

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 1, 2001, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Flaharty was excused on verified illness.

Reps. Aurand, Pottorff, Powers and Swenson were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

"For Stewardship of Creation" p. 259 from the Book of Common Prayer

Oh Merciful Creator

your hand is open wide

to satisfy the needs of every living creature.

Make us always thankful

for your loving providence,

and grant that we,

remembering the account that we must

one day give,

may be faithful stewards of your good gifts.

We ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. Landwehr.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2544**, **HB 2545**.

MESSAGES FROM THE GOVERNOR

HB 2016 approved on February 27, 2001.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, in accordance with House Rule 2306, **HB 2455** was withdrawn from the calendar under the heading General Orders and referred to Committee on Appropriations.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 71** be passed.

Committee report to **HB 2221** be adopted; also, on motion of Rep. O'Brien be amended on page 4, in line 29, before "Riley" by inserting "Labette,,"; in line 33, after "of" where it appears the second time, by inserting "Labette and";

On page 6, after line 22, by inserting a new section to read as follows:

"Sec. 2. K.S.A. 2000 Supp. 12-189 is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments

thereto, the rate of any class A, class B or class C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75% and the board of county commissioners of Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, 1.75% or 2%;

(g) the board of county commissioners of Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% and the board of county commissioners of Labette county for such purposes may fix such rate at 1.25% or 1.5%; or

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county

and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 2000 Supp. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer having a place of business in such city or county setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer 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 confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. 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.”;

Also, on page 6, in line 23, by striking “is” and inserting “and 12-189 are”;

By renumbering existing sections accordingly;

In the title, in line 10, by striking “Riley county” and inserting “certain counties”; in line 12, before “and” by inserting “and 12-189”; in line 13, by striking “section” and inserting “sections”; and **HB 2221** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HCR 5014** be adopted and, because the committee is of the opinion that the concurrent resolution is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Agriculture** recommends **SB 60** 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 **Federal and State Affairs** recommends **SB 242**, as amended by Senate Committee, be passed.

The Committee on **Higher Education** recommends **SB 5** be amended on page 2, in line 7, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 98, by Representative Benlon, congratulating Amber Marie Fox for her achievement of being named a 2001 All-Kansas Academic Team Member;

Request No. 99, by Representative Dahl, honoring Rich and Lou Littler on their 50th wedding anniversary;

Request No. 100, by Representative Dahl, honoring Milford and Donna Ediger on their 50th wedding anniversary;

Request No. 101, by Representative Dahl, honoring Ralph and Lois Janzen on their 50th wedding anniversary;

Request No. 102, by Representatives L. Powell and Neufeld, congratulating Mandy Pankratz for being named Miss Garden City;

Request No. 103, by Representative Phelps, congratulating Sue Boldra on her achievement of being named 2001 Kansas Teacher of the Year and a Region I finalist;

Request No. 104, by Representative Kauffman, congratulating the Webelo Scout Troop of Pretty Prairie which took first place at “Camp Alaska” held at Camp Kanza;

Request No. 105, by Representative McLeland, congratulating Scott Sasovetz in recognition of achieving the rank of Eagle Scout;

Request No. 106, by Representative Neufeld, congratulating Kenneth Harshberger for being named principal of the year by the Kansas Association of Elementary School Principals;

Request No. 107, by Representative Benlon, congratulating the Pittsburg State University spirit squad for winning the gold medal at the Universal Cheerleading Association Championship contest;

Request No. 108, by Representative Benlon, congratulating Pittsburg State University Associate of Applied Science in Automotive Service Program being designated the best in the country for 2000 by National Automotive Industry representatives and educators;

Request No. 109, by Representative Benlon, congratulating Scott Ramel in recognition of achieving the rank of Eagle Scout;

Request No. 110, by Representative Benlon, congratulating Jerome "Jerry" and Geraldine "Gerry" Ray on their 50th wedding anniversary;

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

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

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 2546, An act establishing the Kansas skills for success in school program; imposing certain duties on the state department of education and school districts, by Committee on Appropriations.

HB 2547, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; affiliation and membership in Kansas police and firemen's retirement system; election; employee and employer contributions, by Committee on Appropriations.

HB 2548, An act making and concerning appropriations for the fiscal years ending June 30, 2001, June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

On motion of Rep. Weber, the House adjourned pro forma until 9:00 a.m., Friday, March 2, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

