

# Journal of the House

FORTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 15, 2005, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 124 members present.  
Rep. Williams was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Deron Johnson, pastor, First Baptist Church, Silver Lake, and guest of Rep. Burgess:

Dear Father,

I come to You in the mighty name of Jesus, thanking You and praising You for our great nation and our great state. I thank You for the plan You gave to our forefathers by which to govern our nation and this great state of Kansas. I thank you for the division of powers so that our destiny does not rest in the hands of one person.

In praying for those in authority, I therefore lift up our State Congress, both the House of Representatives and the Senate. I pray that, by Your power, our legislative body would make laws that are just.

Father, I ask You to give them wisdom to make decisions that would strengthen and prosper the State of Kansas. I desire that they would make right decisions concerning the politics, the social welfare and the economics of our State.

I pray that You would cause Congress to be motivated more by Your hand than by partisan or personal concerns.

And lastly, I praise those here today for their service to our state, and God may you bless each of their spouses, children and families. May Your hand put a hedge of protection upon each of them. If there is anyone here today going through a difficult time I ask that You would show them that You love them and care about their every need!

I give respect to every faith and I pray this prayer in the name of Jesus Christ. Amen!

The Pledge of Allegiance was led by Rep. Swenson.

## INTRODUCTION OF GUESTS

Rep. Flower introduced Tammy Tafari, wife of former Rep. Lee Tafari. On his behalf, she expressed thanks to the members of the House for their support while he serves in Iraq.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2524.** An act regulating certain amusement machines; providing duties and responsibilities of the director of alcoholic beverage control; relating to licensure; taxes; penalties for criminal acts, by Committee on Taxation.

**HB 2525**, An act concerning taxation; relating to retailers' sales tax in Neosho county; amending K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2523**.

Health and Human Services: **HB 2521**.

Utilities: **HB 2522**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6022—

By Representatives Hawk and Carlin

A RESOLUTION congratulating and commending the city of Manhattan and Riley County upon their sesquicentennial.

WHEREAS, The city of Manhattan was founded on June 4, 1855, on the edge of the Kansas flint hills at the junction of the Kansas and Blue Rivers. The founders were from several New England states; some came to Kansas on the steamboat Hartford to help make Kansas a free state; and

WHEREAS, Manhattan is home to Kansas State University, a public university which has grown from its founding in 1863 with 52 students to over 23,000 today and one of America's premier educational institutions. Throughout its history Manhattan has been a strong friend and good neighbor to Fort Riley, a United States army post which once was the army's home of the cavalry. Now it is a facility which has grown to over 100,000 acres with a population of several thousand military personnel and their families. On June 1, 1963, Tuttle Creek Lake, a federal flood control project was dedicated creating a recreational lake of some 21,000 acres and becoming a magnet for swimmers, boaters and fishermen; and

WHEREAS, Manhattan has long been a great place to live and was recognized as such in 1952 when it was named an All-American city. The city joined with Riley County in 1971 to form the only city-county consolidated law enforcement agency in the state. The city's passage of a nearly \$3 million quality-of-life bond issue in 1986 emphasized the community's efforts to keep the city a great place to live and to maintain the city's parks; and

WHEREAS, Manhattan continues to be a city of progress:

The American Institute of Baking came to the city in 1978; today the organization attracts approximately 130 resident students per year as well as nearly 3,000 students from all over the world to attend its seminars;

The Manhattan Town Center mall opened in 1987 with 40 stores which now has three department stores creating a downtown anchor and the start of Manhattan becoming a major regional shopping center;

Manhattan points with pride to its superior K through 12 educational system and the community's dedication to producing well educated graduates prepared to reaching their life goals;

Manhattan became a major regional medical center when Memorial and St. Mary Hospitals merged in 1996 to form the Mercy Health Center; and

WHEREAS, The City of Manhattan and Riley County are both celebrating their sesquicentennial this year. All citizens of the City of Manhattan and Riley County are proud to be part of the state of Kansas: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend the city of Manhattan and Riley County upon their first 150 years as a growing, vibrant Kansas region and extend our best wishes for the future; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Dave Lewis, Chairperson of the Manhattan/Riley County Celebrate 150 Committee and to Lyle A. Butler, President/CEO, Manhattan Area Chamber of Commerce, 501 Poyntz Avenue, Manhattan, KS 66502-6005.

