyd, Owens and Davis as conferees on the part of the House.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Gatewood in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2519**, **HB 2320**; **SB 56** be passed.

HB 2506 be passed over and retain a place on the calendar.

Committee report to **HB 2228** be adopted; and the bill be passed as amended.

On motion of Rep. Krehbiel, **HB 2518** be amended on page 2, following line 10, by inserting:

“New Sec. 2. (a) Any person who is called to service in the uniformed military services, has a cellular phone and wireless service plan contract and is assigned to temporary duty or deployment in a location that makes the cellular phone inoperable, upon giving written or verbal notice to the plan carrier may terminate the contract without imposition of any termination or cancellation fee or suspend the service plan contract until 30 days after discharge from active military service without imposition of any activation fee. If the person elects to suspend the service plan contract during military service, the person shall notify the carrier within 30 days of the date of the person’s discharge from active military service.

(b) The provisions of this section shall have both prospective and retroactive application.”

By renumbering sections 2 and 3 accordingly;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking all before the second semicolon and inserting “military service; relating to health insurance of Kansas national guard members for periods of active duty; concerning certain wireless service plan contracts of military personnel called to duty”; and **HB 2518** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2512** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2226** be adopted; also, on motion of Rep. Brown be amended on page 1, after line 38, by inserting the following:

“(c) In addition to the requirements prescribed by this section and otherwise by law, the proposed acquisition of a tract or tracts of land which are greater than 480 acres in the aggregate may be subject to a protest petition. The governing body of a city or county shall be required to submit the question of whether the secretary of wildlife and parks may acquire such land over 480 acres upon submission of a petition signed by electors of such city or county equal in number to not less than 5% of the electors of such city or county who voted at the last general election prior to the submittance of the petition. If a majority of the electors voting thereon at such election fail to approve the proposition then the secretary of wildlife and parks shall not acquire such land. The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer.”;

Also, on motion of Rep. Siegfried to amend **Sub. HB 2226**, the motion did not prevail and the substitute bill be passed as amended.

Committee report to **SB 69** be adopted; and the bill be passed as amended.

Committee report to **HB 2301** be adopted; also, on motion of Rep. Logan bill be amended on page 2, after line 2, by inserting the following:

“(e) The secretary of health and environment shall develop a standard reporting form which shall collect the following information: Number of women utilizing pregnancy maintenance initiative services, percentage of funds used for pre-natal services and the percentage used for post-birth services, and number of women choosing adoption.”;

Also, on motion of Rep. Storm to amend **HB 2301**, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2108** be amended on page 2, in line 10, by striking “, not less than \$.025,”; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2245** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2245,” as follows:

“Substitute for HOUSE BILL No. 2245

By Committee on Appropriations

“AN ACT concerning fireworks; enacting the Kansas fireworks act.”; and the substitute bill be passed.

(**Sub. HB 2245** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2507** be amended on page 1, in line 22, before “Not”, by inserting “Not less than one member shall be an attorney licensed to practice law in the state of Kansas.”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **Sub. SB 33** be amended on page 1, in line 13, by striking "Section" and inserting "Sections"; in line 25, after "agreement" by inserting "concerning construction"; in line 26, by striking "among" and inserting "between"; also in line 26, by striking all after "owner"; by striking all in line 27; in line 28, by striking all before the period and inserting: "and a contractor, a contractor and a subcontractor or a subcontractor and another subcontractor"; by striking all in lines 32 through 35;

And by relettering subsections accordingly;

On page 2, in line 12, by striking "; provided, however," and inserting "except"; in line 18, before the semicolon, by inserting: ", except that a contract may require a contractor or subcontractor to provide a waiver or release of such rights as a condition for payment, but only to the extent of the amount of payment received"; in line 21, by striking "; provided, however," and inserting "except"; in line 29, after "lien" by inserting: "or bond to secure payment of claims"; in line 38, by striking all after "at"; by striking all in line 39; in line 40, by striking all before the period and inserting: "the rate of 18% per annum"; in line 42, by striking "five" and inserting "seven"; in line 43, after the last comma, by inserting: "but in any case retainage shall be paid to a subcontractor not more than 60 days after the subcontractor has satisfactorily completed all the work of the subcontractor under the contract,";

