

# Journal of the House

EIGHTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 1, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.  
The roll was called with 122 members present.  
Reps. Colloton and Huntington were excused on legislative business.  
Rep. Hill was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Chester Morris, pastor, Church of the New Covenant, Emporia, and guest of Rep. Mast:

Father, In the name of Jesus we come before your presence to invite your spirit of counsel, wisdom and righteousness into this legislative session today.

We thank you for these who represent the people of the great state of Kansas. Speak to their hearts today and use them to your glory and praise. Make them a blessing to those whom they represent. In Jesus' great name. Amen.

The Pledge of Allegiance was led by Rep. Grant.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2325**, An act concerning school districts; relating to student publications; amending K.S.A. 72-1505 and 72-1506 and repealing the existing sections, by Representative Myers.

**HB 2326**, An act concerning crimes and punishment; relating to worthless checks; amending K.S.A. 2006 Supp. 21-3707 and repealing the existing section, by Representative Holland.

**HB 2327**, An act establishing the applied behavioral science training program; prescribing guidelines and limitations therefor; authorizing certain loans and agreements thereunder, by Representatives Kinzer, George, Merrick and Judy Morrison.

**HB 2328**, An act establishing the small business association assistance plan, by Committee on Insurance and Financial Institutions.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2311**.

Appropriations: **HB 2303, 2323**.

Commerce and Labor: **HB 2314, HB 2315, HB 2316, HB 2317, HB 2320, HB 2321**.

Education: **HB 2310**.

Elections and Governmental Organization: **HB 2307, HB 2308, HB 2309**.

Energy and Utilities: **HB 2305, HB 2306**.

Federal and State Affairs: **HB 2299, HB 2304, HB 2319, HB 2324**.

Health and Human Services: **HB 2312**.

Insurance and Financial Institutions: **HB 2313**.

Judiciary: **HB 2300, HB 2301, HB 2318**.

Taxation: **HB 2322**.

Veterans, Military and Homeland Security: **HB 2302**.

**MESSAGE FROM THE GOVERNOR**

January 18, 2007

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Directive No. 07-374 for your information.

EXECUTIVE DIRECTIVE No. 07-374

Authorizing Personnel Transactions

KATHLEEN SEBELIUS

*Governor*

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

**COMMUNICATIONS FROM STATE OFFICERS**

From Brian J. Moline, Chair, Kansas Corporation Commission, in accordance with K.S.A. 66-117b, Annual Report to the 2007 Kansas Legislature. The report is also available at [http://www.kcc.state.ks.us/07\\_legis\\_rpt.pdf](http://www.kcc.state.ks.us/07_legis_rpt.pdf).

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

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 13, SB 18, SB 31, SB 66, SB 69, SB 102**.

Also, announcing adoption of **HCR 5007, HCR 5010**.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 13, SB 18, SB 31, SB 66, SB 69, SB 102.**

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Kuether, **HR 6005**, by Rep. Kuether, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6005—

A RESOLUTION encouraging participation in the American Heart Association's Go Red for Women campaign.

WHEREAS, Friday, February 2, has been designated "National Wear Red Day for Women" by the American Heart Association. This action is part of the association's Go Red for Women campaign to raise awareness of cardiovascular disease, women's greatest killer, and to invite women to take charge of their heart health so as to be able to live a stronger, longer life; and

WHEREAS, Red is the American Heart Association's color for women and heart disease. The association is encouraging everyone to wear some red item of clothing on February 2 in support of all women who have experienced heart disease or stroke; and

WHEREAS, Cardiovascular disease claims more women's lives each year than the next four causes of death combined, and nearly twice as many as all forms of cancer, including breast cancer. This endeavor, hopefully, will raise women's awareness of this problem because only 13% of women consider cardiovascular disease their greatest health risk. This lack of urgency about their health contributes to the death of more than 480,000 American women every year; and

WHEREAS, Women who contact the American Heart Association will be provided with suggestions and information including a comprehensive brochure on heart disease and stroke risk factors, a red dress pin and information regarding free lifestyle programs to improve their health: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we support the efforts of the American Heart Association in reducing women's heart problems and urge

individual participation in the American Heart Association's Go Red for Women campaign; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Linda J. DeCoursey, American Heart Association, 5375 S.W. 7th Street, Topeka, KS 66606.

#### CONSENT CALENDAR

Objection was made to **SB 36** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2152** appearing on the Consent Calendar for the second day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2013**, An act concerning motor-vehicle fuel taxation; relating to licenses required; exception; amending K.S.A. 79-3403 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Hill, Huntington.

The bill passed.

**HB 2110**, An act concerning insurance companies; pertaining to merger authority; amending K.S.A. 40-309 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Colloton, Hill, Huntington.

