

# Journal of the House

## SEVENTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 4, 2009, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.  
The roll was called with 124 members present.  
Rep. Mast was excused on excused absence by the Speaker.  
Rep. Slattery was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, today we pray from The Scriptures:  
"Show *us* Your ways, O Lord, teach *us* Your paths;  
guide *us* in Your truth and teach *us*,  
for You are God *our* Savior,  
and *our* hope is in You all day long."  
(Ps. 25:4-5)

For "... the wisdom that comes from heaven  
is first of all pure;  
then peace-loving, considerate, submissive,  
full of mercy and good fruit,  
impartial and sincere.  
Peacemakers who sow in peace  
raise a harvest of righteousness."  
(James 3:17-18)  
In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Swenson.

### INTRODUCTION OF GUESTS

Rep. Hill introduced the following who are with KanBikeWalk: Gina Poertner, President of Emporia; Mark Rainey, board member of Kansas City; Diane Novak, board member of Manhattan; Ron Johnson, member of Kansas City; and Randy Rasa, board member of Kansas City.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2241**, An act concerning oil and gas; relating to the state corporation commission regulation of certain wells; amending K.S.A. 55-165 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2242**, An act concerning the state long-term care ombudsman; relating to the authority of the state long-term care ombudsman; amending K.S.A. 2008 Supp. 75-7306 and repealing the existing section, by Representative Sloan.

**HB 2243**, An act concerning the state board of cosmetology; amending K.S.A. 65-1904 and repealing the existing section, by Committee on Health and Human Services.

**HB 2244**, An act concerning campaign finance; pertaining to unitemized contributions, by Committee on Elections.

**HB 2245**, An act amending the fair credit reporting act; relating to placing a security freeze on consumer reports; amending K.S.A. 2008 Supp. 50-702 and 50-723 and repealing the existing sections, by Representatives Rardin and Worley, Bowers, Burgess, Burroughs, Flaharty, Frownfelter, Garcia, Henderson, Hill, Huntington, Kleeb, Kuether, Lukert, Maloney, McCray-Miller, Moxley, Pottorff, Prescott, Quigley, Spalding, Swanson, Tietze, Trimmer, Vickrey, Wetta, Winn and K. Wolf.

**HB 2246**, An act concerning cities; relating to nuisance abatement and powers of certain neighborhood associations, by Committee on Taxation.

**HB 2247**, An act concerning cities; relating to rehabilitation of abandoned houses; amending K.S.A. 2008 Supp. 12-1750, 12-1756a and 12-1756g and repealing the existing sections, by Committee on Taxation.

**HB 2248**, An act concerning sales taxation; relating to exemptions; certain organizations providing services for seniors; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Representatives Trimmer and Wetta.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Labor: **HB 2218**, **HB 2238**.

Committee of the Whole: **SCR 1606**.

Corrections and Juvenile Justice: **HB 2232**, **HB 2233**, **HB 2234**, **HB 2236**.

Education: **HB 2227**, **HB 2237**.

Elections: **HB 2215**, **HB 2216**.

Energy and Utilities: **HB 2224**, **HB 2225**, **HB 2240**.

Government Efficiency and Fiscal Oversight: **HB 2219**, **HB 2222**.

Health and Human Services: **HB 2220**, **HB 2221**, **HB 2223**, **HB 2229**, **HB 2230**.

Higher Education: **HB 2228**.

Insurance: **HB 2231**.

Judiciary: **HB 2217**, **HB 2226**, **HB 2235**.

Education Budget: **HB 2239**.

#### COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, as required by K.S.A. 2008 Supp. 66-2005 as amended by SB 350 and HB 2637 which were enacted by the 2006 and 2008 Legislatures, respectively, Report on Price Deregulation.

From Don Jordan, Secretary, SRS, and Kathy Greenlee, Secretary, KDOA, Kansas Long Term Care Annual Report, January 2009.

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

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 3**, **SB 5**, **SB 11**, **SB 29**, **SB 35**, **SB 40**, **SB 41**, **SB 43**, **SB 50**, **SB 51**, **SB 77**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 3**, **SB 5**, **SB 11**, **SB 29**, **SB 35**, **SB 40**, **SB 41**, **SB 43**, **SB 50**, **SB 51**, **SB 77**.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2026**, An act concerning sales taxation; relating to countywide retailers' sales tax in Lyon and Rawlins counties; amending K.S.A. 2008 Supp. 12-187 and 12-189 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Faber, Feuer-

born, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, DeGraaf, Kinzer, Patton, Peck.

