

# Journal of the House

FIFTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, April 2, 2008, 9:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Jeffrey L. Enlow, Sr., Senior Pastor, Bibleway Community of Faith Church, Wichita, and guest of Rep. Faust-Goudeau:

Our Father and our God we thank you for this day, we thank you for protection and provision, for the grace and guidance that you so graciously provide to each of us. God we thank you for the men and women in this chamber in whom you have sovereignly and providentially placed to represent and serve the citizens of the state. We come today to seek your face, for we are reminded from your word to acknowledge you in all of our ways, for you have promise to direct our path. And so God we look to the hills from whence cometh our help, acknowledging all that of our help comes from you; everything that we have comes from your hand, for it's in you that we live, move and have our being. God we ask that you would shower your blessings upon each of these stewards in whom you have charge and challenged to provide policy for the people of this state; give us conviction, courage to remain true to our God, even our native land. Help us to emulate the difference that we expect from those in whom we represent. Help us to remain true to the authority and influence that you have entrusted into our hands. Give us wisdom as we render service to others on your behalf; as we provide vision for all, let us not forget the least, the last and the lost. God we pray for our President, our Governor, our Mayors, and each public servant who sacrificially serve this state and nation. And then God we pray for the service men and women who serve us in order that we may be safe, we ask that you would keep them from hurt, harm and danger; give faith and favor to their families as they await their return. We pray this prayer in the name that is above every name, even Jesus, who is the Christ, Amen.

The Pledge of Allegiance was led by Rep. Faust-Goudeau.

## INTRODUCTION OF GUESTS

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

Today we recognize one of the Kansans that provided evidence that led to the arrests and convictions of the two Oklahoma City Bombers - Mr. Patrick Livingston.

At 9:02 in the morning of April 19, 1995, terrorists drove a rented Ryder truck up to the Alfred P. Murrah Building in Oklahoma City and detonated it killing 168 men, women and children, and leaving more than 800 injured that had to be rescued.

Today, please join us in commending Mr. Patrick Livingston, owner of Pat's Pawn and Gun Shop of Ogden, Kansas.

On April 21, 1995, Mr. Livingston identified a composite drawing of Timothy McVeigh after several federal agents traced the concealed weapon he was carrying to Pat's Pawn and Gun Shop.

The Glock 45 Pistol ser.VW769 is now on display at the Murrah Memorial in Oklahoma City along with copies of the gun records and the bad check, which have now been returned to Mr. Livingston, by the President of the United States.

Timothy McVeigh was carrying that pistol in a shoulder holster when he was stopped by an Oklahoma Highway Patrolman for not having a tag on his vehicle. He was taken to jail in Perry, OK, on a concealed weapon charge. The jailer in Perry was about to release McVeigh on April 21, but the sheriff said to run a gun trace on his pistol before they released him.

The Alcohol Tobacco and Firearms (ATF) Agents contacted Livingston on the gun trace about the Glock pistol just after noon. Pat looked up the gun form and found that Timothy McVeigh had bought it from him and he gave the ATF all the information from the 4473 Gun Form over the telephone. Then he faxed the information to Agent Reeves at 1:06 p.m.

Thirty minutes later the FBI and ATF Agents arrived at Pat's Pawn and Gun Shop, showed him a copy of the composite drawing of the suspect that rented a Ryder truck from Elliott's body shop in Junction City and asked Pat to identify him.

Pat positively identified him as being Timothy McVeigh and provided them the gun form on the Glock Pistol purchase.

They immediately started calling people, the ATF Agent running outside with his cell phone to report that McVeigh was one of the Oklahoma City Bombers.

Pat then showed them the other gun forms on McVeigh's purchase of a tec-9 and handed them the bad check he wrote on a Michigan bank account.

Later, when Pat learned that a Nichols was involved, he looked through his gun records again — and found that Terry Nichols had also purchased two Glock Pistols from him just before the bombing. He called the ATF and reported that information and told them that Terry Nichols was living in Marion, Kansas.

