

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 11, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 122 members present.
Reps. Rardin, Ruiz and Trimmer were excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Brian Bebak, pastor, St. John's Catholic Church, El Dorado, and guest of Rep. Grange:

Heavenly Father,

We thank you for a wonderful new day. As we begin this new day, bless our legislators who have given their time and talent for the common good of the great state of Kansas. Bless their endeavors this day. Help them to always depend upon You for knowledge, wisdom, and the courage to do what is right. Help them to resist the pressures that would violate their conscience. Help them to remember to be good examples in their conduct to the fathers, mothers, sons and daughters of this great state and nation.

We ask this in your name. Amen.

The Pledge of Allegiance was led by Rep. Davis.

INTRODUCTION OF GUESTS

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

Once again I stand before you, and I have the privilege and the honor of recognizing Butler Community College football team, a junior college football team that has excelled and achieved the highest honor possible. That honor is being the 2008 National Football Champions. They have achieved the distinction of being the first community college program in the U.S. to win two back-to-back national championships.

The first championship came in 1981. The first back-to-back came in 1998-1999. The fourth championship came in 2003. This back-to-back represents 2007-2008 — number five and number six. This program has participated in nine national title games (7 in the last 11 years). Twenty-one bowl games in last 26 years. This program has produced 68 All-Americans, 10 former athletes currently participate in the NFL or Canadian football league.

The program produces an average of two academic All-Americans annually. The team record since 1998 is 119-12 (.908). The head coach for the past nine years is Troy Morrell who has compiled a Jayhawk Conference record of 60-3, in region six play he is almost unbeatable with a 21-2 record. Troy played as a Grizzly and earned All-American honors as an offensive lineman. He earned his B.S. in physical education at Ft. Hays State.

The assistant coaches include Steve Braet, Tim Schaffner, Aaron Flores, Paige Anders, John Costlett, Max Mattox, Chris Jones, and Chad Knittner.

I have prepared House certificates for each participant of this team as well as one framed for the trophy case that states:

***Congratulations to Butler Community
College Grizzlies,
the NJCAA 2008 National Football Champions,
First Ever, Two-Time Back-to-Back National Champions***

The team is located in the gallery. You will soon be watching some of these fine athletes play on television. Please join me in congratulating the Butler Community College Grizzlies.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2324, An act concerning sales taxation; relating to exemptions; Kansas enterprise zone act; requirements for certain retail businesses; amending K.S.A. 2008 Supp. 74-50,115 and repealing the existing section, by Committee on Taxation.

HB 2325, An act concerning sales taxation; relating to countywide retailers sales tax; rate limitations; amending K.S.A. 2008 Supp. 12-189 and repealing the existing section, by Committee on Taxation.

HB 2326, An act concerning the transportation development district act; relating to creation of district; requirements; amending K.S.A. 2008 Supp. 12-17,142 and repealing the existing section, by Committee on Taxation.

HB 2327, An act concerning taxation upon cigarettes and tobacco products; relating to rates; creating the health reform fund; deposit of moneys therein; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2008 Supp. 79-3310, 79-3310c, 79-3311 and 79-3312 and repealing the existing sections, by Committee on Taxation.

HB 2328, An act concerning sales taxation; relating to exemptions; certain sales of school supplies, computers and clothing during sales tax holiday; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long Term Care: **HB 2323**.

Judiciary: **HB 2322**.

Taxation: **HB 2321**.

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2235** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

MESSAGE FROM THE SENATE

Announcing passage of **SB 1, SB 16, SB 31, SB 33, SB 97, SB 131**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 1, SB 16, SB 31, SB 33, SB 97, SB 131.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6009—

By Representative Neighbor

A RESOLUTION commending and recognizing Gene Amos.

WHEREAS, Gene Amos has resided in Johnson County since 1945; and

WHEREAS, Gene Amos joined Rotary in 1952 and has served Rotary in many ways including service as Club President and District Governor; and

WHEREAS, Gene Amos is a charter member of the Shawnee Optimist Club, whose slogan is "Friend of Youth", and served in many ways, including being the club's first secretary-treasurer and later as District Governor; and

WHEREAS, Gene Amos was elected to the Shawnee Grade School Board of Education and served for 6 years prior to school district unification; and

WHEREAS, Gene Amos was elected to the Shawnee Mission Board of Education following unification and served from 1969 to 1975; and

WHEREAS, Gene Amos was elected to the Kansas House of Representatives and served three terms from 1987 to 1993; and

WHEREAS, Gene Amos has been “of service” to many business, civic, faith, fraternal, historical and patriotic organizations in Shawnee and Lenexa in numerous ways; and

WHEREAS, Gene Amos exemplifies Rotary’s two mottos: “Service above Self” and “He profits most who serves best” in all that he says and does; and

WHEREAS, Gene Amos, by example, instills in all whom he meets the value of service to others as a worthy pursuit: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize Gene Amos to be an outstanding citizen of Kansas and our country and as a role model for all who aspire to be “of service”.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HR 6004, A resolution adopting permanent rules of the House of Representatives for the 2009-2010 biennium, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Mast, 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, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Rardin, Ruiz, Trimmer.