Present but not voting: None.

Absent or not voting: Mast.

The bill passed, as amended.

**HB 2052.** An act relating to insurance; concerning the life and health insurance guaranty association; amending K.S.A. 2008 Supp. 40-3008 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Mast.

The bill passed.

**HCR 5008.** A concurrent resolution concerning endorsement of the Unified Greeley County government, by Representative Hayzlett., was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Mast.

The resolution was adopted.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **SCR 1606** be adopted.

The Committee of the Whole stood at ease until the sound of the gavel.

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Rep. Landwehr called the Committee of the Whole to order.

#### INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 2311, Rep. Merrick moved that House Rule 3905 be suspended for the purpose of considering **H. Sub. for Sub. SB 23**. The motion prevailed.

Also, pursuant to House Rule 2311, Rep. Merrick moved that House Rule 1704 be suspended to allow Reps. Yoder, Watkins and Feuerborn to speak more than twice on the bill. The motion prevailed.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 23** be adopted; also, roll call was demanded on motion of Rep. Yoder to amend on page 31, in line 3, by subtracting \$13,920,354 from the dollar amount and by adjusting the dollar amount in line 3 accordingly; in line 9, by subtracting \$2,060,237 from the dollar amount and by adjusting the dollar amount in line 9 accordingly;

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Benlon, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Mast, Neufeld.

The motion of Rep. Yoder prevailed.

Also, on motion of Rep. Gordon, **H. Sub. for Sub. SB 23** be amended on page 18, in line 12, by subtracting \$90,456 from the dollar amount and by adjusting the dollar amount in line 12 accordingly;

The Committee of the Whole stood at ease until the sound of the gavel.

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Rep. Landwehr called the Committee of the Whole to order.

Also, roll call was demanded on motion of Rep. Feuerborn to amend **H. Sub. for Sub. SB 23** on page 21, by striking all in lines 15 through 43;

On page 22, by striking all in lines 1 through 6; in line 31, by adding \$9,797 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 37, by adding \$3,020 to the dollar amount and by adjusting the dollar amount in line 37 accordingly; in line 42, by adding \$11,450 to the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 23, in line 4, by adding \$15,029 to the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 26, in line 35, by subtracting \$20,200 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 27, by striking all in lines 13 through 22;

And by relettering the remaining subsection accordingly;

On page 28, in line 6, by subtracting \$126,732 from the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 29, by striking all in lines 32 through 43;

On page 30, by striking all in lines 1 through 33; by striking all in line 43;

On page 31, by striking all in lines 1 through 4 and inserting the following:

“(a) On the effective date of this act, of the \$2,187,377,000 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 30(a) of chapter 197 of the 2006 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$6,498,327 is hereby lapsed.”;

On page 32, in line 4, by subtracting \$4,040 from the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 32, by striking all in lines 5 through 19;

On page 36, in line 16, by striking “\$480” and inserting “\$880”; by striking all in lines 40 through 43;

On page 37, by striking all in line 1; in line 10, by subtracting \$1,209,846 from the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 42, by striking all in lines 2 through 11;

On page 46, in line 26, by striking “\$1,731” and inserting “\$3,173”; in line 31, by striking “\$720” and inserting “\$1,320”; in line 36, by striking “\$7,000” and inserting “\$12,834”;

On page 47, in line 25, by striking “\$46,758” and inserting “\$85,723”; in line 30, by striking “\$47,013” and inserting “\$86,190”; in line 35, by striking “\$14,077” and inserting “\$25,809”; in line 39, by striking “\$11,982” and inserting “\$21,966”;

On page 48, in line 2, by striking “\$5,448” and inserting “\$9,988”; in line 7, by striking “\$3,639” and inserting “\$6,672”; in line 12, by striking “\$13,748” and inserting “\$24,710”; in line 17, by striking “\$73,685” and inserting “\$135,089”; in line 22, by striking “\$18,446” and inserting “\$33,817”; in line 34, by striking “\$10,802” and inserting “\$19,804”; in line 39, by striking “\$3,000” and “\$5,500”;