**COMMUNICATIONS FROM STATE OFFICERS**

From Mark S. Beck, Director, Division of Property Valuation, Department of Revenue, as required by K.S.A. 79-1490, 2004 Preliminary Real Estate Appraisal/Sales Ratio Study, available in pdf format at <http://www.ksrevenue.org/pvdratiostats.htm>.

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

**CONSENT CALENDAR**

No objection was made to **SB 78** appearing on the Consent Calendar for the second day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub. HB 2003.** An act concerning the emerging industry investment act; amending K.S.A. 2004 Supp. 74-99b33 and 74-99b34 and repealing the existing sections, 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, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Hill, Williams.

The substitute bill passed.

**HB 2057.** An act concerning personal property taxation; relating to valuation of rebuilt motor vehicles; amending K.S.A. 79-5105 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 86; Present but not voting: 0; Absent or not voting: 1.

Yeas: Bethell, Brown, Brunk, Burgess, Carlson, Cox, Craft, Edmonds, Flaharty, Flower, Freeborn, Gatewood, George, Goico, Horst, Huebert, Huff, Humerickhouse, D. Johnson, Kelley, Kelsey, Kinzer, Knox, Landwehr, Mast, McLeland, O'Malley, Oharah, Olson, Owens, Pauls, Peck, Roth, S. Sharp, Siegfried, Sloan, Watkins, Wilk.

Nays: Aurand, Ballard, Beamer, Burroughs, Carlin, Carter, Colloton, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flora, Garcia, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Huntington, Hutchins, Huy, Jack, E. Johnson, Kiegerl, Kilpatrick, Kirk, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mays, McCreary, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Otto, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Showalter, Shultz, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Weber, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Williams.

The bill did not pass.

## EXPLANATION OF VOTE

MR. SPEAKER: I think I agree with what **HB 2057** is trying to accomplish, however, the fiscal note to the counties and possibly the schools in tight budget times is the reason I vote "no."

This allows a vehicle clerk to change the classification which could lead to problems within the office. If the VIP's system is down this would present additional problems, plus the Motor Vehicle Department is in opposition to **HB 2057**. As mentioned before these are some of the reasons I am voting no on **HB 2057**.—GARY HAYZLETT

**HB 2448**, An act concerning the angel investor tax credit act; amending K.S.A. 2004 Supp. 74-8131, 74-8132, 74-8133, 74-8134, 74-8135 and 74-8136 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: 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, Huy, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Williams.

The bill passed, as amended.

**SB 9**, An act repealing K.S.A. 71-202; concerning community colleges; relating to the powers and duties thereof, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Huy, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Williams.

The bill passed.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2123**, An act relating to railroads; concerning the transfer of certain powers, duties and functions of the state corporation commission to the Kansas department of transportation; amending

K.S.A. 66-105, 66-154, 66-154a, 66-154b, 66-155, 66-230, 66-525, 66-532 and 66-1217 and repealing the existing sections; also repealing K.S.A. 44-564, 66-103, 66-112, 66-145, 66-146, 66-148, 66-149, 66-153, 66-157 through 66-163, 66-166, 66-168, 66-173, 66-174, 66-180, 66-181, 66-182, 66-201 through 66-216, 66-224, 66-225, 66-226, 66-235 through 66-241, 66-244 through 66-249, 66-277, 66-278, 66-285 through 66-294, 66-2,108, 66-2,109, 66-2,111, 66-2,112, 66-2,113, 66-2,119, 66-304 through 66-307, 66-319 and 66-320.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, 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, Huy, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: Dillmore, Faber.

Present but not voting: None.

Absent or not voting: Williams.

