

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 6, 2002, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

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

Prayer by guest chaplain, the Rev. George Tormohlen, Sr. Minister, The Colonial Church in Prairie Village, Prairie Village, and guest of Rep. Owens:

It is You, O God,

Who gives us this day
and calls us to do Your work
to speak and act on behalf of
the people of the state of Kansas.

The responsibilities are awesome.
What we say and do affects millions.
Conflicting interests put us in the middle.
Pressures from special interest groups are relentless.
Issues are never black and white,
but that ubiquitous shade of gray.

Without Your help,
we can be overwhelmed,
our efforts lacking.

Be with us, O God.
Give wisdom and understanding.
Where we are right,
let our voices be loud and clear,
finding support and encouragement.

Where we are wrong,
let our voices be lost among the chamber,
allowing others to be heard.

We pray that with Your help,
our actions will provide the opportunities
for all residents of our state,
to become the good, productive persons
You create all of us to be.

We ask this,
with the belief that there is a power,
by whatever name we name it,
who is able to help us do far more
than we could ever do by ourselves. Amen.

The Pledge of Allegiance was led by Rep. Klein.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2779, An act concerning school districts; relating to financial data, by Representative Horst.

HB 2780, An act relating to public officers and employees; concerning civil service; establishing that advance registered nurse practitioners, physician assistants and other designated health care professionals shall be considered as unclassified state employees; amending K.S.A. 2001 Supp. 75-2935 and repealing the existing section, by Committee on Appropriations.

HB 2781, An act concerning libraries; relating to library funds; amending K.S.A. 12-1226 and repealing the existing section, by Committee on Local Government.

HB 2782, An act enacting the religious freedom restoration act, by Representatives D. Williams, Huebert, P. Long and Judy Morrison.

HB 2783, An act concerning the Kansas and Missouri metropolitan culture district compact; relating to the distribution of revenues; amending K.S.A. 12-2536 and repealing the existing section, by Representatives D. Williams, Cook, Dahl, P. Long, Mason, McLeland, Merrick, Novascone, Pyle and Wilson.

HOUSE CONCURRENT RESOLUTION No. 5043—

By Representative D. Williams

A PROPOSITION to amend section 7 of the bill of rights of the constitution of the state of Kansas, relating to religious liberty and qualification for public office.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 7 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 7. Religious liberty; property qualification for public office.** The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. *However, property belonging to the state may be used to display the Ten Commandments, and the right to display the Ten Commandments on property owned or administered by a public school or public body in this state is not restrained or abridged.* No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. The purpose of this amendment is to provide that property belonging to the state may be used to display the Ten Commandments and that the right to display the Ten Commandments on property owned or administered by a public school or public body is not restrained or abridged.

“A vote for this amendment favors providing for display of the Ten Commandments on state property and property owned or administered by a public school or public body.

“A vote against this amendment favors retaining the present language of the constitution regarding religious freedom.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2002 unless a special election is called at a sooner date

by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Aurand announced the following bill, appearing on the Calendar of February 5 as "To Be Referred," was referred to committees as indicated:

Committee on Appropriations: **HB 2758** (separately).

Committee on Education: **HB 2758** (separately).

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2768**.

Appropriations: **HB 2770** (separately).

Business, Commerce and Labor: **HB 2766**, **HB 2767**.

Education: **HB 2777**; **SB 166** (separately).

Health and Human Services: **HB 2770** (separately).

Judiciary: **HB 2769**, **HB 2771**, **HB 2772**, **HB 2773**, **HB 2774**, **HB 2775**, **HB 2776**, **HB 2778**.

Local Government: **SB 166** (separately).

Utilities: **SB 397**.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Sentencing Commission, Report to the 2002 Kansas Legislature, February 2002.

From Kansas Technology Enterprise Corporation (KTEC), 2001 Annual Report.

From Rochelle Chronister, Chair, Kansas Advisory Group on Juvenile Justice and Delinquency Prevention, 2001 Executive Summary to the annual report.

From Gary Sherrer, Lt. Governor/Secretary, Department of Commerce and Housing, Fiscal Year 2001 Annual Report.

From Charles E. Simmons, Secretary, Department of Corrections, 2002 Corrections Briefing Report.