The resolution was adopted, as amended.

CONFERENCE COMMITTEE REPORT

Your committee on conference on House amendments to **SCR 1601**, submits the following report:

The Senate accedes to all House amendments to the concurrent resolution, and your committee on conference further agrees to amend the concurrent resolution, as printed with House Committee amendments, as follows:

On page 5, in line 1, by striking all after “is”; in line 2, by striking all before the first “or” and inserting “an agree to disagree coupled with a request that a new conference committee be appointed”; in line 3, by striking all after “house”; by striking all in lines 4 through 12; in line 13, by striking all before the period and inserting “electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk’s or secretary’s desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number

of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule”;

On page 7, in line 32, by striking “28” and inserting “25”;

And your committee on conference recommends the adoption of this report.

CLARK SHULTZ

LANCE KINZER

TOM SAWYER

Conferees on part of House

STEPHEN R. MORRIS

DEREK SCHMIDT

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Shultz, the conference committee report on **SCR 1601** was adopted.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Otto.

Present but not voting: None.

Absent or not voting: Rardin, Ruiz, Trimmer.

EXPLANATION OF VOTE

MR. SPEAKER: I voted no on **SCR 1601** because if we can be provided an electronic conference committee report, then we should be provided a complete electronic bill.—BILL OTTO

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

COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2068**, **HB 2045** be passed.

Committee report to **HB 2111** be adopted; and the bill be passed as amended.

Committee report to **HB 2085** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2080** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Corrections and Juvenile Justice** recommends **HB 2236** be amended on page 3, in line 25, by striking “phenylacetone” and inserting “phencyclidine”;

On page 8, in line 34, by striking “Unlawful” and inserting “Unlawfully”;

On page 33, in line 11, by striking “a” and inserting “any”; also in line 11, after “substance” by inserting “or controlled substance analog”; in line 15, by striking “a” and inserting “any”; also in line 15, after “substance” by inserting “or controlled substance analog”;

On page 56, in line 38, by striking “3” and inserting “6”; in line 43, by striking “3” and inserting “6”;

On page 57, in line 32, by striking “production,”; also in line 32, by striking “delivery” and inserting “distribution”; in line 34, by striking “production,”; also in line 34, by striking “delivery” and inserting “distribution”; in line 36, by striking “sale” and inserting “distribution”; in line 40, by striking “sale” and inserting “distribution”;

On page 58, in line 8, by striking “production,”; also in line 8, by striking “delivery” and inserting “distribution”; in line 11, by striking “intent to sell, which were sold or were offered for sale” and inserting “the intent to distribute or which were distributed or offered for distribution”; in line 13, by striking “sell, deliver or”; also in line 13, by striking “sold” and inserting “distributed”; in line 14, by striking “sale” and inserting “distribution”; in line 36, by striking “3” and inserting “6”; in line 40, by striking “17” and inserting “16”;

On page 59, in line 3, by striking “17” and inserting “16”;

On page 67, in line 40, after “substance” by inserting “or controlled substance analog”;

On page 68, in line 6, after the first comma by inserting “prior to its repeal or section 9 or 10,”;

On page 93, in line 31, after “for” by inserting “unlawfully”; also in line 31, after “obtaining” by inserting “or distributing”; also in line 31, by striking all after “drug”;

On page 109, in line 9, after “65-4168a,” by inserting “65-7006,”;

On page 1, in the title, in line 21, by striking “and” and inserting a comma; in line 22, before the period by inserting “and 65-7006”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 14** be passed.

Committee on **Higher Education** recommends **HB 2004**, **HB 2007** be passed.

Committee on **Higher Education** recommends **HB 2003** be amended on page 7, in line 28, by striking “vocational” and inserting “career technical”;

On page 10, in line 10, by striking “job training partnership” and inserting “workforce investment”; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2329, An act concerning accident and health insurance; relating to claims for procedures approved by the federal food and drug administration, by Committee on Appropriations.

HB 2330, An act concerning property taxation; relating to classification; residential real property used for bed and breakfast home purposes; amending K.S.A. 2008 Supp. 79-1439 and repealing the existing section, by Committee on Appropriations.

HB 2331, An act concerning investment of state moneys; relating to the state treasurer; amending K.S.A. 2-3705 and K.S.A. 2008 Supp. 75-4272 and 75-4280 and repealing the existing sections, by Committee on Appropriations.

In accordance with Joint Rules of the Senate and House of Representatives, pursuant to Joint Rule 4(d), the Select Committee on KPERS is designated as an exempt committee.

REPORT ON ENGROSSED BILLS

HB 2026 reported correctly engrossed February 5, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5002 reported correctly enrolled and properly signed on February 10, 2009.

HR 6001 reported correctly enrolled and properly signed on February 11, 2009.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Thursday, February 12, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

