

# Journal of the House

TWENTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 19, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.  
The roll was called with 121 members present.

Reps. McCreary and O'Brien were excused on verified illness.

Reps. Garner and Storm were excused on excused absence by the Speaker.

Prayer by LTC David C. Fulton, Wing Chaplain, 190th Refueling Wing, Forbes Field, and pastor, Trinity Lutheran Church, ELCA, Topeka:

O Lord, our Lord, how majestic is your Name in all the earth! O Lord, our Lord, open us to your presence as we gather for prayer—open us as when we are stunned by a Kansas sunset, as when we are swept up by a vision of amber waves of grain. Open our minds and hearts to your presence O God.

We thank you O God, for the privilege of living in Kansas, our home on the range, we thank you O God, for the privilege of living in the United States of America, one nation, under God, indivisible, with liberty and justice for all.

We remember before you this day those Kansans who have sworn to preserve and protect the constitution of the United States of America. Kansans in the Kansas National Guard, Army and Air, the Kansas Guard, Kansans in the Reserve Components, Kansans in the active duty service of our great land. God bless the sons and daughters of Kansas who have stood up to say no to terrorism, no to oppression, no to government rule by fear. God bless the families of those deployed in harm's way to keep our fellow citizens safe from harm. And so to our neighbors who wear the uniform of the United States military se say thanks, for all who gather here to serve our state, to make tough decisions we say thanks, to you O Lord, our Lord, the creator of this moment in which we gather, we say thanks and amen.

The Pledge of Allegiance was led by Rep. Compton.

## INTRODUCTION OF GUESTS

Speaker Glasscock welcomed guests from the Command and General Staff College at Ft. Leavenworth.

In celebration of Armed Forces Day, Rep. Tafanelli welcomed members of the Armed Forces; and Rep. Levinson introduced Maj. Gen. Thomas Metz, commanding general, 24th Infantry Division, Ft. Riley, who addressed a few remarks to the members of the House.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2992**, An act concerning crimes and punishment; relating to fines for smoking in public places; amending K.S.A. 21-4012 and K.S.A. 2001 Supp. 74-7336 and repealing the existing sections, by Committee on Appropriations.

**HB 2993**, An act relating to plumbers and certain contractors; relating to the examination and certification or licensure thereof; amending K.S.A. 12-1509 and 12-1542 and repealing the existing sections, by Committee on Appropriations.

**HB 2994**, An act imposing an excise tax upon the privilege of engaging in a development activity, by Committee on Taxation.

**HB 2995**, An act relating to income taxation; allowing deduction of federal income tax liability; amending K.S.A. 79-32,120 and K.S.A. 2001 Supp. 79-32,119 and repealing the existing sections, by Committee on Taxation.

**HB 2996**, An act concerning elections; relating to the time of canvass by the county board of canvassers; amending K.S.A. 25-3104 and K.S.A. 2001 Supp. 25-3107 and repealing the existing sections, by Committee on Federal and State Affairs.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, appearing on the Calendar of February 18 as "To Be Referred," were referred to committees as indicated:

Appropriations: **HB 2966** (separately).

Education: **HB 2966** (separately).

New Economy: **HB 2989**, **HB 2990**.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to committees as indicated:

Committee of the Whole: **HCR 5048**.

Local Government: **HB 2991**.

#### CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2370**, **HB 2469**, **HB 2907**, **HB 2908**, **HB 2945** from Committee on Judiciary and referral to Committee on Federal and State Affairs..

Also, the withdrawal of **HB 2977** from Committee on Health and Human Services and referral to Committee on Federal and State Affairs.

#### COMMUNICATIONS FROM STATE OFFICERS

From Carolyn Ward, Executive Director, State Child Death Review Board, Annual Report, 1999 Data, published February 2002.

From Barbara J. Hinton, Legislative Post Auditor, Performance Audit Report, 100-Hour Audit on Expanded Gaming: Reviewing the Reliability of Estimates of Potential Revenues that Might Accrue to the State from Allowing Slot Machines at Race Tracks, February 2002.

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

#### CONSENT CALENDAR

Objection was made to **HB 2768**, **HB 2676** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2792**, **HB 2718**, **HB 2781**, **HB 2697**, **HB 2750** be passed.

**HCR 5048** be adopted.

Committee report to **HB 2818** be adopted; and the bill be passed as amended.

Committee report to **HB 2660** be adopted; and the bill be passed as amended.

Committee report to **HB 2315** be adopted; and the bill be passed as amended.

Committee report to **HB 2722** be adopted; also, on motion of Rep. Loyd be amended on page 1, in line 32, after the period, by inserting "A reasonable fee may be charged the

secretary of social and rehabilitation services so long as the fee does not exceed the actual cost of providing the information requested.”; and the bill be passed as amended.

Committee report to **HB 2675** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Education** recommends **HB 2777** be passed.

The Committee on **Federal and State Affairs** recommends **HB 2741** be passed.

The Committee on **Local Government** recommends **HB 2670, HB 2727**, be passed.

The Committee on **Transportation** recommends **HB2699, HB 2747** be passed.

The Committee on **Transportation** recommends **HB 2693** be amended on page 1, in line 16, by striking all after “system”; by striking all in lines 17 and 18; in line 19, by striking all before the period and inserting “without such motor vehicle being equipped with a muffler in accordance with K.S.A. 8-1739, and amendments thereto”;

On page 5, by striking all in lines 11 and 12;

On page 6, after line 21, by inserting the following:

“Improper compression release                      section 1                      \$60”;  
engine braking system

On page 1, in the title, in line 9, by striking “prohibiting” and inserting “concerning the”; in line 10, by striking “system in certain locations” and inserting “systems”; and the bill be passed as amended.

The Committee on **Transportation** recommends **HB 2794** be amended on page 1, in line 21, before the comma, by inserting “whose primary place of business is in Kansas”; 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 bills were thereupon introduced and read by title:

**HB 2997**, An act authorizing the fixing and collecting of certain fees by the secretary of social and rehabilitation services and providing for the disposition thereof, by Committee on Appropriations.

**HB 2998**, An act concerning reimbursement by the department of social and rehabilitation services for certain drugs; relating to the medicaid pharmacy programs; changing certain rules and regulations requirements; amending K.S.A. 39-7,120 and repealing the existing section, by Committee on Appropriations.

#### CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2991** from Committee on Local Government and referral to Committee on Appropriations.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, February 20, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

