

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 6, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 124 members present.
Rep. Judy Morrison was excused on legislative business.

Prayer by guest chaplain, Rabbi Debbie Stiel, Temple Beth Shalom, Topeka, guest of Rep. Gordon:

Elohei Avoteinu V'Imoteinu - God of our ancestors and our children,
We thank you for the many blessings with which You daily grace our lives.
We are especially grateful to live in this country and state. Help us, dear God,
to be ever mindful of our blessings, and to recognize each day as a gift.

We are endowed with noble powers. You have given us the ability to think
and create and thereby to be Your partners in making the world a better
place. May we spend our days - continuing the work that You have started
and creating a world of which we all can be proud.

God, there is so much we want to accomplish. Help us to build up our
state but at the same time to remember—

As You provide us with an amazing world, may we work to safeguard it for
future generations.

As You have created us with different races and perspectives on life, help
us to appreciate our differences and to instill in our state a relishing of
diversity.

As You provide sustenance, may we work to guarantee that Kansans have
the food, shelter and security they require.

These are heavy responsibilities.

We ask God that You grant Your blessing on all of us here as we try to
reach these goals. We especially pray for the members of our government.
Give them insight, strength, and moral fortitude. And we wish for them well
being and the contentment of feeling that they have accomplished much that
is good and beneficial. Amen.

The Pledge of Allegiance was led by Rep. McLachlan.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2565, An act concerning the Kansas racing and gaming commission and the Kansas lottery; amending K.S.A. 74-8703, 74-8704, 74-8706, 74-8709, 74-8802, 74-8805, 74-8839, 74-9803, 74-9804 and 79-4715 and K.S.A. 2006 Supp. 12-4516, 12-4516a, 21-4302, 21-4619 and 79-3234 and repealing the existing sections; also repealing K.S.A. 74-8803 and 74-8803a and K.S.A. 2006 Supp. 21-4619c, by Committee on Federal and State Affairs.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Loganbill, **HR 6012**, A resolution encouraging participation in the Early Detection Works Program, was adopted.

CONSENT CALENDAR

Objection was made to **SB 191**, **SB 192** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **SB 62**, **SB 63**, **SB 108**; **SCR 1604** appearing on the Consent Calendar for the second day.

No objection was made to **SB 51**, **SB 53**, **SB 57** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 51, An act concerning vital statistics; providing clerks of the district courts certain information; amending K.S.A. 2006 Supp. 65-2422d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, 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, 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, Treasurer, 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: Judy Morrison.

The bill passed.

SB 53, An act relating to civil procedure; concerning certain dormant judgments; amending K.S.A. 60-2403 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, 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, 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, Treasurer, 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: Judy Morrison.

The bill passed.

SB 57, An act repealing K.S.A. 20-351a; concerning the report to legislature of the elimination or addition of certain judgeships, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, 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, 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, Treasurer, 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: Judy Morrison.

The bill passed.

SB 75, An act concerning indigent defense services; relating to compensation for attorneys; amending K.S.A. 2006 Supp. 22-4507 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, 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, 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, Treasurer, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Judy Morrison.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Henry, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **SB 72** be adopted; and the bill be passed as amended.

Committee report to **HB 2241** be adopted; also, on motion of Rep. Davis to refer the bill to Committee on Judiciary, the motion prevailed and the bill be referred to Committee on Judiciary.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

STEVEN R. BRUNK
MIKE KIEGERL
Conferees on part of House

KARIN BROWNLEE
NICK JORDAN
Conferees on part of Senate

Roll call was demanded on motion of Rep. Brunk to adopt the conference committee report on **SB 83**.

On roll call, the vote was: Yeas 56; Nays 67; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Bowers, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Myers, Neufeld, O'Neal, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Wilk, Worley, Yoder.

Nays: Ballard, Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Horst, Huntington, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Olson, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Powers, Rardin, Roth, Ruff, Ruiz, Sawyer, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf.

Present but not voting: None.

Absent or not voting: Hill, Judy Morrison.

The motion did not prevail and **SB 83** remains in conference.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 190** 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 **Calendar and Printing** recommends **HB 2504** 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 **Energy and Utilities** recommends **HB 2526** be amended on page 1, by striking all in lines 12 through 25; in line 30, after the period, by inserting: "At least two such sites shall be located to measure mercury deposition entering the state from the direction of prevailing winds."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 52** be amended on page 1, following the enacting clause by inserting the following:

"Section 1. K.S.A. 8-1560c is hereby amended to read as follows: 8-1560c. (a) *Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.*

(b) *Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 70 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.*";

Also on page 1, in line 15, by striking "Section 1." and inserting "Sec. 2.";

By renumbering the remaining sections accordingly;

Also on page 1, in line 19, preceding "shall" by inserting "or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit,"; in line 24, by striking "8-1560d is" and inserting "8-1560c and 8-1560d are";

In the title, in line 11, following "K.S.A." by inserting "8-1560c and"; in line 12, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 54** be amended on page 1, in line 30, by striking "The warrant"; by striking all in line 31; in line 32, by striking all preceding "In"; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HCR 5018** be 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 bills were thereupon introduced and read by title:

HB 2566, An act concerning governmental entities competing with private businesses, by Committee on Appropriations.

HB 2567, An act concerning cities; relating to sidewalk repair, by Committee on Appropriations.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 7, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