On page 49, in line 1, by striking “\$3,617” and inserting “\$6,631”; in line 6, by striking “\$9,494” and inserting “\$17,405”; in line 11, by striking “\$1,458” and inserting “\$2,673”; in line 16, by striking “\$20,400” and inserting “\$37,400”; in line 21, by striking “\$2,880” and inserting “\$5,280”; in line 25, by striking “\$1,200” and inserting “\$2,200”; in line 31, by striking “\$11,520” and inserting “\$21,120”;

On page 50, in line 4, by striking “\$480” and inserting “\$880”; in line 39, by striking “\$2,880,000” and inserting “\$2,760,000”;

On page 52, by striking all in lines 37 through 43;

On page 53, in line 14 and 19 by striking “\$40,910,154”, where it appears both times, and inserting “\$35,000,000” accordingly;

On page 57, in lines 26, 28, 30, 32 and 33 by striking “96.0%” and inserting “90.0%” in lines 26, 28, 30, 32 and 33 accordingly;

On page 61, in lines 13, 14, 18 and 19 by striking “96.0%” and inserting “90.0%” in lines 13, 14, 18 and 19 accordingly; in line 41, by striking “\$4,830,558.72” and inserting “\$4,629,285.44”;

On page 63, in line 28 and 30 by striking “\$5,760,000”, where it appears both times, and inserting “\$5,520,000” accordingly;

On page 64, by striking “and”; in line 28, preceding the period by inserting “, (5) any item of appropriation or reappropriation for the department of corrections, and (6) any item of appropriation or reappropriation for the department of labor, Kansas commission on veterans affairs, department of health and environment — division of health, department of health and environment — division of environment, department on aging, Kansas health policy authority, department of social and rehabilitation services, and Kansas guardianship program”;

And by relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 49; Nays 74; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Crow, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Slattery, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Horst, Mast.

The motion of Rep. Feuerborn did not prevail.

Also, on motion of Rep. Sawyer to amend **H. Sub. for Sub. SB 23**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. McCray-Miller to amend **H. Sub. for Sub. SB 23** on page 21, by striking all in lines 15 through 43;

On page 22, by striking all in lines 1 through 6;

On page 26, in line 35, by subtracting \$20,200 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 27, by striking all in lines 13 through 22;

And by relettering the remaining subsection accordingly;

On page 28, in line 6, by subtracting \$126,732 from the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 29, by striking all in lines 32 through 43;

On page 30, by striking all in lines 1 through 33;

On page 32, in line 4, by subtracting \$4,040 from the dollar amount and by adjusting the dollar amount in line 4 accordingly;

On page 32, by striking all in lines 5 through 19;

On page 36, by striking all in lines 40 through 43;

On page 37, by striking all in line 1;

And by relettering the remaining subsections accordingly;

On page 42, by striking all in lines 2 through 11;

On page 52, by striking all in lines 37 through 43;

And by relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 55; Nays 68; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Rardin, Ruiz, Sawyer, Schwartz, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Mast, Slattery.

The motion of Rep. McCray-Miller did not prevail and **H. Sub. for Sub. SB 23** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2068** be passed.

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 and concurrent resolution were thereupon introduced and read by title:

**HB 2249**, An act concerning the Kansas whistleblower act; regarding protection for whistleblowers; amending K.S.A. 25-4161 and 46-256 and K.S.A. 2008 Supp. 75-2929d, 75-2973 and 75-7427 and repealing the existing sections, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2250**, An act concerning the rules of evidence; relating to admissibility of prior acts or offenses of sexual misconduct; amending K.S.A. 60-455 and repealing the existing section, by Committee on Judiciary.

**HB 2251**, An act creating the energy technology research initiative; amending K.S.A. 2008 Supp. 79-4227 and repealing the existing section, by Committee on Energy and Utilities.

**HB 2252**, An act concerning postsecondary technical education; relating to funding therefor; repealing K.S.A. 71-1706, 72-4431 and 72-4432, by Representatives M. Holmes, George and Kelley.

