

# Journal of the House

## FOURTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 17, 2002, 8:00 a.m.

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

The roll was called with 111 members present.

Rep. O'Brien was excused on verified illness.

Reps. DiVita, Garner, Huebert, Kirk, Landwehr, Lightner, O'Neal, Palmer, Patterson, T. Powell, Reardon, Spangler and Toplikar were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, on the coldest of days our minds cannot forget the warmth of the sun, the gentle breezes of Spring and the tastes of the fresh bounty of the land. Your faithfulness gives us hope. Our trust in you assures us of the bounty that lies before us. Even now, crops lie beneath the earth, safe from the cold of winter, waiting for the warmth that will come in your providence.

Lord, we thank you for those who labor in the fields to produce the richest treasure of the earth—the food that sustains our lives. Bless those who toil for our benefit. Grant them fulfillment and joy in all their labor.

O God, the provider of all that we need, send the moisture that is needed for the harvest that will provide our daily bread. Fill the ponds and raise the rivers and streams that send life to the land. Into your faithful hands we commend all.

Be with the members of the House as they travel this day. Keep them safe under the wings of your divine care and grant them productive and fulfilling work. Amen.

The Pledge of Allegiance was led by Rep. Lane.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2647**, An act relating to income tax; concerning credits for wildlife habitat and management activities; certain income tax credits; amending K.S.A. 79-32,203 and repealing the existing section, by Committee on Taxation.

**HB 2648**, An act relating to drivers' licenses; concerning the content thereof; amending K.S.A. 8-243 and repealing the existing section, by Representative Edmonds.

**HB 2649**, An act relating to taxation; concerning rule and regulation authority of the secretary of revenue, by Committee on Taxation.

**HB 2650**, An act relating to taxation; concerning timing of taxpayer appeals from department of revenue determinations; amending K.S.A. 79-3226 and K.S.A. 2001 Supp. 74-2438 and repealing the existing sections, by Committee on Taxation .

**HB 2651**, An act relating to sales taxation; concerning direct refund requests; amending K.S.A. 79-3650 and repealing the existing section, by Committee on Taxation.

**HB 2652**, An act relating to estate taxation; concerning conformity to federal law; amending K.S.A. 2001 Supp. 79-15,101, 79-15,102 and 79-15,119 and repealing the existing sections, by Committee on Taxation.

**HB 2653**, An act relating to antique vehicles; concerning the certificate of title thereof; amending K.S.A. 8-170 and repealing the existing section, by Committee on Taxation.

**HB 2654**, An act relating to sales taxation; exempting certain purchases therefrom of Wheat Bowl, Inc.; amending K.S.A. 2001 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2655**, An act concerning cities; relating to the procedure for the incorporation thereof; amending K.S.A. 15-123 and repealing the existing section, by Joint Committee on Economic Development.

**HB 2656**, An act relating to motor vehicles; concerning Pearl Harbor license plate; amending K.S.A. 8-1,147 and repealing the existing section, by Representative Stone.

**HB 2657**, An act relating to income taxation; concerning the definition of business income for purposes of the uniform division of income for tax purposes act; amending K.S.A. 79-3271 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5036—

By Representative Edmonds

A PROPOSITION to amend section 2 of the constitution of the state of Kansas, relating to members of the senate and house of representatives.

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 2 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 2. Senators and representatives.** The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two year terms. Senators shall be elected for four year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election. *Except as otherwise hereinafter provided, no person shall be elected at any general election for more than three successive four-year terms as a member of the senate, and no person shall be elected at any general election for more than six successive two-year terms as a member of the house of representatives. Any person filing a ballot access petition in the manner prescribed by law which is signed by qualified electors of the district equal in number to not less than 20% of the total number of electors of the district who voted for the office of the secretary of state at the last general election for such office, may become a candidate for and may be elected, in the manner prescribed by law, to successive terms of office in the senate and house of representatives in excess of the limitations hereinbefore prescribed.*”

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 limit the number of terms for which a person can be elected as a member of the senate and house of representatives except upon the filing of a sufficient petition signed by qualified electors of the district requesting that a person be permitted to be elected to an additional successive term.

“A vote for this amendment favors limiting the number of terms for which a person can be elected as a member of the senate and house of representatives but reserving to the qualified electors of the district the right to petition for the right of a designated person to be allowed to be elected to an additional successive term.

“A vote against this amendment favors retaining the present language of the constitution which places no limit upon the number of terms to which a person can be elected as a member of either house of the legislature.”

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

The following bills were referred to committees as indicated:

Appropriations: **HB 2645** (separately).

Education: **HB 2641**.

Federal and State Affairs: **HB 2643**.

Higher Education: **HB 2642**.

Insurance: **HB 2639**, **HB 2640**.

Utilities: **HB 2644**, **HB 2645** (separately), **HB 2646**.

#### CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2183** from Committee on Federal and State Affairs and referral to Committee on Tourism.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 1**, by Representative Dreher, congratulating William and Marjorie Mentzer and Arch and Amaryllis Specht on their 50th wedding anniversaries; Ralph and Viola Moser and Boward and Arlene Flynn on their 60th wedding anniversaries;

**Request No. 2**, by Representative Stone, congratulating David A. Handke for receiving the honor of Eagle Scout;

**Request No. 3**, by Representative Aday, congratulating Gene D. Donley for receiving the honor of Eagle Scout;

**Request No. 4**, by Representative Beggs, congratulating Peter J. Anderson, Charles A. Ritter, III, and Joseph William Blackwell for receiving the honor of Eagle Scout;

**Request No. 5**, by Representative Hutchins, commending Michiel Ford her on receiving the Milken Family Foundation National Educator Award;

**Request No. 6**, by Representatives Sloan, Holmes and McClure, commending Dixie Toelkes and Richard Alldritt on their service in the Kansas House of Representatives;

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

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

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2658**, An act designating a part of United States Highway 400 as the Clayton J. Connell memorial highway, by Representative Compton.

On motion of Rep. Weber, the House adjourned pro forma until 9:00 a.m., Friday, January 18, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