The bill passed, as amended.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Roth in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2036** be passed over and retain a place on the calendar.

Committee report to **HB 2037** be adopted; and the bill be passed as amended.

Committee report to **HB 2066** be adopted; also, on motion of Rep. Neighbor be amended on page 3, in line 9, by striking "retail or wholesale purposes" and inserting "others, that is not a retail electric supplier"; and the bill be passed as amended.

Committee report to **HB 2038** be adopted; also, on motion of Rep. Svaty to amend, the motion did not prevail and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2161** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2073** be amended on page 1, in line 23, by striking "or docket"; in line 26, by striking "or docket"; in line 29, by striking "or docket fees"; in line 30, by striking "or docket fees"; in line 38, by striking "and docket fee"; in line 41, by striking "and docket fee"; after line 43, by inserting:

"(f) Such additional library fee shall be considered a docket fee for purposes of K.S.A. 60-2001 et seq., and amendments thereto."; 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 2329**, An act concerning elections; amending K.S.A. 25-203, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2107, 25-2108a, 25-2109, 25-2120, 25-2311, 25-2502 and 25-3503 and K.S.A. 2006 Supp. 25-1122 and repealing the existing sections, by Committee on Elections and Governmental Organization.

**HB 2330**, An act concerning elections; amending K.S.A. 25-1115, 25-2102, 25-2502 and 25-3901 and K.S.A. 2006 Supp. 25-1122 and repealing the existing sections, by Committee on Elections and Governmental Organization.

**HB 2331**, An act concerning municipalities and taxing subdivisions; amending K.S.A. 2006 Supp. 79-2926, 79-2929a and 79-2930 and repealing the existing sections, by Committee on Elections and Governmental Organization.

**HB 2332**, An act concerning elections; relating to the method of tabulating certain votes, by Committee on Elections and Governmental Organization.

**HB 2333**, An act concerning campaign finance; extending coverage to certain groups; amending K.S.A. 2006 Supp. 25-4143 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2334**, An act concerning elections; amending K.S.A. 2006 Supp. 25-3904 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2335**, An act concerning income taxation; relating to interest income; amending K.S.A. 2006 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2006 Supp. 79-32,117, by Committee on Taxation.

**HB 2336**, An act concerning sales taxation; relating to exemptions; certain sales of coins, bullion and currency; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2337**, An act concerning school districts; relating to school finance; relating to certain definitions; amending K.S.A. 2006 Supp. 72-6407 and repealing the existing section, by Committee on Education.

**HB 2338**, An act concerning school districts; relating to school finance; relating to at-risk pupils; amending K.S.A. 2006 Supp. 72-6414 and repealing the existing section, by Committee on Education.

**HB 2339**, An act concerning school districts; relating to the contingency reserve fund; amending K.S.A. 2006 Supp. 72-6426 and repealing the existing section, by Committee on Education.

**HB 2340**, An act repealing K.S.A. 50-115; concerning recovery of certain damages in antitrust cases, by Committee on Judiciary.

**HB 2341**, An act enacting the disposition of fetal remains act, by Committee on Health and Human Services.

**HB 2342**, An act concerning the department of health and environment; relating to hospital-acquired infections; establishing an advisory committee; amending K.S.A. 65-430 and repealing the existing section, by Committee on Health and Human Services.

**HB 2343**, An act relating to education; establishing the early high school graduation incentive program, by Committee on Education.

**HB 2344**, An act concerning real estate; relating to the real estate recovery revolving fund; issuance of licenses; trade or business name; fees ; amending K.S.A. 58-3047, 58-3067 and 58-3068 and K.S.A. 2006 Supp. 58-3063 and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2345**, An act relating to real estate; concerning real estate brokers and salespersons; relating to expiration, suspension or revocation of licenses and civil fines; concerning contracts for sale of residential real estate; amending K.S.A. 58-3050 and repealing the existing section, by Committee on Commerce and Labor.

**HB 2346**, An act concerning real estate brokers and salespersons; relating to licensure; amending K.S.A. 58-3045 and K.S.A. 2006 Supp. 58-3039 and 58-3046a and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2347**, An act concerning teachers; concerning teacher education programs; concerning requirements for licensure and renewal thereof, by Committee on Education.

**HB 2348**, An act concerning the Kansas academy of mathematics and science program; relating to engineering and technology; amending K.S.A. 2006 Supp. 72-9711 and 72-9712 and repealing the existing sections, by Committee on Education.

**HB 2349**, An act concerning school districts; enacting the Kansas advanced placement grant program act, by Committee on Education.

#### **REPORT ON ENGROSSED BILLS**

**HB 2110** reported correctly engrossed January 31, 2007.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 2, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