On page 3, in line 3, by striking "five" and inserting "seven"; in line 5, by striking "sixth" and inserting "eighth"; in line 6, by striking all after "at"; in line 7, by striking all before the period and inserting: "the rate of 18% per annum"; in line 11, by striking "uncontested" and inserting "undisputed"; in line 15, by striking "an"; by striking all in line 16; in line 17, by striking all before the period and inserting: "interest to the contractor or subcontractor to whom payment was due, beginning on the first business day after the payment was due, at a rate of 18% per annum"; in line 18, after "any" by inserting "undisputed"; also in line 18, by striking "properly due"; in line 30, by striking "and"; in line 31, by striking all before "to"; in line 32, by striking "state or federal court for the district or"; in line 37, after the period, by inserting: "The provisions of this act shall not apply to contracts entered into prior to the effective date of this act."; and the substitute bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 26, SB 110** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Governmental Organization and Elections** recommends **SB 133** be amended by striking all on page 2;

On page 3, by striking all in lines 1 through 15 and inserting in lieu thereof the following: "Sec. 2. K.S.A. 2004 Supp. 79-4521 is hereby amended to read as follows: 79-4521. (a)

(1) Beginning in 2001, and in each succeeding year *through 2005*, the director of taxation shall issue a certificate of eligibility for refund to each claimant who received a refund of property taxes under the homestead property tax refund act for the prior year. After the certificate has been completed by the claimant and the county clerk of the county in which the property is located, the claimant may present such certificate to the county treasurer in lieu of paying that portion of the first half of taxes on the claimant's homestead in the current year which equals the amount of the homestead property tax refund received by the claimant for taxes levied in the preceding year up to the amount of the first half of the property taxes due.

~~(b)~~ (2) Prior to presenting the certificate of eligibility for refund issued under subsection (a)(1) to the county treasurer, the claimant shall sign the certificate, and shall also assign, in a space provided on the certificate, the refund to the county to pay the taxes on the claimant's homestead for the year in which such certificate is issued. The claimant shall then submit the certificate of eligibility to the county clerk for review. The county clerk shall review the claim, based on proof of eligibility as prescribed in rules and regulations adopted by the secretary of revenue, to determine whether the claimant will be eligible for the refund. If the county clerk is satisfied the claimant will be eligible, the county clerk shall sign the certificate and return it to the claimant.

~~(c)~~ (3) The county treasurer shall send a copy of each certificate of eligibility for refund under subsections (a)(1) and (a)(2) to the director of taxation by December 31 of each year prior to 2006. After receiving a claim of any claimant who has obtained a certificate of eligibility under this section, the director shall examine the same, and if the claim is valid,

the director of accounts and reports shall draw a warrant in favor of the county in which claimant's homestead is located upon a voucher approved by the director of taxation in the amount of the allowable claim for refund. Sufficient information to identify the claimant shall be directed to the county treasurer with each warrant. Any taxes levied in any year on the homestead of any claimant who has obtained the certificate of eligibility ~~herein provided for under subsections (a)(1) and (a)(2)~~ in excess of the amount paid to the county by the state and by the claimant on or before December 20 of such year shall be paid by the claimant on or before May 10 of the succeeding year.

(b) (1) Beginning in 2006, and in each succeeding year, the director of taxation shall issue to the county clerk by October 15 an electronic record containing the name of each eligible claimant who received a refund of property taxes under the homestead property tax refund act for the prior year.

(2) When initially filing a claim for a homestead property tax refund between January 1 and April 15, 2006, and between January 1 and April 15 of each year thereafter, the claimant shall be given an election to receive such refund directly from the director of taxation or have such refund applied on claimant's ad valorem taxes in the county. The claimant shall make the election on a form supplied by the director of taxation. Such refund shall not be applied to any special assessment.

(3) After the electronic record under subsection (b)(1) has been received from the director of taxation, the county clerk of the county in which the property is located shall make any corrections needed, if any, based upon information known by the county clerk concerning any change in eligibility of any claimant listed in such record. After any needed corrections have been made to the electronic record, the county clerk, on behalf of each claimant listed in such record, shall certify the information contained in such record to the county treasurer in lieu of paying that portion of the first half of taxes on the claimant's homestead in the current year which equals the amount of the homestead property tax refund received by the claimant for taxes levied in the preceding year up to the amount of the first half of the property taxes due.