**HB 2253**, An act concerning homeowners' associations and associations of apartment owners; relating to certain duties, required procedures, attorney fees, dispute resolution and duties of the attorney general, by Committee on Local Government.

**HB 2254**, An act concerning wildlife and parks; relating to lifetime licenses; amending K.S.A. 2008 Supp. 32-980 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

**HB 2255**, An act relating to motor vehicles; providing for an I'm pet friendly license plate; amending K.S.A. 2008 Supp. 8-1,141 and repealing the existing section, by Representative Meier.

**HB 2256**, An act concerning elections; pertaining to preregistration of certain persons; amending K.S.A. 25-2352 and K.S.A. 2008 Supp. 25-2309 and 25-2320 and repealing the existing sections, by Representative Talia.

**HB 2257**, An act concerning labor and employment; relating to compensatory time off; family time flexibility agreements, by Representative Talia.

**HB 2258**, An act relating to the vehicle dealers and manufacturers licensing act; providing for the licensing and regulation of certain dealers; amending K.S.A. 8-135c, 8-1,137, 8-2408, 8-2434 and 8-2436 and K.S.A. 2008 Supp. 8-2401 and 8-2404 and repealing the existing sections, by Committee on Transportation.

**HB 2259**, An act concerning health care; duties of the Kansas health policy authority, by Committee on Health and Human Services.

**HB 2260**, An act concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2008 Supp. 58-4502, 58-4503, 58-4504, 58-4505, 58-4506, 58-4509, 58-4510, 58-4511 and 58-4512 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 58-4513, by Committee on Commerce and Labor.

**HB 2261**, An act concerning income taxation; relating to deductions; withdrawals from retirement accounts; amounts used as collateral; prescribing certain duties of secretary of commerce; 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 Representative Talia.

**HB 2262** — An act concerning health care; relating to insurance and health reimbursement arrangements; amending K.S.A. 2008 Supp. 40-2209, 40-3209 and 75-7432 and repealing the existing sections. By Committee on Health and Human Services

**HB 2263**, An act concerning crimes and punishment; establishing aggravated driving under the influence; relating to existing driving under the influence law; amending K.S.A. 8-1005, 8-1008, 8-1009, 8-1017, 8-1019 and 8-1567a and K.S.A. 2008 Supp. 8-1001, 8-1012, 8-1013, 8-1014, 8-1022, 8-1567 and 21-4704 and repealing the existing sections; also repealing K.S.A. 21-3442, by Representatives Kinzer and Jack.

**HB 2264**, An act concerning civil procedure; relating to wrongful death; amending K.S.A. 60-1903 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2265**, An act concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2008 Supp. 46-1106 and repealing the existing section, by Legislative Post Audit Committee.

**HB 2266**, An act concerning service members; relating to civil relief; enacting the Kansas military service relief act, by Committee on Taxation.

**HB 2267**, An act concerning the Kansas commission on veterans affairs; relating to the membership thereof; amending K.S.A. 73-1208a and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

**HB 2268**, An act concerning cigarette lighters; prohibiting the sale of novelty cigarette lighters, by Committee on Federal and State Affairs.

**HB 2269**, An act concerning property taxation; relating to exemptions; certain housing for the elderly, persons with disabilities or persons with low income; amending K.S.A. 2008 Supp. 79-201z and repealing the existing section, by Committee on Taxation.

**HB 2270**, An act concerning income taxation; relating to apportionment of business income; amending K.S.A. 2008 Supp. 79-3279 and repealing the existing section, by Committee on Taxation.

**HB 2271**, An act concerning the department of health and environment; relating to rules and regulations for underground hydrocarbon storage wells; amending K.S.A. 55-1,117 and repealing the existing section, by Committee on Energy and Utilities.

**HB 2272**, An act concerning intensive groundwater use control areas; amending K.S.A. 82a-1036 and repealing the existing section, by Committee on Appropriations.

**HB 2273**, An act concerning state agencies; providing for the development and implementation of a zero-based budget process, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2274**, An act relating to insurance; concerning individual health insurance, by Committee on Insurance.

**HB 2275**, An act establishing a program of random drug screening for public assistance applicants and recipients; amending K.S.A. 2008 Supp. 39-709 and 60-4117 and repealing the existing sections, by Representative Kelley.

