

# Journal of the House

THIRTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, March 7, 2005, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 117 members present.  
Rep. Showalter was excused on verified illness.  
Reps. Shultz and Wilk were excused on legislative business.  
Reps. Faust-Goudeau, Landwehr, Judy Morrison, Peterson and Sawyer were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

We are in that odd time of year, O God, when it seems that it's neither winter nor spring. We can see buds on the trees and there are days when warmth surprises and delights us. Then a wind from the north reminds us that there are cold days yet to endure. We want to begin the work of the springtime, but there is still winter work to do.

Bless the legislature of Kansas as they enter another week of the work to which you have assigned them, for they also live in days of "almost" and "not quite." Answers to vexing questions appear within grasp, budding from the goodwill and wisdom that are the gifts that you have given to your servants; but the winter work is not yet complete. There are still difficult days ahead.

Prepare us all for the hard work that remains to be done, so that when the buds break forth into the new life of spring, we also might live fully in your will. For you are the God of new life and of all life and in your will lie the seeds to the answer to every time of trouble and challenge. Amen.

The Pledge of Allegiance was led by Rep. Grange.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2511**, An act concerning taxation; eliminating corporation income tax; repealing certain income tax credits and sales tax exemptions; amending K.S.A. 79-3220, 79-32,102, 79-32,103 and 79-32,107 and K.S.A. 2004 Supp. 79-32,101, 79-32,105, 79-32,110, 79-32,111 and 79-3606 and repealing the existing sections; also repealing K.S.A. 74-50,132, 79-32,138, 79-32,142, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159b, 79-32,160, 79-32,160b and 79-32,160c and K.S.A. 2004 Supp. 79-32,153, 79-32,154, 79-32,160a, 79-32,182b and 79-32,206, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5016—

By Committee on Agriculture

A CONCURRENT RESOLUTION supporting a Taiwan-United States free trade agreement.

WHEREAS, Kansas and Taiwan share a long and mutually beneficial trade relationship; and

WHEREAS, The Kansas agricultural industry has benefited greatly over the last 20 years from the sale of wheat, corn and beef into Taiwan; and

WHEREAS, The market potential for Kansas products into the Greater China Economic Area through Taiwan is positive; and

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships that exists today; and

WHEREAS, Together, Taiwan and the United States promote a shared belief in freedom, democracy and market principles; and

WHEREAS, The level of mutual investment between Taiwan and the United States is quite high; and

WHEREAS, Streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, A Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications and new cooperative ventures; and

WHEREAS, A Taiwan-United States free trade agreement would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's democracy and serve the broader interests of the United States in the Asia-Pacific region: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we support the negotiations of a Taiwan-United States free trade agreement; and

*Be it further resolved:* That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the United States Secretary of State, the United States Secretary of Commerce, the United States Trade Representative and to each member of the Kansas Congressional Delegation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2510**.

Higher Education: **SB 139**.

Taxation: **SB 138**.

Select Committee on School Finance: **SB 244, SB 245, SB 246**.

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

On motion of Rep. M. Miller, **HR 6010**, A resolution congratulating and commending the Wichita State University women's volleyball team, was adopted.

There being no objection, the following remarks of Rep. M. Miller are spread upon the Journal.

I would like for you to join me in celebrating the major accomplishments of my alma mater, Wichita State. The volleyball team and coaches are here today to hear **HR 6010** which recognizes and commends their wonderful accomplishment. They are extremely excited and very appreciative of this honor.

Rep. M. Miller introduced Chris Lamb, coach of the volleyball team, who addressed a few remarks to the members of the House. The other coaches and members of the team were recognized by the House.

#### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Phelps are spread upon the Journal:

I rise before you today to honor Rita Haley, Director of Legislative Reference Services for the Kansas State Library. Rita is retiring after a career of 37 years spent providing information on legislative matters for the citizens of Kansas. She first joined the staff of the state library in 1969 and served as the state librarian's secretary.

Rita starts her day early, every day, in an effort to absorb information about the previous day's legislative activities and as a way of assuring her ability to provide knowledgeable service. She brings to her work, day in and day out, a compassion for doing the job correctly

and providing accurate and factual service. Rita has assisted thousands of legislators, legislative staff and many others during a period spanning five decades.

She will be missed by all those she has helped including elected officials, candidates for office, legislative staff, reporters, lobbyists and people who have an interest or a concern related to legislation and public issues.

Thank you on behalf of all Kansans for the dedicated service you have provided as Director of Legislative Reference Services for the Kansas State Library.

Rep. Pottorff also addressed a few remarks to the members of the House.

Rita Haley was accompanied to the House by her husband, Bob, and daughter, Brittany. She addressed a few remarks to the members of the House. Rep. Phelps presented her with a framed certificate.

#### CONSENT CALENDAR

No objection was made to **HB 2469** appearing on the Consent Calendar for the first day.

No objection was made to **SB 219** appearing on the Consent Calendar for the second day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2102**, An act concerning sales taxation; relating to exemptions; amending K.S.A. 2004 Supp. 74-50,115 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faust-Goudeau, Landwehr, Judy Morrison, O'Neal, Peterson, Sawyer, Showalter, Shultz, Wilk.

The bill passed.

**HB 2222**, An act enacting the individual development account program act; prescribing certain duties and responsibilities on the department of commerce; amending K.S.A. 74-5005 and K.S.A. 2004 Supp. 79-32,117 and repealing the existing sections; also repealing K.S.A. 79-32,117h and K.S.A. 2004 Supp. 79-32,117j and 79-32,117k, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 1; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, Oharah, Olson, Otto, Owens, Pauls, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp,

Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Williams, Winn, Yoder, Yonally.

Nays: Peck.

Present but not voting: None.

Absent or not voting: Faust-Goudeau, Landwehr, Judy Morrison, O'Neal, Peterson, Sawyer, Showalter, Shultz, Wilk.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: Many times when the private sector comes up with an idea it seems as though government has to get themselves involved. Private sector, non-profit organizations are currently working with low and middle income Americans regarding individual development accounts. They have done a good job in administering this program. I vote no on **HB 2222**. I believe Kansas Government should not involve themselves in this matter. I see **HB 2222** as developing another entitlement program.—VIRGIL PECK, JR.

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 2512**, An act concerning the health care stabilization fund; relating to certain expenditures; amending K.S.A. 2004 Supp. 40-3403 and repealing the existing section, by Committee on Appropriations.

**HB 2513**, An act relating to commercial driver's licenses; concerning hazardous materials endorsement; amending K.S.A. 2004 Supp. 8-2,151 and repealing the existing section, by Committee on Appropriations.

#### REPORT ON ENGROSSED BILLS

**HB 2222**, **HB 2474** reported correctly engrossed March 4, 2005.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6010** reported correctly enrolled and properly signed on March 7, 2005.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, March 8, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