And now, Rep. Hawk will read a letter from Governor Sebelius:

*Dear Mr. Livingston:*

*On behalf of the State of Kansas, I thank you for your invaluable assistance to the federal officials investigating the bombing of the Alfred P. Murrah Federal Building. The capture of Timothy McVeigh resulted from the unparalleled effort by government authorities and citizens to bring solace to the victims' families.*

*While our nation will always mourn the loss of the sons, daughter, parents, and friends lost on April 19, 1995, we found strength in the brave men and women who helped to right this wrong. Thank you again for your acts of patriotism and for your efforts to bring comfort to the victims' families.*

*I am proud to serve as your governor, and I am certain that your commitment to your country will be celebrated for years to come.*

*Sincerely,*

*Kathleen Sebelius*

And now, Rep. Craft will read a letter from the Governor of Oklahoma:

*Dear Mr. Livingston,*

*On behalf of the state of Oklahoma, I want to thank you for the assistance you gave state and federal authorities in the wake of the bombing of the Alfred P. Murrah Federal Building. Your cooperation was an important part of the investigation that led to the capture and conviction of bomber Timothy McVeigh.*

*April 19, 1995 is a day that will be forever remembered in Oklahoma and across the country. But the story of the Federal Building bombing is not just one of tragedy and sorrow—it is also a story of brave rescuers and first responders who risked life and limb to help others. It is the story of intrepid investigators who worked countless hours to bring the perpetrators of a heinous crime to justice. You should be proud of your role in this historic event and all that you did to aid investigators in their work.*

*Law enforcement agencies across the country work tirelessly each day to protect us from harm, but their investigations depend on the information provided by citizens like you. I*

*applaud your sense of patriotism and duty and all your efforts to further the cause of justice for the victims of this horrific attack. Thank you.*

*Sincerely,  
Brad Henry*

Timothy McVeigh was executed in 2001, and Terry Nichols is serving life in prison. Please help us thank Mr. Patrick Livingston for his courage, his patriotism and his cooperation with this Federal Investigation, and for positively identifying these terrorists.

Reps. Carlin, Craft and Hawk presented Mr. Livingston a framed House certificate.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Speaker pro tem Dahl announced the referral of **HB 2993** to Committee on Agriculture and Natural Resources.

#### **MESSAGE FROM THE SENATE**

The Senate nonconcurrs in House amendments to **H. Sub. for SB 189**, requests a conference and has appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 387**, requests a conference and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 444**, requests a conference and has appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **Sub. SB 485**, requests a conference and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 510**, requests a conference and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 531**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The President announced the appointment of Senator Betts as a member of the conference committee on **HB 2019, HB 2217, HB 2280, HB 2332** to replace Senator Francisco.

#### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 189**.

Speaker pro tem Dahl thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 387**.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 444**.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **Sub. SB 485**.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 510**.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 531**.

Speaker pro tem Dahl thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2601**, An act concerning insurance; providing reimbursement for certain services; providing coverage for colorectal cancer screening; directing the Kansas health policy authority to conduct studies for proposed mandated coverages; amending K.S.A. 40-2248 and 40-2249 and K.S.A. 2007 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 41; Present but not voting: 1; Absent or not voting: 0.

Yeas: Ballard, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Hayzlett, George, Gordon, Goyle, Grange, Grant, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Humerickhouse, Huntington, Johnson, Landwehr, Lane, Loganbill, Long, Lukert, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Bethell, Brown, Colyer, Dahl, Davis, Donohoe, Faber, Goico, Hayzlett, Hodge, M. Holmes, Huebert, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Light, Mah, Mast, Masterson, Merrick, Judy Morrison, Neufeld, O'Neal, Olson, Peck, Powell, Powers, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Ward, Whitham.

Present but not voting: Hawk.

Absent or not voting: None.

The substitute bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: **Sub. HB 2601** makes a fundamental change in how the state considers insurance mandates. Insurance mandates affect all Kansans for cost and coverage. These decisions are profound and greatly affect the cost all consumers pay. It changes a process that keeps responsibility with an elected legislature and moves it to an unelected body who neither reports to the legislature nor the governor. This profound change did not receive a hearing. I vote no so that we can consider this fundamental change through the normal legislative process. I vote no on **Sub. HB 2601**.—JEFF COLYER, CLARK SHULTZ, VIRGIL PECK, JR., PEGGY MAST

MR. SPEAKER: **Sub. HB 2601**, an otherwise very good bill contains a poison pill which will make changes in insurance coverage for deserving Kansans more difficult. It creates an unprecedented hurdle and much longer lead times before any improvement in insurance coverage can be made. The life-saving Wolf amendment to this bill would not be possible, as we no longer have the possibility to act directly. This measure protects the insurance industry at the expense of our citizens. I can no longer support this bill and I vote no on **Sub. HB 2601**. — S. MIKE KIEGERL

