

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 14, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.

The roll was called with 122 members present.

Rep. Kline was excused on verified illness.

Rep. Howell was excused on legislative business.

Rep. Hermes was excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God,
grant us grace
so to do your will
in all that we undertake.
Help us
to listen to your Word
in the midst of
all the words we hear today.
and give us the determination
to follow your call to us
in every action we take.
I ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. Levinson.

COMMUNICATIONS FROM STATE OFFICERS

From Marshall L. Turner, Jr., Chief, Census 2000 Redistricting Data Office, Bureau of the Census, in accordance with Title 13, U.S.C., Section 141 (c), announcing transmission of a CD-ROM containing the Census 2000 Redistricting Data.

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

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 178**, requests a conference and has appointed Senators Harrington, Brungardt and Gooch as conferees on the part of the Senate. Also, announcing passage of **HB 2004**, **HB 2457**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 178**.

Speaker pro tem Aurand thereupon appointed Reps. Mays, Hutchins and Rehorn as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **HB 2515**; **SB 47**, **SB 212** appearing on the Consent Calendar for the first day.

No objection was made to **SB 101** 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 101, An act concerning health insurance; relating to extension of payment of benefits; amending K.S.A. 40-2254 and repealing the existing section, 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, 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, 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, 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: Hermes, Howell, Kline.

The bill passed.

HB 2505, An act relating to income taxation; concerning venture capital; enacting the Kansas certified capital formation company act, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 51; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Crow, Dahl, DiVita, Dreher, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Hayzlett, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Kuether, Lane, Levinson, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, Mays, McClure, McKinney, Miller, Jim Morrison, Newton, Novascone, O'Brien, O'Neal, Osborne, Patterson, E. Peterson, J. Peterson, T. Powell, Ray, Ruff, Schwartz, Shultz, Sloan, Stone, Tafanelli, Tanner, Thimesch, Toplikar, Weber, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Alldritt, Aurand, Ballou, Burroughs, Cook, DeCastro, Dillmore, Edmonds, Faber, Feuerborn, Grant, Henderson, Henry, Huebert, Huy, Kauffman, Kirk, Klein, Landwehr, Larkin, M. Long, Mayans, McCreary, McLeland, Merrick, Minor, Judy Morrison, Myers, Neufeld, Nichols, Ostmeyer, Palmer, Pauls, Phelps, Pottorff, L. Powell, Powers, Pyle, Reardon, Rehorn, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Toelkes, Tomlinson, Vickrey, Wells, Winn.

Present but not voting: None.

Absent or not voting: Hermes, Howell, Kline.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: It is appalling to think that legislators are endorsing a tax cut today for millionaires. The same legislators are looking at raising taxes for education, repealing previous tax cuts to increase education, not willing to give tax breaks for education to parents. It will be interesting to see who the millionaires are that these legislators think they owe more to than the average Kansas taxpayer. I vote no on **HB 2505**.—BRENDA LANDWEHR

HCR 5021, A concurrent resolution proposing to name the new state office building the Charles Curtis State Office Building, was considered on final action.

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

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, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Landwehr, Tomlinson.

Present but not voting: None.

Absent or not voting: Hermes, Howell, Kline.

The resolution was adopted.

SB 10. An act concerning postsecondary educational institutions; relating to the identification, selection and approval of core indicators of quality performance; preserving certain powers, duties and functions of community college boards of trustees; amending K.S.A. 2000 Supp. 71-801, 74-3202c and 74-3202d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, 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: Cook, Huy, Kauffman, Landwehr, P. Long, McCreary, Merrick, Palmer, Powers, Vickrey.

Present but not voting: None.

Absent or not voting: Hermes, Howell, Kline.

The bill passed, as amended.

SB 37. An act prohibiting sales, deliveries and importing of certain motor-vehicle fuel and providing penalties for violations, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: 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, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huebert, Huff, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, 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: Aday, Humerickhouse, Powers, Vickrey.

Present but not voting: None.

Absent or not voting: Freeborn, Hermes, Howell, Kline.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SCR 1607** be adopted.

Committee report to **HB 2266** be adopted; also, on motion of Rep. Holmes be amended on page 4, after line 24, by inserting:

“(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905 and amendments thereto, which would operate to preclude such issuance.”;

Also on page 4, by relettering subsections (b) and (c) accordingly;

On page 5, in line 31, before “shall”, by inserting “of K.S.A. 66-104, and amendments thereto,”;

On page 6, after line 11, by inserting:

“(c) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905 and amendments thereto, which would operate to preclude such issuance.”;

Also on page 6, by relettering subsections (c) and (d) accordingly; and **HB 2266** be passed as amended.

Committee report to **HB 2268** be adopted; also, on motion of Rep. Holmes be amended on page 2, after line 22, by inserting:

“(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905 and amendments thereto, which would operate to preclude such issuance.”;

Also on page 2, by relettering subsections (b) and (c) accordingly;

Also, on motion of Rep. Reardon to amend **HB 2268**, the motion did not prevail.

