

Approved: March 27, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on February 21, 2000 in Room 313-S of the Capitol.

All members were present except Representative Rehorn, excused.:

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Mary Galligan, Legislative Research
Winnie Crapson, Secretary

Others attending: See attached list.

Chairman Powell opened the meeting Chairman Powell and welcomed the leadership classes from Wichita Public Schools.

Without objection bill will be introduced as requested by Representative Faber paralleling Senate Bill **SB 494** conforming to federal Packers and Stockyards Act.

Without objection bill will be introduced as requested by Representative Faber paralleling Senate Bill **SB565**, a scaled back version on contract bill of rights.

Art Chartrand, Overland Park, called the attention of the Committee to a recent decision by the Court of Appeals reversing a District Court decision and longstanding law in Kansas concerning notice of lien to owners of residential real estate. The Order states notice is no longer required. General contractor can conspire with subcontractors and exchange a document between themselves. Mr. Chartrand requests a bill be introduced that would require specific notice to all property owners of record and all those who have an equitable interest.

Without objection bill will be introduced to restore longstanding law in Kansas requiring that notice of owners of residential real estate

Theresa Kiernan, Revisor, distributed balloon with technical amendments to HB 2687.,

Representative Vickrey moved to amend **HB 2687 Kansas real estate salespersons' and brokers' license act.** by replacing "Nothing" in Section 3(c) with "Except as provided by section 5, and amendments thereto, nothing"; and inserting in New Sec. 5 "or anyone on behalf of any such licensee or firm, whether licensed in this state or in another state." Motion, seconded by Representative Ruff, passed.

Representative Mays moved the committee recommend **HB2687** favorable for passage as amended. Representative Vickrey seconded. Motion passed.

The Committee considered **HB 2550**. Theresa Kiernan, Revisor, explained need to include "or resolution" with "ordinance" to take care of actions other than those by cities. Representative Klein said he assumed the language in Sec. 5 was copied from another state which has the legal doctrine of assumption of risk not recognized in Kansas. Chairman Powell agreed that Sec. 5 would be needed in a state that did not have comparative negligence. Without that section there would be no confusion that shooting ranges are being protected only from matters relating to noise pollution.

Chairman Powell moved to amend **HB 2550** by inserting "or resolution" following "ordinance" on pages

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1 and 2 and by striking Section 5. Representative Hutchins seconded. Motion passed.

Representative Ruff moved to recommend **HB2550, Sport Shooting Ranges, Regulation of.** favorable for passage as amended. Representative Klein seconded.

Representative Cox commented that he considers this solely a local control situation and that there are too many good shooting ranges in cities that get along great and they do not need additional state regulations. He believes there should be the opportunity to work out locally the liability for noise pollution

Motion passed to recommend **HB2550, Sport Shooting Ranges, Regulation of.** favorable for passage as amended.

The Committee considered **HB2868** relating to disposition of firearms and banning resale of weapons seized for delinquent tax.

Representative Burroughs moved to table **HB2868** and refer it to an interim committee. Representative Faber seconded.

Chairman Powell stated a motion to table was in order but it was not the prerogative of an individual to make a motion to refer for interim study.

Representative Burroughs withdrew his motion with permission of seconder.

Representative Cox moved to report **HB2868** adversely, Representative Burroughs seconded.

Representative Klein explained he would support the motion because he believes there are serious problems with the section relating to appraisals. His research indicates what happens now is that money from sale of weapons seized for drug tax goes to the drug tax with 75% going to the law enforcement agency that seized the guns. He does not want to take away that money without replacing it.

Motion passed to report adversely **HB2868, Disposition of firearms seized for payment of delinquent tax.**

Meeting adjourned at 2:10 p.m. Next scheduled meeting is February 22, 2000.