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

MESSAGE FROM THE SENATE

Pursuant to Joint Rule 1(b), this serves as notice of an amendment to the Joint Rules of the Senate and House of Representatives by **SCR 1613** which proposes a new Joint Rule 6.

CONSENT CALENDAR

Objection was made to **HB 2623** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2621, An act concerning retirement; relating to the Kansas public employees retirement system and systems thereunder; benefits; eligibility; purchase of participating service; amending K.S.A. 2001 Supp. 74-4902, 74-4919m and 74-4966 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 74-4919t, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 11; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, 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,

Neufeld, Newton, Nichols, O'Neal, Osborne, Owens, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Cook, DiVita, Howell, Huy, Kauffman, Landwehr, Myers, Novascone, Ostmeier, Palmer, T. Powell.

Present but not voting: None.

Absent or not voting: Glasscock, O'Brien, Spangler.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I respect the good intention of providing KPRS benefits to the small number of county appraisers for whom this bill was drafted, but I fear that the wording of **HB 2621** is too broad. As written, this bill will cause unintended financial consequences for our state. This bill was brought forward quickly without thorough investigation of the potential impact on state expenditures. At a time when our state is struggling with revenue shortfalls and budget deficits, it seems imprudent to initiate this expenditure. As a responsible representative for my district, I cannot justify the hasty passage of this bill. I vote no on **HB 2621**.— KAREN DIVITA-JOHNSON

HB 2622, An act concerning retirement; relating to local police and fire pension plans; contribution rates; amending K.S.A. 12-5002 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 7; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Burroughs, Feuerborn, Gatewood, Henderson, M. Long, Reardon, Winn.

Present but not voting: None.

Absent or not voting: Glasscock, O'Brien, Spangler.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2630** be adopted; and the bill be passed as amended.

Committee report to **HB 2629** be adopted; also, on motion of Rep. Rehorn to amend, the motion did not prevail and the bill be passed as amended.

Roll call was demanded on motion of Rep. R. Toelkes to amend **HB 2626** on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 2001 Supp. 20-2605 is hereby amended to read as follows: 20-2605.

(a) The board shall select and employ or retain a qualified actuary who shall serve at its pleasure as its technical advisor on matters regarding operation of the retirement system for judges. The actuary shall:

(1) As soon after the effective date as practicable and once every three years thereafter, make a general investigation of the actuarial experience under the retirement system for judges including mortality, retirement, employment turnover and interest, and recommend actuarial tables for use in valuations and in calculating actuarial equivalent values based on such investigation; make a valuation of the liabilities and reserves of the retirement system for judges, and a determination of the contributions required by the retirement system for judges to discharge its liabilities and recommend to the board rates of employer contributions required to establish and maintain the retirement system for judges on an actuarial reserve basis.

(2) Perform such other duties as may be assigned by the board.

(b) Upon the basis of the actuarial valuation and appraisal and upon the recommendation of the actuary, the board shall certify, on or before July 15 of each year, to the division of budget an actuarially determined estimate of the rate of contribution which will be required, together with all judges' contributions and other assets of the retirement system for judges to pay all liabilities which shall exist or accrue under the retirement system for judges, including amortization of the unfunded accrued liability over a period of 40 years commencing on July 1, 1993. The rate of contribution for the state determined under this section shall not include the costs of administration of the system.

(c) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under the retirement system for judges as certified by the board and shall present the same to the legislature for allowance and appropriation.

~~(d) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 2001 Supp. 74-49,114a, shall be reflected in the employer contribution rate in the fiscal year immediately following such enactment.~~

Sec. 2. K.S.A. 2001 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1)

