

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 29, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.

The roll was called with 122 members present.

Reps. Grange, Kelley and Mah were excused on excused absence by the Speaker.

Prayer by guest chaplain, Jim Sanborn, Emporia Christian School, guest of Rep. Mast:

Dear Heavenly father,

We come before you, thanking you for being a mysterious, wonderful, awesome God. We recognize that you are the one who has everything in this world under your control. We value your wisdom and discernment in the decisions that have to be made in this room today. We ask that you put a hedge about this building. May each legislator be guided by Scriptural principles. May they sense your presence as they make agonizing financial decisions about our state's budget. May they be unified for the good of the people of Kansas.

Thank you for allowing us to be born and live in this great nation. Thank you for your provision in our daily lives. We ask for the peace that only you can give. We pray for the peace of Jerusalem.

In Jesus' name we pray amen.

The Pledge of Allegiance was led by Rep. Rhoades.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2143, An act relating to driver's licenses; providing for certain restrictions; amending K.S.A. 8-235d and 8-296 and K.S.A. 2008 Supp. 8-237 and repealing the existing sections, by Committee on Transportation.

HB 2144, An act establishing the community defense act; amending K.S.A. 22-3901 and repealing the existing section, by Committee on Judiciary.

HB 2145, An act regulating traffic; failure to comply with traffic regulations or directions; amending K.S.A. 8-1531a and K.S.A. 2008 Supp. 8-2118 and repealing the existing sections, by Committee on Transportation.

HB 2146, An act regulating traffic; concerning permits for oversize or overweight vehicles; fees; amending K.S.A. 2008 Supp. 8-1911 and repealing the existing section, by Committee on Transportation.

HB 2147, An act regulating traffic; concerning the removal of certain vehicles from highways; amending K.S.A. 8-1603 and 8-1605 and K.S.A. 2008 Supp. 8-2118 and repealing the existing sections, by Committee on Transportation.

HB 2148, An act concerning the state capitol and grounds; relating to preservation, by Committee on Federal and State Affairs.

HB 2149, An act enacting the Kansas immigration accountability act, by Committee on Federal and State Affairs.

HB 2150, An act concerning property taxation; relating to valuation and assessment; amending K.S.A. 79-411, 79-501, 79-5a04 and 79-1439a and K.S.A. 2008 Supp. 79-412, 79-

1439, 79-1448 and 79-1606 and repealing the existing sections, by Representatives Brunk and A. Brown, Carlson, Crum, DeGraaf, Donohoe, Goico, Grange, Hermanson, M. Holmes, Horst, Huebert, Jack, Kerschen, Kiegerl, Kinzer, Landwehr, McLeland, Myers, O'Brien, Olson, Patton, Peck, Rhoades and Siegfried.

HB 2151, An act concerning the registration of vehicles; relating to license plates; establishing a license plate production fee; amending K.S.A. 2008 Supp. 8-145, 8-147 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

HB 2152, An act relating to motor vehicles; concerning towed vehicles; amending K.S.A. 2008 Supp. 8-1103 and repealing the existing section, by Committee on Transportation.

HB 2153, An act enacting the national school psychologist certification incentive By Committee on Education.

HB 2154, An act concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2008 Supp. 60-4104 and repealing the existing section, by Representative Worley.

HB 2155, An act concerning land banks; relating to the establishment of the city of Topeka land bank, by Committee on Local Government.

HB 2156, An act concerning the legislature; relating to legislators holding other elected offices, by Committee on Local Government.

HB 2157, An act concerning the Topeka/Shawnee county riverfront authority act; amending K.S.A. 2008 Supp. 12-5611 and repealing the existing section, by Committee on Local Government.

HB 2158, An act concerning the Kansas highway patrol; pertaining to the ability of officers and members of the highway patrol to hold public office; amending K.S.A. 2008 Supp. 74-2113 and repealing the existing section, by Committee on Local Government.