**Sub. HB 2694**, An act concerning income taxation; relating to credits; alternative-fueled motor vehicles and alternative-fuel fueling stations; expenses related to living organ donations; adoption; amending K.S.A. 2007 Supp. 79-32,201 and 79-32,202 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 33; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Hen-

derson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Johnson, Kelley, Kinzer, Knox, Landwehr, Lane, Loganbill, Long, Lukert, Mast, Masterson, McCray-Miller, McKinney, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Shultz, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Bethell, Dahl, Dillmore, Donohoe, Gatewood, Grange, Hodge, Humerickhouse, Huntington, Kelsey, Kiegerl, King, Kuether, Light, Mah, McLachlan, Judy Morrison, Moxley, Neighbor, Patton, Peck, Powell, Powers, Quigley, Rhoades, Schroeder, Schwartz, Siegfried, Spalding, Tietze, K. Wolf.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

**HB 2928**, An act relating to property taxation; enacting the senior citizen property tax deferral act, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 93; Nays 32; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Huntington, Johnson, Kelley, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Dahl, Dillmore, Donohoe, Goico, Grange, Hayzlett, Hodge, M. Holmes, Horst, Huebert, Humerickhouse, Kelsey, Knox, Light, Merrick, Jim Morrison, Neufeld, Owens, Powell, Powers, Rhoades, Schroeder, Schwartz, Tafanelli, Wilk, B. Wolf.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: **HB 2928** has, in my opinion, some conditions that directly affect some of the most vulnerable of our society adversely. I believe it is inappropriate for the State to create a banking system that gives false hope and a false sense of security to those who can afford it the least.

To place a yearly lien on a person's home and then to take 50% or more of the value of that home while saying we are assisting them and forgetting to say we are impoverishing them more completely is inappropriate and unconscionable. We vote no on **HB 2928**.—BOB BETHELL, JOE HUMERICKHOUSE, MITCH HOLMES, DEENA HORST

MR. SPEAKER: We all want property tax relief for those that genuinely need it. This bill is the wrong vehicle to accomplish this. It would put a tax lien on the property of seniors eating away at any equity that they may have built up over the years. Should they sell their property for any reason, their hard earned investment would be lost to the state of Kansas in a moment.

To keep property taxes from continuing to rise, we should control our spending at all levels of government, but should not put our seniors in debt to the state. I vote no on **HB 2928**.—STEVE BRUNK

**SB 417**, An act concerning rural housing; creating the housing development grant program; exempting certain cities and counties from certain requirements for rural housing

incentive district financing; amending K.S.A. 12-5246 and K.S.A. 2007 Supp. 12-5242 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 82; Nays 43; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Bowers, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huntington, Johnson, Kelsey, King, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Myers, Neighbor, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Shultz, Sloan, Storm, Svaty, Swanson, Swenson, Tietze, Treasurer, Trimmer, Vickrey, Ward, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, George, Gordon, Grange, Hayzlett, Hodge, M. Holmes, Huebert, Humerickhouse, Kelley, Kiegerl, Kinzer, Landwehr, Light, Mast, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Neufeld, Olson, Pottorff, Powell, Powers, Rhoades, Schroeder, Schwartz, Siegfried, Spalding, Tafanelli, Whitham, K. Wolf.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### **MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Neufeld, **HR 6026**, A resolution honoring Arden K. Ensley, was adopted.

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

When I came to the Legislature I first knew Arden Ensley as the white haired gentleman with the office on the fourth floor. After I had been here a while I realized that gentleman was the right term as Mr. Ensley exemplified every part of the definition of the word gentleman.

That is why the resolution states that Mr. Ensley was admired here for his compassion, patience, and willingness to listen to anyone who wanted to talk, be it professional or personal.

In my first year here I noticed when listening to members of leadership that regularly they would say, "go ask Arden, he can tell us how to do this." Mr. Ensley was known for his ability not just as a revisor but as one who could solve challenging problems.

He developed this ability by starting first as an attorney with the League of Municipalities where he helped craft the Home Rule Authority for Cities. Mr. Ensley then came to the Legislature where he eventually became the Revisor of Statutes. As the resolution states, Mr. Ensley became known for his incomparable knowledge and command of the Kansas Constitution, as the preeminent resource on our state's Constitution.