(a) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability over a period of 40 years commencing on July 1, 1993, and the actuarial accrued liability for members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management assisted by the state board of regents in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto, as provided in this section. The actuarial accrued liability for all participating employers other than the state board of regents relating to members of the faculty and other persons described in this section, shall be amortized by annual payments that increase 4% for each year remaining in the amortization period. For all participating employers other than the state board of regents relating to members of the faculty and other persons described in this section, the projected unit credit actuarial cost method shall be used in annual actuarial valuations, commencing with the 1993 valuation, to determine the employer contribution rates that shall be certified by the board. The actuarial accrued liability for members of the faculty and other persons described in this subsection assisted by the state board of regents in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto shall be amortized by annual level payments over a period of 11 years commencing July 1, 1993. Such certified rate of contribution shall be based on the standards set forth in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities

which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized over a period of 34 years commencing on July 1, 1999, by annual payments that increase 4% for each year remaining in the amortization period. For all participating employers described in this section, the projected unit credit actuarial cost method shall be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize over a period of not to exceed 34 years commencing July 1, 1999, all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation. For the fiscal year commencing in calendar year 1993, the employer rate of contribution for the state of Kansas and for participating employers under K.S.A. 74-4931 and amendments thereto shall be 3.1% of the amount of compensation upon which members contribute during the period. For the fiscal year commencing in calendar year 1994, the employer rate of contribution for the state of Kansas and for participating employers under K.S.A. 74-4931 and amendments thereto shall be 3.2% of the amount of compensation upon which members contribute during the period. For the fiscal year commencing in calendar year 1994, the employer rate of contribution for participating employers other than the state of Kansas shall be 2.2% of the amount of compensation upon which members contribute during the period. Except as specifically provided in this section, for the fiscal year commencing in calendar year 1995, the rate of contribution certified to a participating employer shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.1% of the amount of compensation upon which members contribute during the

period. Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period. Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period. There shall be an employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931 and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers other than the state of Kansas.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 2001 Supp. 74-4950i will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 2001 Supp. 74-4950i shall be amortized over 15 years.

~~(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 2001 Supp. 74-49,114a, and amendments thereto, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment.~~

~~(9)~~ The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912 and amendments thereto at rates different from the rate fixed for employers joining within one year of the first entry date.

~~(10)~~ (9) For employers affiliating on and after January 1, 1999, the rates of contribution certified to the participating employer as provided in this section shall apply during the fiscal year immediately following such certification, but the rate of contribution during the first year following the employer's entry date shall be equal to 7% of the amount of compensation on which members contribute during the year. Any amount of such first year's contribution which may be in excess of the necessary current service contribution shall be credited by the board to the respective employer's prior service liability.

~~(11)~~ (10) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

~~(12)~~ (11) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 3. K.S.A. 2001 Supp. 74-4967 is hereby amended to read as follows: 74-4967. (1) Upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each participating employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such participating employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be uniform for all participating employers, and shall be comprised of a rate for benefits accruing after June 30, 1993, and a rate for amortization of the additional liability for benefits provided by this act which is attributable to service rendered before July 1,

1993. Such additional liability shall be amortized over a period of 40 years commencing on July 1, 1993, by annual payments that increase 4% for each year remaining in the amortization period. The employer's rate of contribution determined under this section shall not include the costs of administration of the system.

(2) The board shall determine for each employer separately an amount sufficient to amortize over a period of not to exceed 40 years all liabilities for past service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each participating employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that participating employer to pay all of the liabilities for such past service costs. Such rate shall be termed the employer's prior service contribution. The board may enter into agreements with any participating employer which has employees or retirants under the special pension systems established under K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, for the purpose of scheduling the payment of such past service costs in an orderly manner which will tend to stabilize the annual total financial burden on such employers in meeting their present and future obligations under this system and such special systems, but in no event shall the annual prior service contribution be less than the interest cost on the total of such past service liability.

(3) Each participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligations under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each employer may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act, and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located in such county which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto.

(5) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(6) The rate of contribution certified to each participating employer as provided in this section shall apply during the fiscal year of such participating employer which begins in the second calendar year following the year of the actuarial valuation, but the rate of contribution during the first year following the employer's entry date shall be equal to 16% of the amount of compensation on which members contribute during the year.

(7) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive director for credit to the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection (7) shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

~~(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature, except the actuarial cost of K.S.A. 2001 Supp. 74-49,114a, shall be reflected in the employer contribution rate in the fiscal year immediately following such enactment;~~

And by renumbering sections accordingly;

On page 4, in line 33, after "Supp." by inserting "20-2605, 74-4920, 74-4967 and"; also in line 33, by striking "is" and inserting "are";

On page 1, in the title, in line 10, after the second semicolon, by inserting "employer contribution rates;"; also in line 1, after "Supp." by inserting "20-2605, 74-4920, 74-4967 and"; in line 11, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 50; Nays 73; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Gamer, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Howell, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mayans, McClure, McKinney, Minor, Nichols, Pauls, E. Peterson, Phelps, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Vickrey, Wells, Welshimer, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Schwartz, Shultz, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Toplekar, Weber, Wilk, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Glasscock, O'Brien.