HB 2159, An act concerning mortgages; relating to certain insurance settlement payments, by Committee on Insurance.

HB 2160, An act relating to insurance; concerning the payment of certain property claims, by Committee on Insurance.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Representatives O'Neal and Davis

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 11:30 a.m. on February 10, 2009, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: **HB 2141, HB 2142.**

Elections: **HCR 5006.**

Energy and Utilities: **HB 2126, HB 2127.**

Insurance: **HB 2128.**

Judiciary: **HB 2123, HB 2139; HCR 5005.**

Local Government: **HB 2124, HB 2125.**

Transportation: **HB 2129, HB 2130, HB 2131, HB 2132, HB 2133, HB 2134, HB 2135, HB 2136, HB 2137, HB 2138.**

Select Committee on KPERS: **HB 2140.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2092** from Committee on Local Government and referral to Committee on Financial Institutions.

MESSAGE FROM THE SENATE

Announcing passage of **SB 30, SB 34, SB 44, SB 45.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:
SB 30, SB 34, SB 44, SB 45.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6007—

By Committee on Commerce and Labor

A RESOLUTION proclaiming February 3, 2009, as Kansas Human Resource Day.

WHEREAS, the human resources profession plays a critical and strategic role in the overall daily operations of an employer and an employer's workforce; and

WHEREAS, the human resources professional assists an employer in recruiting, hiring, training, evaluating and managing an employer's workforce; and

WHEREAS, the human resources professional addresses compliance issues for an employer on federal, state and local laws; and

WHEREAS, many human resources professionals are members of the Kansas State Council of the Society for Human Resources Management (KS-SHRM) which is affiliated with the national Society for Human Resources Management (SHRM), the world's largest professional association devoted to human resources management, and serves 12 Kansas SHRM chapters which serve over 2,000 Kansas members of the SHRM and human resources professionals; and

WHEREAS, KS-SHRM and local SHRM chapter's missions are to serve the needs of human resources professionals by providing the most current and comprehensive resources and advancing the profession by promoting human resources' essential, strategic role; and

WHEREAS, KS-SHRM and local SHRM chapters make available to employers and human resources professionals in Kansas up-to-date information on pending legislation that may impact a Kansas employer's operations and the Kansas workforce; and

WHEREAS, KS-SHRM and local SHRM chapters, through their members and volunteers, have assisted over the past years in supplying knowledge and resources to state legislators, state committees and state agencies on how to address legislation related to employers and how the impact of legislation affects an employer and the workforce in Kansas; and

WHEREAS, KS-SHRM provides an annual employment law conference in February to educate and inform employers and the human resource professionals in Kansas on recent changes in laws and regulations affecting an employer and the employer's workforce; and

WHEREAS, KS-SHRM provides an annual legislative advocacy initiative in February, "HR on the Hill", at the state capitol to encourage human resource professionals and employers to travel to the state capitol for an education day of legislative meetings and briefings with Kansas state legislators which serves to benefit the state of Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we proclaim February 3, 2009, as Kansas Human Resource Day.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 7, by Representative Swanson, commending the Chapman City Officials for their efforts following the June 11, 2008 tornado;

Request No. 8, by Representative Bowers, congratulating Verletta Moon for the Chamber Business Person of the Year Award;

Request No. 9, by Representative Bowers, congratulating Dalton Buckland on his achievement of Eagle Scout Award;

Request No. 10, by Representative Bowers, congratulating Linda Houser on receiving the Leon Gennette Volunteer of the Year Award;

Request No. 11, by Representative Proehl, congratulating Ron Wood on his retirement as Postmaster;

Request No. 12, by Representative King, congratulating the West Elk Boys Track Team and coaches on their 2008 2A State Championship;

Request No. 13, by Representative Flaharty, congratulating Mia Kurtz on being the regional winner of the "If I were Mayor" contest, sponsored by the League of Kansas Municipalities;

Request No. 14, by Representative Jack, congratulating Mary Royse on her 100th Birthday;

Request No. 15, by Representative Jack, commending Jaden Lim for his volunteer service;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was 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 2161, An act concerning the state board of healing arts; relating to fees charged and collected by the board; amending K.S.A. 65-2852, 65-5409, 65-5509 and 65-7207 and K.S.A. 2008 Supp. 65-2012, 65-28a03, 65-2911, 65-6910 and 65-7308 and repealing the existing sections, by Committee on Health and Human Services.

