

Journal of the House

FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 4, 2008, 11:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.
The roll was called with 118 members present.
Rep. Johnson was excused on verified illness.
Reps. Colyer, Dillmore, Garcia, Hodge, Huebert and Peterson were excused on excused absence by the Speaker.
Present later: Reps. Colyer, Garcia, Hodge and Huebert.

Prayer by Chaplain Brubaker:

This morning, Lord, we listen to the words you gave the great prophet, Jeremiah, “ ‘For I know the plans I have for you,’ declares the Lord, ‘plans to prosper you and not to harm you, plans to give you hope and a future. Then you will call upon me and come and pray to me, and I will listen to you. You will seek me and find me when you seek me with all your heart. I will be found by you,’ declares the Lord . . .” (Jeremiah 29:11-14)

Lord, help us to seek you — your wisdom — and your will.

Also, please bring comfort, consolation, peace and assurance to Charlene Swanson with the passing of her husband, Duane, and Beckie Hendricks in the death of her mother-in-law.

In Christ’s name I pray. Amen.

The Pledge of Allegiance was led by Rep. Ballard.

There being no objection, the following remarks of Rep. King are spread upon the journal:

Thank you Mr. Speaker. Today, I have the honor of recognizing an historic event for Independence and Kansas athletics by honoring not one, not two, but three 2007 state championship teams from Independence High School. We have 62 state champions from the Independence soccer and the boys and girls tennis teams in the gallery.

The Independence High School Tennis Teams have been a study in excellence for many decades. With me today, we have girls’ coach Jean Lundt, boys’ coach Ken Brown, and the assistant coach for both teams, Gina McLenon. Through their efforts, and the hard work of their student - athletes, Independence tennis has reached unprecedented heights with back-to-back boys and girls state titles. These accomplishments include a boys doubles team that ended the season an amazing 33-0, two girls doubles teams who played each other for 3rd and 4th in the state, and the boys and girls state runners-up in singles.

It’s also fitting that we honor the Independence soccer team the day after one of the greatest Super Bowl upsets in history. The Independence soccer team, in only its 7th year of existence, played the role of Cinderella perfectly this fall, knocking off two-time defending state champion Kansas City Christian in the semifinals and winning an overtime thriller against perennial powerhouse Buhler to bring home the state crown. With me at the front of the House today are the coaches of the Independence boys’ soccer team, Eric Hazlett and Nick McBride.

In short, you know that a school has accomplished much when its state champions from one year can barely fit in the House gallery. Please turn around and join me in giving a hearty congratulations to the state champion athletes from Independence High School.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2745. An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section, by Committee on Commerce and Labor.

HB 2746. An act concerning real estate brokers and salespersons; relating to licensure, prohibited acts, advertising and definitions; amending K.S.A. 58-3067, 58-3068 and 74-4202 and K.S.A. 2007 Supp. 58-3035, 58-3043, 58-3047, 58-3050 and 58-3062 and repealing the existing sections, by Committee on Commerce and Labor.

HB 2747. An act concerning annexation of territory by cities; amending K.S.A. 12-519, 12-530, 12-531, 12-532 and 12-535 and K.S.A. 2007 Supp. 12-520 and 12-520a and repealing the existing sections; and also repealing K.S.A. 12-521 and 12-521a, by Representatives Merrick, Mah, Dahl, Donohoe, Faber, Fund, Gordon, Hayzlett, Hodge, Huebert, Kiegerl, Judy Morrison, Powell, Rhoades and Wetta.

HB 2748. An act concerning the possession of wildlife; relating to the tagging of big game and wild turkey; amending K.S.A. 2007 Supp. 32-969 and 32-1004 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2749. An act concerning townships; relating to the establishment of a township equipment reserve fund, by Committee on Elections and Governmental Organization.

HB 2750. An act concerning property taxation; relating to exemptions; certain property leased to companies for research and development purposes; amending K.S.A. 2007 Supp. 79-201a and repealing the existing section, by Committee on Taxation.

HB 2751. An act concerning income taxation; relating to deductions; expensing of investment expenditures; amending K.S.A. 2007 Supp. 79-32,117 and 79-32,138 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Appropriations: **SB 417.**

Education: **HB 2734.**

Elections and Governmental Organization: **HB 2741.**

Federal and State Affairs: **HB 2736, HB 2742; HR 6008, HR 6009.**

Insurance and Financial Institutions: **HB 2743; Sub. SB 209; SB 379; SCR 1616.**

Judiciary: **SB 410.**

Taxation: **HB 2737, HB 2738, HB 2739.**

Agriculture and Natural Resources Budget: **HB 2735; SB 447.**

Education Budget: **SB 425.**

General Government Budget: **HB 2744.**

Select Committee on Corrections Reform and Oversight: **HB 2740.**

COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Utilities Division, Kansas Corporation Commission, pursuant to K.S.A. 2007 Supp. 66-2005, Report on Price Deregulation.

From Paul Feleciano, Jr., Chairperson, Kansas Parole Board, pursuant to K.S.A. 22-3710, Kansas Parole Board, Fiscal Year 2007 Annual Report.

From David D. Kerr, Secretary of Commerce, pursuant to K.S.A. 12-1774(d), 2007 Star Bond Annual Report.

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

CONSENT CALENDAR

No objection was made to **HB 2683** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2622** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2622, An act relating to motor vehicles; concerning the display of license plates; amending K.S.A. 2007 Supp. 8-133 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKimney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Colyer, Dillmore, Garcia, Hodge, Huebert, Johnson, Peterson.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Siegfried, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **SB 366** be adopted; also, on motion of Rep. Watkins be amended on page 1, by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 38 and inserting the following:

“Section 1. K.S.A. 2007 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to (1) appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing *notice*, the division of vehicles will be notified to suspend the person's driving privileges. *The district or municipal court may charge an additional fee of \$5 for mailing such notice.* Upon the person's failure to comply within such 30 days of mailing *notice*, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically

notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$50 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 50% of such moneys to the division of vehicles operating fund, 37.5% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and 12.5% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(e) The reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.”; and **SB 366** 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 2752, An act enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging, by Committee on Appropriations.

HB 2753, An act concerning school districts; relating to special education and the distribution of moneys therefor; amending K.S.A. 2007 Supp. 72-978 and repealing the existing section, by Committee on Education.

HB 2754, An act concerning school districts; relating to funding for special education, by Committee on Education.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 5, 2008.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