Also, on motion of Rep. Spangler to rerefer **HB 2268** to Committee on Taxation, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2245** be adopted; also, on motion of Rep. McClure be amended on page 5, by striking all in lines 40 through 43;

By renumbering the remaining sections accordingly;

In the title, in line 12, by striking all before “concerning”;

Also, on motion of Rep. Klein to amend **HB 2245**, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2006** be adopted; also, on motion of Rep. Campbell be amended on page 1, by striking all in lines 16 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 23; in line 24, by striking all before “K.S.A.” and inserting “Section 1.”;

By renumbering the remaining sections accordingly;

On page 8, in line 18, by striking “except as provided by section 4, and amendments thereto,”;

On page 21, in line 35, by striking "On and after January 1, 2002,;" in line 37, before "its" by inserting "July 1, 2004, and";

In the title, in line 9, by striking all after "ACT"; in line 10, by striking all before "exempting"; in line 11, by striking all after the semicolon; in line 12, by striking all before "amending";

Also, on motion of Rep. Mays **Sub. HB 2006** be amended on page 21, after line 34, by inserting:

"Sec. 7. On and after July 1, 2002, K.S.A. 2000 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 4.9% and, within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) (1) the gross receipts from intrastate telephone or telegraph services and (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service is located; (B) any interstate private communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by federal law (26 U.S.C. Section 1504). For the purposes of this subsection the term gross receipts does not include purchases of telephone, telegraph or telecommunications using a prepaid telephone calling card or prepaid authorization number. As used in this subsection, a prepaid telephone calling card or prepaid authorization number means the right to exclusively make telephone calls, paid for in advance, with the prepaid value measured in minutes or other time units, that enables the origination of calls using an access number or authorization code or both, whether manually or electronically dialed;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, *but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;*

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation solely in exchange for stock securities in such corporation; or (2) the transfer of motor vehicles or trailers by one corporation to another when all of the assets of such corporation are transferred to such other corporation; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 *et seq.*,

and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility; and

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property, except computer software described in subsection (s), which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) the gross receipts received from the sale of computer software, and the sale of the services of modifying, altering, updating or maintaining computer software. As used in this subsection, "computer software" means information and directions loaded into a computer which dictate different functions to be performed by the computer. Computer software includes any canned or prewritten program which is held or existing for general or repeated sale, even if the program was originally developed for a single end user as custom computer software. The sale of computer software or services does not include: (1) The initial sale of any custom computer program which is originally developed for the exclusive use of a single end user; or (2) those services rendered in the modification of computer software when the modification is developed exclusively for a single end user only to the extent of the modification and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements and other billing documents provided to the end user. The services of modification, alteration, updating and maintenance of computer software shall only include the modification, alteration, updating and maintenance of computer software taxable under this subsection whether or not the services are actually provided; and

(t) the gross receipts received for telephone answering services, including mobile phone services, beeper services and other similar services; and

(u) the gross receipts received from the sale of prepaid telephone calling cards or prepaid authorization numbers and the recharge of such cards or numbers. A prepaid telephone calling card or prepaid authorization number means the right to exclusively make telephone calls, paid for in advance, with the prepaid value measured in minutes or other time units, that enables the origination of calls using an access number or authorization code or both, whether manually or electronically dialed. If the sale or recharge of such card or number does not take place at the vendor's place of business, it shall be conclusively determined to take place at the customer's shipping address; if there is no item shipped then it shall be the customer's billing address.";

Also on page 21, by renumbering the remaining sections accordingly; in line 35, by striking "79-3606 is" and inserting "79-3603 and 79-3606 are";

In the title, in line 11, before the first "sales" by inserting "gross receipts and certain"; in line 12, after "Supp." by inserting "79-3603 and"; in line 13, by striking "section" and inserting "sections";

and **Sub. HB 2006** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2543** 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 **Appropriations** recommends **HB 2283** be amended on page 1, in line 28, by striking "secretary of health and environment" and inserting "governor";

On page 2, in line 2, after the period, by inserting "The provisions of this act shall not affect the office of any member of the board of adult care home administrators appointed prior to the effective date of this act. All members of the board appointed after the effective date of this act shall be appointed by the governor."; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **SB 50** be passed.

The Committee on **Health and Human Services** recommends **HB 2229** be amended on page 1, in line 19, by striking "The" and inserting "Within the limits of appropriations therefor, the"; in line 29, by striking "The" and inserting "Within the limits of appropriations therefor, the";

On page 2, in line 5, by striking all after the period; by striking all of lines 6 and 7 and inserting "Authorized expenditures not otherwise accounted for in the reimbursement rate of the facility, not under the control of the facility and required by the state of Kansas or federal mandates shall be reimbursed by the state as a direct-cost pass-through.";

Also on page 2, in line 8, by striking "The" and inserting "Within the limits of appropriations therefor, the"; in line 19, by striking "There" and inserting "Within the limits of appropriations therefor, there" and the bill be passed as amended.

The Committee on **Taxation** recommends **SB 41, SB 45** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Transportation** recommends **SB 73** 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 **Transportation** recommends **HB 2145** be amended on page 1, in line 19, preceding the period, by inserting "and any and all components contained in such federal standards, including but not limited to any motorized components"; 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 2566, An act concerning retirement and pensions; relating to members of the legislature; purchase of retirement annuities; amending K.S.A. 2000 Supp. 74-4925 and repealing the existing section, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 133** from Committee on Appropriations and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **SB 137** from Committee on Taxation and referral to Committee on Judiciary.

REPORT ON ENGROSSED BILLS

HB 2149, HB 2210, HB 2505 reported correctly engrossed March 13, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, March 15, 2001.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