HB 2162, An act concerning the behavioral sciences; marriage and family therapists and psychologists; amending K.S.A. 65-6404 and 74-5310 and repealing the existing sections, by Committee on Health and Human Services.

HB 2163, An act concerning duties of registered nurse anesthetists; amending K.S.A. 65-1158 and repealing the existing section, by Committee on Health and Human Services.

HB 2164, An act concerning judges and justices; relating to retirement age; amending K.S.A. 20-2608 and repealing the existing section, by Committee on Judiciary.

HB 2165, An act concerning crimes and punishment; relating to unlawfully hosting minors; amending K.S.A. 21-3610c and repealing the existing section, by Committee on Judiciary.

HB 2166, An act concerning abortion; relating to late-term and partial birth abortion; amending K.S.A. 65-6701, 65-6703, 65-6711 and 65-6721 and K.S.A. 2008 Supp. 76-3308 and repealing the existing sections, by Representative Huebert.

HB 2167, An act establishing the landowners' bill of rights; placing certain requirements on certain persons and entities entering on another's property, by Committee on Judiciary.

HB 2168, An act concerning crimes and punishment; relating to criminal use of weapons; amending K.S.A. 2008 Supp. 21-4201 and repealing the existing section, by Committee on Judiciary.

HB 2169, An act concerning land use ordinances; relating to military installations; authorizing restrictions and prohibited uses of certain property, by Committee on Veterans, Military and Homeland Security.

HB 2170, An act concerning license plates; providing for a combat veteran and legion of merit decals; amending K.S.A. 2008 Supp. 8-1,156 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2171, An act concerning the Kansas commission on veterans affairs; relating to the Vietnam war medallion program; prescribing guidelines and limitations, powers and duties, by Committee on Veterans, Military and Homeland Security.

HB 2172, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2008 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2173, An act concerning income taxation; relating to credits; adoption expenses; amending K.S.A. 2008 Supp. 79-32,202 and repealing the existing section, by Committee on Taxation.

HB 2174, An act concerning income taxation; relating to social security benefits; amending K.S.A. 2008 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Taxation.

HB 2175, An act concerning employment; relating to misclassification of employees; amending K.S.A. 2008 Supp. 79-3234 and repealing the existing section; also repealing K.S.A. 2008 Supp. 44-766, by Committee on Taxation.

HB 2176, An act concerning sales taxation; relating to exemptions; Stephanie Waterman Tennis Foundation; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2026** be amended on page 3, in line 5, by striking all after “shall”; by striking all in line 6; in line 7, by striking “and shall”; after line 8, by inserting the following:

“(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers’ sales tax by .75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.”;

On page 12, in line 1, by striking “and”; in line 4, after “1.5%” by inserting the following: “; and

(w) the board of county commissioners of Rawlins county, for the purposes of paragraph (3)(E) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%”; and the bill be passed as amended.

RECOGNITION OF KANSAS DAY

In honor of Kansas Day, Rep. Ballard led the members of the House in singing “Home on the Range.”

On motion of Rep. Merrick, the House recessed until 4:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O’Neal in the chair.

MESSAGE FROM THE SENATE

Announcing passage of **SB 23**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 23.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker O’Neal announced the referral of **Sub. SB 23** to Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Merrick will replace Rep. Kelley on Committee on Appropriations effective on January, 30, 2009.

On motion of Rep. Merrick, the House adjourned pro forma until 10:00 a.m., Friday, January 30, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