(4) Beginning in 2006, and in each succeeding year, the county treasurer shall certify and return the electronic record referred to in subsection (b)(1), including any changes made by the county clerk pursuant to subsection (b)(3), to the director of taxation by December 31. After receiving a claim of any claimant who is listed in the electronic record submitted by the county treasurer, the director shall examine the same, and if the claim is valid, the director of accounts and reports shall draw a warrant in favor of the county in which claimant's homestead is located upon a voucher approved by the director of taxation in the amount of the allowable claim for refund. Sufficient information to identify the claimant shall be directed to the county treasurer with each warrant. Any taxes levied in any year on the homestead of any claimant who has obtained the eligibility herein provided for in excess of the amount paid to the county by the state and by the claimant on or before December 20 of such year shall be paid by the claimant on or before May 10 of the succeeding year.

(5) For the purposes of this subsection (b), the term "electronic record" shall have the meaning ascribed to it in K.S.A. 16-1602, and amendments thereto."

Also on page 3, in line 16, after "Supp." by inserting "79-4508 and"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HCR 5013** be amended on page 2, in line 3, by striking "and" and inserting a comma; also in line 3, before the period by inserting " , the United States Secretary of Health and Human Services and each member of the Kansas Congressional Delegation"; and the concurrent resolution be adopted as amended.

Committee on **Judiciary** recommends **SB 112** be passed.

Committee on **Judiciary** recommends **SB 144** be amended on page 1, in line 28, by striking "is convicted of violating K.S.A. 2004 Supp. 21-3610c, and"; in line 29, by striking "amendments thereto" and inserting "intentionally permitted such person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the possession or consumption therein of alcoholic liquor or cereal malt beverages by persons under the age of 18"; also in line 29, by striking "(A)" and inserting "(1)"; in line

33, by striking "(B)" and inserting "(2)"; in line 35, by striking "(C)" and inserting "(3)"; in line 36, by striking all after the first "of"; in line 37, by striking all before the period and inserting "such intentional action";

On page 2, in line 16, by striking ": (A) Such minor"; in line 17, by striking "or (B)"; in line 20, by striking "in" and inserting "when"; by striking all in line 21; in line 22, by striking all before the period and inserting "possession or consumption of alcoholic liquor or cereal malt beverage occurred"; in line 30, by striking all after "K.S.A."; in line 31, by striking "thereto" and inserting "41-102, and amendments thereto, except for the purposes of this section "minor" means a person under the age of 18."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2501** be amended on page 2, after line 7, by inserting the following:

"New Sec. 3. Commencing for the 2006-2007 school year and each school year thereafter, the amount appropriated by the legislature for the department of education for general state aid shall not be less than the sum of: (1) The amount appropriated for the department of education for general state aid for the preceding school year; and (2) an amount equal to the growth in local effort from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto, attributable to estimated increases in assessed valuation of taxable tangible property.";

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after the semicolon, by inserting "general state aid appropriations;"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2530** be amended on page 1, in line 15, preceding "On" by inserting "(a)"; in line 22, by striking "from" and inserting "by direct connection to"; in line 27, by striking "between the"; in line 28, by striking all preceding the period; in line 34, following "provided" by inserting "at least"; in line 35, following "curtailment" by inserting "and the commission shall hold a hearing and issue any orders relating thereto within 30 days after receipt of such notice"; in line 36, by striking all preceding the period and inserting "within 24 hours before curtailment, except that service to a residential dwelling may be curtailed immediately if the person seeking the curtailment in good faith believes that an emergency exists. The person seeking immediate curtailment of service to a residential dwelling, within 24 hours of the curtailment, shall report to the commission the basis for and evidence supporting the good faith belief that immediate curtailment was necessary. If the curtailment of service to a residential dwelling was not based upon a good faith belief and was unnecessary, as subsequently determined by the commission, the person requesting the curtailment shall be held responsible for the cost of the service curtailment, including any reconnection costs and temporary heating costs"; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **SCR 1609** from Committee on Transportation and referral to Committee of the Whole.

REPORT ON ENGROSSED BILLS

HB 2231, HB 2264, HB 2480, HB 2482, HB 2485, HB 2496, HB 2503 reported correctly engrossed March 21, 2005.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on pages 418-420, **HB 2842** should read **HB 2482**.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Wednesday, March 23, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