On motion of Rep. Loyd, the House concurred in Senate amendments to **HB 2130**, An act concerning confidential communications and information; relating to treatment facility patients; amending K.S.A. 2004 Supp. 65-5603 and repealing the existing section.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: Crow, Dillmore, Gatewood, Lane, Ward.

Present but not voting: None.

Absent or not voting: Williams.

On motion of Rep. Jim Morrison, the House concurred in Senate amendments to **HB 2156**, An act concerning the state board of pharmacy; regarding registration of pharmacy technicians; amending K.S.A. 2004 Supp. 65-1663 and repealing the existing section.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 2; Absent or not voting: 1.

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, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, 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, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: Hill, Schwab.

Absent or not voting: Williams.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2215**, An act relating to commercial driver's licenses; creating the hazmat fee fund; amending K.S.A. 8-259 and K.S.A. 2004 Supp. 8-267, 8-2,142 and 8-2,151 and repealing the existing sections.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, Huy, 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, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: McKinney.

Present but not voting: None.

Absent or not voting: Williams.

On motion of Rep. D. Johnson, the House concurred in Senate amendments to **HCR 5005**, A concurrent resolution urging the United States Department of Agriculture to reconsider the United States rule on cattle imports from Canada.

On roll call, the vote was: Yeas 121; Nays 3; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, 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, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Winn, Yoder, Yonally.

Nays: Brown, Light, Merrick.

Present but not voting: None.

Absent or not voting: Williams.

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

**COMMITTEE OF THE WHOLE**

On motion of Rep. Owens, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2037** be passed.

**HB 2105** be passed over and retain a place on the calendar.

Committee report to **HB 2026** be adopted; also, on motion of Rep. Watkins to amend, the motion did not prevail. Also, on motion of Rep. McLeland to amend, the motion did not prevail. Also, on further motion of Rep. Watkins to amend, the motion did not prevail, and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce and Labor** recommends **SB 107** be passed.

Committee on **Commerce and Labor** recommends **SB 4** be amended on page 1, in line 20, before the colon, by inserting “, unless the context clearly requires otherwise”; in line 30, by striking “except that” and inserting “and”; in line 36, by striking “and”;

On page 4, in line 15, by striking “president” and inserting “corporation”; in line 41, by striking “11” and inserting “12”;

On page 5, in line 21, by striking “president” and inserting “corporation”; in line 40, by striking “president” and inserting “corporation”; in line 42, by striking “president” and inserting “corporation”;

On page 7, in line 10, after “and” by inserting “an”; in line 11, before the comma, by inserting: “fixed by the corporation in an amount necessary to cover the costs of the examination”; in line 12, by striking “president” and inserting “corporation”; in line 30, by striking “president” and inserting “corporation”; in line 36, by striking “president” and inserting “corporation”; in line 40, before the period, by inserting: “under section 4 and amendments thereto”;

On page 9, in line 25, by striking “\$50” and inserting “\$75”; in line 29, by striking “one year” and inserting “two years”; in line 31, by striking “\$50” and inserting “\$75”; in line 35, before the colon, by inserting: “all three of the following conditions apply”;

On page 10, in line 3, by striking “for good cause shown” and inserting: “upon a specific written finding of good cause by the president”; in line 12, by striking “president” and inserting “corporation”;

On page 12, in line 14, after “file” by inserting: “within the one-year period of completion of installation”; in line 25, by striking “president” and inserting “corporation”;

On page 13, in line 14, by striking “president” and inserting “corporation”;

On page 14, in line 5, by striking “11” and inserting “12”; after line 7, by inserting the following:

“Sec. 15. K.S.A. 2004 Supp. 74-8904 is hereby amended to read as follows: 74-8904. Except as otherwise limited by this act, the authority shall have the following powers to:

- (a) Sue and be sued;
- (b) have a seal and alter such seal;
- (c) make and alter bylaws for its organization and internal management;
- (d) adopt such rules and regulations as may be necessary to carry out the purposes of this act;
- (e) acquire, hold and dispose of real and personal property for its corporate purposes;
- (f) appoint officers, agents and employees, prescribe their duties and qualifications and fix their compensation;
- (g) borrow money and to issue notes, bonds and other obligations pursuant to K.S.A. 74-8905, and amendments thereto, whether or not the interest on which is subject to federal income taxation, and to provide for the rights of the lenders or holders thereof;
- (h) purchase notes or participations in notes evidencing loans which are secured by mortgages or security interests and to enter into contracts in that regard;
- (i) make secured or unsecured loans for any of the purposes for which bonds of the authority may be issued under this act or to low and moderate income multifamily rental housing projects participating in programs established in section 42 of the federal internal revenue code, and provide financing for housing projects and programs in participation with programs established by the United States department of housing and urban development

or the division of housing in the Kansas development finance authority; except as otherwise provided in this subsection, nothing in this act shall be construed to authorize the authority to make loans directly to individuals to finance housing developments;

(j) sell mortgages and security interests at public or private sale, to negotiate modifications or alterations in mortgage and security interests, to foreclose on any mortgage or security interest in default or commence any action to protect or enforce any right conferred upon it by any law, mortgage, security agreement, contract or other agreement, and to bid for and purchase property which was the subject of such mortgage or security interest at any foreclosure or at any other sale, to acquire or take possession of any such property, and to exercise any and all rights as provided by law for the benefit or protection of the authority or mortgage holders;

(k) collect fees and charges in connection with its loans, bond guarantees, commitments and servicing, including, but not limited to, reimbursement of costs of financing as the authority shall determine to be reasonable and as shall be approved by the authority;

(l) make and execute contracts for the servicing of mortgages acquired by the authority pursuant to this act, and to pay the reasonable value of services rendered to the authority pursuant to those contracts;

(m) enter into agreements with and accept gifts, grants, loans and other aid from the federal government, the state, any state agency, any political subdivision of the state, or any person or corporation, foundation or legal entity, and to agree to and comply with any conditions attached to federal and state financial assistance not inconsistent with the provisions of this act;

(n) invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds, in such manner as the board shall determine, subject to any agreement with bondholders stated in the authorizing resolution providing for the issuance of bonds;

(o) procure insurance against any loss in connection with its programs, property and other assets;

(p) provide technical assistance and advice to the state or political subdivisions of the state and to enter into contracts with the state or political subdivisions of the state to provide such services. The state or political subdivisions of the state are hereby authorized to enter into contracts with the authority for such services and to pay for such services as may be provided them;

(q) establish accounts in one or more depositories;

(r) lease, acquire, construct, sell and otherwise deal in and contract concerning any facilities;

(s) have and exercise all of the powers granted to the public housing authorities by the state, except that the authority shall not have the power of eminent domain;

(t) do any and all things necessary or convenient to carry out purposes of the authority and exercise the powers given and granted in this act;

(u) assist minority businesses in obtaining loans or other means of financial assistance. The terms and conditions of such loans or financial assistance, including the charges for interest and other services, will be consistent with the provisions of this act. In order to comply with this requirement, efforts must be made to solicit for review and analysis proposed minority business ventures. Basic loan underwriting standards will not be waived to inconsistently favor minority persons or businesses from the intent of the authority's lending practices;

(v) form one or more subsidiary corporations under K.S.A. 17-6001 *et seq.*, and amendments thereto, in accordance with the procedures therein contained. Each subsidiary corporation shall be subject to the same restrictions and limitations as to the powers and purposes to which the authority is subject. The authority may delegate any of its powers, obligations and duties to any subsidiary corporation by inclusion of such powers, obligations and duties in the articles of incorporation of the subsidiary corporation. Subsidiary corporations so formed shall constitute legal entities separate and distinct from each other, the authority and the state *except that for purposes of sections 3 to 12, inclusive, and amendments thereto, the Kansas housing resources corporation shall constitute an instrumentality of the state.* The authority shall not be liable for the debts or obligations or for any actions or



inactions of its subsidiary corporations unless the authority expressly agrees otherwise in writing. The authority may make loans or grants to a subsidiary corporation from time to time to enable the subsidiary corporation to carry out its purposes. The members of the authority shall constitute all of the directors of each subsidiary corporation.

