

# Journal of the House

SIXTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 5, 2008, 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. Crow, Johnson and Metsker were excused on verified illness.

Prayer by Chaplain Brubaker:

Our Heavenly Father,

Your word encourages those who are weary and need rest to come to you. For those juggling busy schedules here, at home with family and with businesses — give them rest. For those mourning the loss of loved ones — give them comfort. For those facing health issues — give them healing.

Thank you for your faithfulness to Representative Crow these past few months. Today as she goes into surgery, guide the skilled hands of the medical team and may all go well.

We thank you for all you do and for your faithfulness to us. In your name I pray, Amen.

The Pledge of Allegiance was led by Rep. Roth.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2755**, An act relating to driver's licenses; concerning the classes thereof; amending K.S.A. 8-234b and repealing the existing section, by Committee on Transportation.

**HB 2756**, An act regulating traffic; concerning fines in road construction zones; amending K.S.A. 8-2004 and K.S.A. 2007 Supp. 8-2118 and repealing the existing sections, by Committee on Transportation.

**HB 2757**, An act dealing with county hospitals; amending K.S.A. 19-4610 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2758**, An act concerning schools; relating to cyberbullying, school district policies; amending K.S.A. 2007 Supp. 72-8256 and repealing the existing section, by Representative Burroughs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2748**.

Commerce and Labor: **HB 2745**, **HB 2746**.

Education: **HB 2753**, **HB 2754**.

Elections and Governmental Organization: **HB 2747**, **HB 2749**.

Taxation: **HB 2750**, **HB 2751**.

Social Services Budget: **HB 2752**.

**CHANGE OF REFERENCE**

Speaker pro tem Dahl announced the withdrawal of **SB 379** from Committee on Insurance and Financial Institutions and referral to Committee on Judiciary.

**COMMUNICATIONS FROM STATE OFFICERS**

From Roderick L. Bremby, Secretary, Department of Health and Environment, Division of Environment, Annual Reports SFY 2007.

From Regional Economic Area Partnership of South Central Kansas, in accordance with H. Sub. for SB 475 and S. Sub. for HB 2968 (2006 session), report on the expenditures of the state annual grant and local matching moneys under the program to date (Fiscal Year 2007, Fiscal Year 2008).

The complete reports 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 third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2683**, An act concerning elections; pertaining to vacancy in the office of United States representative; amending K.S.A. 25-3501 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, 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, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, 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: Brunk, Crow, Johnson, Kelley, Metsker.

The bill passed.

**SB 366**, An act concerning traffic citations; pertaining to giving notice of failure to comply; amending K.S.A. 8-2106 and K.S.A. 2007 Supp. 8-2110 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McLachlan, McLeland, Menghini, Merrick, 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, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Feuerborn, Frownfelter, Henderson, Holland, Huebert, Landwehr, Lane, McCray-Miller, McKinney, Peterson, Ruiz, Schwartz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Crow, Johnson, Metsker.

The bill 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 2759**, An act concerning sales taxation; relating to exemptions; flood disaster emergencies; certain construction materials and services, by Committee on Agriculture and Natural Resources.

**HB 2760**, An act concerning school districts; relating to low enrollment weighting; amending K.S.A. 2007 Supp. 72-6412 and repealing the existing section, by Committee on Education.

**HB 2761**, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, for the department on aging and the department of social and rehabilitation services; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2762**, An act concerning income taxation; relating to apportionment of net income; business income; corporations, surtax; amending K.S.A. 79-3285 and K.S.A. 2007 Supp. 79-3271 and 79-32,110 and repealing the existing sections, by Special Committee on Assessment and Taxation.

**HB 2763**, An act concerning property taxation; relating to exemptions; trucks used for commercial and business purposes, by Committee on Taxation.

**HB 2764**, An act concerning sales taxation; relating to exemptions; certain sales of coins, bullion and currency; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2765**, An act concerning electric energy; relating to the determination and provision of future energy requirements, by Committee on Energy and Utilities.

**HB 2766**, An act concerning the code for civil procedure; relating to evidence; expert and other testimony; amending K.S.A. 60-456 and 60-457 and repealing the existing sections; also repealing K.S.A. 60-458, by Committee on Judiciary.

**HB 2767**, An act concerning civil procedure; relating to collateral source benefits; amending K.S.A. 60-3802 and repealing the existing section, by Committee on Judiciary.

**HB 2768**, An act concerning public health; relating to removal of dead bodies; amending K.S.A. 2007 Supp. 65-1753 and repealing the existing section, by Committee on Judiciary.

**HB 2769**, An act relating to insurance; providing reimbursement for certain dietary formulas; amending K.S.A. 2007 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance and Financial Institutions.

**HB 2770**, An act relating to drivers' licenses and other state issued identification cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 6, 2008.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