Today we honor the family of Arden Ensley, especially his wife Rita, because of Arden Ensley's legacy from which we benefit today.

In our country we understand that one of those basic ideas that underpins democracy is the idea that we are a government of laws and not men.

Given that we are a government of laws and not men, I can think of no greater symbol of Arden Ensley's legacy than the volume of Kansas Statutes Annotated which contains the Kansas Constitution and which still bears the name Ensley on the cover.

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

We are happy to have these people here today to honor Arden Ensley along with his family who are in attendance, Rita Ensley, his wife, sons J.D. Ensley and Jeff Ensley, daughter Charma Williams, and Elizabeth and Jessica Ensley and Bruce William. We also want to

thank Gordon Self, Assistant Revisor of Statutes, who helped with putting together this recognition for Mr. Ensley.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kuether, the House concurred in Senate amendments to **S. Sub. for HB 2634**, An act concerning the environment; relating to non-fuel flammable or combustible liquid aboveground storage tanks; duties of state fire marshal; civil penalties; creating the non-fuel flammable or combustible liquid aboveground storage tank system fund.

Call of the House was demanded.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, 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, 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, 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: Bethell, George.

On motion of Rep. Olson, the House concurred in Senate amendments to **HB 2692**, An act concerning scrap metal; amending K.S.A. 50-619 and K.S.A. 2007 Supp. 50-6,109 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, 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, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, 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, 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: Hodge, Kinzer.

Present but not voting: None.

Absent or not voting: Bethell, George, Masterson.

On motion of Rep. Gordon, the House concurred in Senate amendments to **HB 2657**, An act concerning motorboats; relating to exhaust noise requirements; amending K.S.A. 2007 Supp. 32-1120 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 102; Nays 21; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bowers, Brunk, Burgess, Carlin, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Goico, Gordon, Goyle, Grange, Hawk, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, 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, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Burroughs, Carlson, Donohoe, Gatewood, Grant, Hayzlett, Henderson, Hodge, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mast, McKinney, Merrick, Neufeld, Ward, Whitham.

Present but not voting: None.

Absent or not voting: Bethell, George.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Huntington, Committee of the Whole report, as follows, was adopted: Recommended that **HCR 5039**, **HCR 5032**, **HCR 5037**, **HCR 5015** be adopted.

Committee report to **HR 6021** be adopted; and the resolution be adopted as amended.

Committee report to **SCR 1616** be adopted; and the resolution be adopted as amended.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 620**, **SB 672**, **SB 693**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 620**, **SB 672**, **SB 693**.

On motion of Rep. Merrick, the House recessed until 3:00 p.m.

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#### AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

#### MESSAGE FROM THE SENATE

The President announced the appointment of Senator Hensley as a member of the conference committee on **HB 2217**, **HB 2307** to replace Senator Betts.

The President announced the appointment of Senators Schodorf, Teichman and Lee as members of the conference committee on **HB 2858** to replace Senators Umberger, Emler and Kelly.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Dillmore to concur in Senate amendments to **S. Sub. for HB 2110**, An act concerning viatical settlements; pertaining to stranger-originated life insurance; amending K.S.A. 2007 Supp. 40-5001, 40-5002, 40-5006, 40-5008 and 40-5010 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 40-5007, 40-5009 and 40-5012, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 47; Nays 66; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Bowers, Brown, Burroughs, Crow, Dahl, Davis, Dillmore, Feuerborn, Flaharty, Gatewood, Gordon, Goyle, Grant, Hawk, Henry, Hill, Holland, M. Holmes, Land-



wehr, Lane, Long, Mah, McKinney, McLachlan, Judy Morrison, Neufeld, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Ruiz, Sawyer, Schroeder, Shultz, Sloan, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams.

Nays: Aurand, Beamer, Brunk, Burgess, Carlson, Colloton, Craft, Crum, Donohoe, Faber, Faust-Goudeau, Flora, Frownfelter, Fund, Garcia, George, Grange, Hayzlett, Henderson, Hodge, C. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Light, Lukert, Masterson, McCray-Miller, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Owens, Patton, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Spalding, Storm, Swanson, Vickrey, Wilk, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Carlin, Colyer, Goico, Huebert, Loganbill, Mast, Pottorff, Schwartz, Siegfried, Tafanelli, Watkins.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6025** reported correctly enrolled and properly signed on April 2, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, April 3, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

