

Journal of the House

THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 2, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 109 members present.
Reps. Flora, Kiegerl and Powers were excused on verified illness.
Reps. Aurand, Colyer, Garcia, Goico, Hodge, Johnson, Kelsey, Masterson, McLeland,
Owens, Shultz, Watkins and Yoder were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, once again as we meet today, we have many issues to discuss and to vote on. Help us as we consider these decisions to “*set our minds on things above . . . rid (ourselves) of . . . anger, rage, malice, and slander . . . (and to) clothe (ourselves) with compassion, kindness, humility, gentleness and patience . . . and let the peace of Christ rule in (our) hearts, since as members of one body (we) are called to peace.*” (Colossians 3:2-15)

I pray for Norm Furse who has had a heart attack. Please bring comfort and assurance to his family, the wisdom to know how to treat him to his medical team, and healing to his body.

In Christ’s name I pray, Amen.

The Pledge of Allegiance was led by Rep. Palmer.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2561, An act concerning real estate brokers and salespersons; relating to licensure; amending K.S.A. 58-3045 and 58-3047 and K.S.A. 2006 Supp. 58-3039, 58-3046a and 58-3063 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2562, An act relating to veterans; concerning veterans preference; amending K.S.A. 73-201 and repealing the existing section, by Committee on Appropriations.

HB 2563, An act concerning landlords and tenants; relating to rental agreements; amending K.S.A. 58-2547 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5020—

By Committee on Appropriations

A PROPOSITION to amend section 8 of article 2 of the constitution of the state of Kansas, relating to the duration of sessions of the legislature.

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

“§ 8. **Organization and sessions.** The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be

held at the state capital. The duration of *each* regular sessions held in even-numbered years session shall not exceed ~~ninety eighty-eight~~ calendar days. *Each* such sessions session may be extended beyond ~~ninety eighty-eight~~ calendar days by an affirmative vote of ~~two-thirds of the~~ a majority of all members elected (or appointed) and qualified to each house, *except that no regular session can be extended by more than two calendar days.* Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members.”

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 duration of the annual regular sessions of the Kansas legislature. It imposes a limit of eighty-eight calendar days for each regular session. It removes the existing limit of ninety calendar days which applies only to regular sessions held in even-numbered years and the existing provision allowing extension of such sessions beyond ninety calendar days by a vote of two-thirds of the members of each house. This amendment would permit the legislature to extend the regular session beyond the eighty-eighth calendar day by the vote of a majority vote of all members of each house. Such extension could not be for more than two calendar days.

“A vote for this proposition would limit the duration of each regular session of the Kansas legislature to eighty-eight calendar days. Each such session could be extended by the legislature for not to exceed two calendar days by a majority vote of all members of each house.

“A vote against this proposition would continue in effect the current provision which limits only the regular sessions held in even-numbered years to ninety calendar days and the existing provision allowing extension of such sessions beyond ninety calendar days by a vote of two-thirds of the members of each house.”

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 November in the year 2008 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 bill and resolution were referred to committee as indicated:

Taxation: **HB 2560; HCR 5019.**

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2141, HB 2142** from Committee on Appropriations and rereferral to Committee on Judiciary.

Also, the withdrawal of **SB 232** from Committee on Taxation and referral to Select Committee on KPERS.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HCR 5003** and has appointed Senators Morris, D. Schmidt and Hensley as conferees on the part of the Senate.

CHANGE OF CONFEREES

Speaker pro tem Dahl announced the appointment of Reps. Neufeld, Merrick and McKinney as members of the conference committee on **HCR 5003** to replace Reps. Shultz, Kinzer and Sawyer.

CONSENT CALENDAR

No objection was made to **HB 2475; SB 51, SB 53, SB 57** appearing on the Consent Calendar for the first day.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 191, SB 192** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Agriculture and Natural Resources** recommends **SCR 1604** be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **SB 62, SB 63** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **SB 72** be amended on page 1, in line 22, by striking "burial or disposal" and inserting "disposition"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 108** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT OF STANDING COMMITTEE

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

Request No. 109, by Representative Moxley, congratulating Toby and Harriet Harmison on their 65th wedding anniversary;

Request No. 110, by Representative Patton, commending Barbara Jones on her service to the Republican party;

Request No. 111, by Representative Burgess, congratulating the Silver Lake Volleyball team on winning the 3A State championship;

Request No. 112, by Representative Burgess, congratulating the Silver Lake Football team on winning the 3A State championship;

Request No. 113, by Representative Burgess, congratulating the Silver Lake Debate team on winning the 3-2-1A State championship;

Request No. 114, by Representative K. Wolf, congratulating R. J. Koch on attaining the rank of Eagle Scout;

Request No. 115, by Representative Swanson, congratulating the Clay Center Community High School Wrestling Team on winning the 4A State Championship;

Request No. 116, by Representative George, commending Dr. Laurie White on her work with the Voluntary Optometric Service for Humanity;

Request No. 117, by Representative George, commending Dan Tasset on establishing the Integral Life Foundation;

Request No. 118, by Representative George, commending the Valley Hope Association on its forty years of helping those suffering from alcoholism and addiction;

Request No. 119, by Representative Huntington, congratulating Spencer Low on attaining the rank of Eagle Scout;

Request No. 120, by Representative George, commending Jim and Tonya Lewis on being instrumental in the founding of the "Alley" for teens;

Request No. 121, by Representative Moxley, congratulating Grace B. Horner on her 100th birthday;

Request No. 122, by Representative Mast, congratulating the staff and students of the Olpe schools for receiving the Governor's Achievement Award;

Request No. 123, by Representative Mast, commending Matthew Cuadra on attaining the rank of Eagle Scout;

Request No. 124, by Representative Mast, congratulating Jacquelyne Leffler on being one of five finalists in an essay contest sponsored by the National and Kansas Federation of Republican Women;

Request No. 125, by Representative Rhoades, congratulating Sharon Landrum on being a 2006 National Board Certified Teacher;

Request No. 126, by Representative Rhoades, congratulating Erica Rickard on being a 2007 Kansas Horizon Award Educator;
be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, 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 2564, An act concerning taxation; relating to credits; enacting the Kansas investment credit act and the Kansas jobs credit act; relating to qualifications and procedures; eliminating certain existing credits related thereto; amending K.S.A. 40-253a and 74-8945 and K.S.A. 2006 Supp. 74-50,131, 79-32,111, 79-32,243 and 79-3606 and repealing the existing sections; also repealing K.S.A. 74-50,113, 74-50,116, 74-50,117, 74-50,118, 74-50,119, 74-50,135, 74-50,135a, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159a, 79-32,159b, 79-32,159c, 79-32,160, 79-32,160b and 79-32,160c and K.S.A. 2006 Supp. 74-50,114, 74-50,115, 74-50,134, 79-3269, 79-32,153, 79-32,154 and 79-32,160a, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Dahl announced the appointment of Rep. Holland to replace Rep. Frownfelter on Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2152 reported correctly engrossed March 1, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 5, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