The state, any municipality or any state commission, public authority, agency, officer, department, board or division authorized and empowered to enter into agreements with, to grant, convey, lease or otherwise transfer any property to, or to otherwise transact business with the authority, shall have the same authorization and power to engage in these activities with each subsidiary corporation of the authority.

One or more such subsidiary corporation may be formed for purposes of establishing state tax credit equity funds to assist in the development of low-income and middle-income housing and obtain financing through participation in the program established in section 42 of the federal internal revenue code.

Actions of the authority or any subsidiary corporation relating to housing pursuant to this subsection (v) shall be carried out in accordance with any terms, conditions and limitations relating to policy issues regarding housing, as established by the director of housing in the Kansas development finance authority.

One or more such subsidiary corporations may be formed for purposes of acquiring or conveying on behalf of the state and pursuant to this act a project of statewide as well as local importance, issuing bonds on behalf of the state pursuant to this act to finance a project of statewide as well as local importance or otherwise financing on behalf of the state pursuant to this act a project of statewide as well as local importance. The Kansas statewide projects development corporation is hereby created in accordance with this section; and

(w) assist, coordinate, administer and participate with out-of-state: Governmental authorities, bodies, issuers and other public and private entities; in connection with the issuance of bonds, notes or other evidence of indebtedness for the purpose of financing any facilities whether such facility is located within or outside of Kansas. In connection with such financings which include out-of-state issuers, the authority is designated as the only entity in Kansas which may conduct the public hearing of the applicable governmental unit required by section 147 (f) of the federal internal revenue code of 1986, as amended, and the governor of Kansas is designated as the only entity in Kansas who may be the applicable governmental unit pursuant to section 147 (f) of the federal internal revenue code of 1986, as amended. Following such hearing the authority shall determine whether such financing should proceed with respect to facilities located within Kansas by an out-of-state issuer. If the authority determines that the financing should not proceed, the financing shall not proceed relative to the Kansas facilities.”;

And by renumbering sections accordingly;

Also on page 14, in line 8, after “58-4202” by inserting “, 74-8904”;

On page 1, in the title, in line 16, after “58-4202” by inserting “, 74-8904”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2496** be passed.

Committee on **Health and Human Services** recommends **HCR 5011**; **SCR 1604** be adopted.

Committee on **Health and Human Services** recommends **SB 116** be amended on page 3, preceding line 5, by inserting the following:

“(d) The state protection and advocacy system as defined in 29 U.S.C. 794e, 42 U.S.C. 15041 and 42 U.S.C. 10801 shall:

(1) Have reasonable unaccompanied access to individuals with disabilities in any facility licensed under this section;

(2) have reasonable unaccompanied access to facilities licensed under this section; and

(3) have access to the records of an individual with a disability when the protection and advocacy agency has a complaint of abuse or neglect or probable cause to suspect the abuse or neglect of an individual with a disability in any facility licensed under this statute.

New Sec. 2. The secretary of social and rehabilitation services shall license and monitor either the group home or other residential setting or the provider of such services which serve two or more residents who are not self-directing their services, unless the provider of services is already licensed to provide such services.”;

And by renumbering the remaining sections accordingly;  
In the title, in line 16, before "amending" by inserting "authorizing the state protection and advocacy system access to certain facilities, individuals receiving care from such facilities and records of such individuals."; and the bill be passed as amended.  
Committee on **Wildlife, Parks and Tourism** recommends **SB 59, SB 194** be passed.

**CHANGE OF REFERENCE**

Speaker pro tem Merrick announced the withdrawal of **HB 2521** from Committee on Health and Human Services and referral to Committee on Appropriations.

**COMMITTEE ASSIGNMENTS**

Rep. Showalter will replace Rep. Carlin on Committee on Health and Human Services.

**REPORT ON ENGROSSED BILLS**

**HB 2057, HB 2448** reported correctly engrossed March 15, 2005.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6019** reported correctly enrolled and properly signed on March 15, 2005.

On motion of Rep. McLeland, the House adjourned until 11 a.m., Wednesday, March 16, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