HOUSE CONCURRENT RESOLUTION No. 5010—

By Committee on Elections

A PROPOSITION to amend section 11 of article 1 of the constitution of the state of Kansas, relating to filling vacancies in executive offices.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 11 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

**“§ 11. Vacancies in executive offices.** ~~When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled. When the office of secretary of state or attorney~~



general is vacant, the governor shall fill the vacancy by appointment for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by law: (a) When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by act of the legislature.

(b) In the event of the disability of the secretary of state or attorney general, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by act of the legislature.

(c) (1) Whenever a vacancy occurs in the office of lieutenant governor, attorney general, secretary of state, state treasurer or commissioner of insurance, the governor shall immediately notify in writing the chairperson of the state central committee of the political party which elected the last incumbent of such office. Such chairperson shall call a meeting of the state central committee to be held not later than 15 days after the chairperson receives notice of the vacancy. At the meeting the state central committee shall select and transmit to the governor the name of a person qualified to fill the vacancy. Within five days after receiving the name of the person selected, the governor shall appoint the named person to fill the vacancy by appointment until the next general election after such vacancy occurs, when such vacancy shall be filled by election as provided by act of the legislature.

(2) Whenever a vacancy occurs in the office of lieutenant governor, attorney general, secretary of state, state treasurer or commissioner of insurance and the immediately past incumbent of such office was an independent without political party affiliation, the vacancy shall be filled by appointment by the governor as provided by law until the next general election after such vacancy occurs, when such vacancy shall be filled by election as provided by act of the legislature.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* This amendment would clarify and prescribe the method for filling vacancies of the offices of governor, lieutenant governor, attorney general, secretary of state, state treasurer and commissioner of insurance.

“A vote for this amendment would clarify and prescribe the method for filling vacancies in statewide elected offices, providing for the more immediate input of Kansas voters in the fulfillment of mid-term vacancies.

“A vote against this amendment would continue the current method for filling such vacancies.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2010.

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

The Senate nonconcur in House amendments to **SCR 1601**, requests a conference and has appointed Senators Morris, D. Schmidt and Hensley as conferees on the part of the Senate.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

## HOUSE RESOLUTION No. 6008—

By Representative Kuether

A RESOLUTION encouraging participation in the American Heart Association's Go Red for Women campaign.

WHEREAS, Friday, February 6, has been designated "National Wear Red Day for Women" by the American Heart Association, and this event is part of the Go Red for Women campaign, the American Heart Association's national call to increase awareness about heart disease, the leading cause of death for women, and that this movement celebrates the energy, passion and power women have to take charge of their heart health in order to live stronger, longer lives; and

WHEREAS, The color red and the red dress symbol have become linked with the ability all women have to improve their heart health, and the American Heart Association is encouraging everyone to wear red on February 6 in support of all women who have experienced heart disease or stroke; and

WHEREAS, Diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death. In 2007, heart disease killed 5,727 Kansans, and more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers; and

WHEREAS, Increasing women's awareness of heart disease through this program is important because only 21% of women consider cardiovascular disease their greatest health risk. This lack of urgency about women's heart health contributes to the death of over 460,000 American females each year, with over 11 females a day dying from heart disease and stroke in Kansas; and

WHEREAS, Many of the risk factors that can lead to heart disease, such as high blood pressure, high blood cholesterol and diabetes, can be controlled or prevented. Research has shown that men and women who lead healthy lifestyles, including making healthy food choices, getting regular exercise, maintaining a healthy weight and choosing not to smoke, can significantly decrease their risk of heart disease; and

WHEREAS, February is designated as American Heart Month, and women who contact the American Heart Association will be provided with information to learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red for Women Heart Checkup and by talking to their healthcare provider and obtaining information regarding free lifestyle programs to improve their health: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we support the efforts of the American Heart Association in reducing women's heart health problems and urge individual participation in the American Heart Association's Go Red for Women campaign; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Linda J. De Coursey, American Heart Association, 5375 SW 7th Street, Topeka, KS, 66606.

On motion of Rep. Merrick, the House recessed until 5:00 p.m.

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### LATE AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2276**, An act relating to healthy marriages and strong families grant program, by Representative Rhoades.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February 5, 2009.