The motion of Rep. R. Toelkes did not prevail.

Also, on motion of Rep. Klein to amend **HB 2626**, the motion did not prevail and the bill be passed.

REPORTS OF STANDING COMMITTEES

The Committee on **Environment** recommends **HB 2607** 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 2653** be passed.

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 and concurrent resolution were thereupon introduced and read by title:

HB 2784, An act concerning residential building contractors; creating an implied warranty of habitability, by Representative Welshimer.

HB 2785, An act concerning taxation; relating to redemption of real estate; amending K.S.A. 79-2401a and repealing the existing section, by Committee on Taxation.

HB 2786, An act relating to property taxation; concerning exemptions therefrom for community housing development organizations; amending K.S.A. 2001 Supp. 79-201b and repealing the existing section, by Committee on Taxation.

HB 2787, An act concerning certain municipalities; relating to recreation systems; amending K.S.A. 12-1922 and repealing the existing section, by Committee on Local Government.

HB 2788, An act relating to taxation; concerning the structure of the state tax system; amending K.S.A. 2001 Supp. 72-6431, 79-201x, 79-2959, 79-2964, 79-34,147, 79-3603, 79-3620, 79-3635, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 79-3603b, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5044—

By Representative Larkin

A PROPOSITION to amend section 1 of article 5 of the constitution of the state of Kansas, relating to qualifications of electors.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 5 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 1. Qualifications of electors.** Every citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which ~~he or she~~ *such citizen* seeks to vote shall be deemed a qualified elector. *In addition thereto, every citizen of the United States who has attained the age of eighteen years on or before the date of any general election, and is otherwise qualified as provided by law, shall be deemed a qualified elector for the purpose of voting at the primary election held for the purpose of nominating candidates for such general election.*

Laws of this state relating to voting for presidential electors and candidates for the office of president and vice-president of the United States shall comply with the laws of the United States relating thereto. A citizen of the United States, who is otherwise qualified to vote in Kansas for presidential electors and candidates for the offices of president and vice-president of the United States may vote for such officers either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of this state if ~~his or her~~ *such person's* removal from this state occurs during a period in accordance with federal law next preceding such election.

A person who is otherwise a qualified elector may vote in the voting area of ~~his or her~~ *such person's* former residence either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of such voting area during a period prescribed by law next preceding the election at which ~~he or she~~ *such person* seeks to vote, if ~~his~~ *such* new residence is in another voting area in the state of Kansas.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to authorize persons becoming 18 years of age on or before the date of any general election to vote at the primary election held for the nomination of candidates for such general election even though such person is 17 years of age at the time of the primary election.

“A vote for this amendment would favor authorizing persons becoming 18 years of age on or before the date of any general election to vote at the primary election held for the nomination of candidates for such general election.

“A vote against this amendment would favor making no change in the current law requiring that a person has attained the age of 18 years to become a qualified elector for the purpose of voting.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2002 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2759** from Committee on Judiciary and referral to Committee on Education.

APPOINTMENT OF SELECT COMMITTEE

February 6, 2002

Mrs. Janet Jones
Chief Clerk of the House
477-W, State Capitol
Topeka, KS 66612

Dear Mrs. Jones:

In accordance with Rule 1103 of the Rules of the House of Representatives, I have established the Select Committee on Transportation Appropriations and have appointed the following members:

Select Committee on Transportation Appropriations:

Rep. J. Peterson, Chair; Reps. Ballou, Hayzlett, Hermes, Humerickhouse, Loyd, L. Powell, M. Long, Pauls, Spangler and Thimesch.

Sincerely,

KENT GLASSCOCK
Speaker of the House of Representatives
Kansas House of Representatives

REPORT ON ENROLLED RESOLUTIONS

HR 6005 reported correctly enrolled and properly signed on February 5, 2002.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, February 7, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

