

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 12, 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.
Rep. Morrison was excused on verified illness.
Reps. Lane and Ruiz were excused on excused absence by the Speaker.
Rep. George was excused later on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
Today I pray for balance for our leaders.
Balance to stand strong for conviction,
but know when it's okay to bend.
Balance of knowing how much to save
and knowing how much to spend.
Balance in extending compassion,
but requiring guidelines and discipline.
Balance in keeping up with the
responsibilities of this duty,
and quality time with family and friends.
And balance in cheering for our
Kansas teams on Saturday.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. DeGraaf.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:
Economic Development and Tourism: **SB 1**.
Health and Human Services: **SB 16, SB 31, SB 33**.
Higher Education: **SB 131**.
Insurance: **HB 2329**.
Taxation: **HB 2324, HB 2325, HB 2326, HB 2327, HB 2328, HB 2330, SB 97**.
General Government Budget: **HB 2331**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 11** from Committee on Education Budget and referral to Committee on Higher Education.
Also, the withdrawal of **HB 2094** from Committee on Appropriations and referral to Committee on Aging and Long Term Care.
Also, the withdrawal of **HB 2124** from Committee on Local Government and referral to Committee on Federal and State Affairs.
Also, the withdrawal of **HB 2139** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2310** from Committee on Insurance and referral to Committee on Aging and Long Term Care.

Also, the withdrawal of **HB 2315** from Committee on Judiciary and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 26, SB 61, SB 66, SB 70, SB 73, SB 91.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 26, SB 61, SB 66, SB 70, SB 73, SB 91.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Neighbor, **HR 6009**, A resolution commending and recognizing Gene Amos, was adopted.

There being no objection, the following remarks of Reps. Neighbor and Benlon are spread upon the journal:

It is an honor and a privilege for Rep. Quigley, Rep. Benlon, and myself to stand before you and ask for your support for **HR 6009**.

First I would ask Rep. Benlon to speak.

I am honored to stand here today to talk about my friend, former State Representative Gene Amos.

Gene is a true humanitarian in many walks of life, but I'm only going to talk about him as a legislator in Topeka.

I had the privilege of serving with Gene. He and I shared district boundaries. Although I thought myself to be rather conservative when I initially came to the legislature, Gene was a little more so. Gene sat directly in front of me on the House floor. We voted the same on most bills, but I noticed one day during final action that Gene was moving to the right and looking back behind him. I eventually realized what he was doing . . . he was offering to show me how he was voting. He was too much of a gentleman to directly tell me he thought I was voting wrong. Instead, he was hoping I would notice the colored light on his desk.

Before retiring, Gene made his living as a funeral director. He would occasionally tease as to whether he needed to pass out his business card if someone were to appear lifeless in committee. Former Representative Blumenthal was asleep on a couch that was once back by the men's restroom. Gene walked over to take his pulse—stating he was looking for a new client. This is an example of Gene's sense of humor.

Gene came into the House at the same time as Frank Weimer, another gentleman from Johnson County. They both served 6 years (1986-1992) and they retired together. They shared an apartment and found they had a lot in common. Their wives became great friends. As we all know one of the nice things about being in the legislature is the social events. Gene taught Frank everything he needed to know about how to get to the social early, eat all they could, and then hurry to the next one. One evening they attended five separate receptions.

Gene and Frank were two peas in a pod. They originated several social bashes and billed them as the "Sometimes Annual Amos/Weimer Rib Feed". Being frugal, they found a few lobbyists to supply the ribs and trimmings. The lobbyist got into the spirit to the point where they would drive all the way to Williamsburg to pick up the ribs and get them back to Topeka while they were still hot. The purpose of the Rib Feed was to bring western Kansas legislators and eastern Kansas legislators together for an evening of great fun.

They were always up to something. You've all see the movie Grumpy Old Men? Well neither Gene nor Frank are grumpy, and they love one another like brothers, but if there ever was an opportunity to tease one another, the stone was never left unturned.

But, on a serious note . . . I had been thinking all week about what I wanted to say about Gene, so those of you who don't know him could see the man he is—he is one of a kind. I asked Frank what he would say. I'd like to take credit for this, but they are Frank's words and I second his comments. Frank said, "There isn't another man on this earth I

respect more than Gene Amos. His honor, his generosity, and his integrity are of the highest order—he is truly one of God’s Gentlemen.”

And I am honored to call Gene Amos my friend.

Thank you Rep. Benlon. Mr. Gene Amos is a gentleman who never knew a stranger. He is a pillar in our community and an individual who knows more history about Shawnee than any one individual I know. He and his son, Gregg Amos, are the first father/son members to have served on the Shawnee Mission School Board.

When I first thought about seeking office, I went to see Mr. Amos for guidance. Because he had served as my representative from 1987 to 1993, there was no better person to listen and learn from. As usual, he was very humble, answered my questions, we laughed a little, and I left with the hope that I could serve as his representative with the level of honesty, integrity, character and respect I had just experienced. We have continued that friendship and I speak with my mentor every opportunity I have.

But there is more about Mr. Amos that I would like to share with you and with that Mr. Speaker, I would like to move the following **HR 6009** (then Rep. Neighbor read the resolution to the members of the House).

Accompanying Mr. Amos to the House were his wife, Margaret; and also Gregg Amos, Amy Ruo, John Ruo, Philip Ruo, Toni Ruo, Joni Pflumm and Mona Upton.

Rep. Quigley presented Mr. Amos with a framed House Certificate.

CONSENT CALENDAR

No objection was made to **HB 2080** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2045, An act designating bridge no. 85 on United States highway 166 in Labette county as the veterans memorial bridge, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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, 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, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Myers, Neighbor, Neufeld, O’Brien, O’Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, 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: George, Lane, Morrison, Ruiz.

The bill passed.

HB 2068, An act concerning real estate brokers and salespersons; relating to licensure; amending K.S.A. 2008 Supp. 58-3035, 58-3046a, 58-3050, 58-3062, 58-3080, 58-3082, 58-3083, 58-3084, 58-3085 and 58-3086 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, 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, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson,

Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, 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: A. Brown, Kiegerl, Kinzer.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

The bill passed.

HB 2085, An act concerning veterans; relating to the Kansas commission on veterans affairs; pertaining to the veterans claims assistance program; the veterans claims assistance advisory board; amending K.S.A. 2008 Supp. 73-1234 and 73-1235 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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, 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, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, 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: George, Lane, Morrison, Ruiz.

The bill passed, as amended.

HB 2111, An act concerning the Kansas commission on judicial performance; relating to sunset provisions; amending K.S.A. 20-3201 and K.S.A. 2008 Supp. 20-367, 28-172a, 59-104, 60-1621, 60-2001, 61-2704 and 61-4001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 15; Present but not voting: 0; Absent or not voting: 4.

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

Nays: A. Brown, Brunk, Donohoe, Faber, Huebert, Kelley, Kiegerl, Knox, Landwehr, Mast, Neufeld, Schwartz, Siegfried, Vickrey, Watkins.

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Substitute for Senate Bill No. 23, as printed with House Committee of the Whole amendments, as follows:

On page 7, by striking all in lines 30 through 41;

On page 17, in line 14, by striking "\$19,955" and inserting "\$28,159"; in line 19, by striking "\$141,745" and inserting "\$199,546"; in line 24, by striking "\$1,757,495" and inserting "\$2,180,858"; in line 42, by striking "\$50,000" and inserting "\$81,250";

On page 18, in line 19, by striking "\$1,830,921" and inserting "\$798,172";

On page 19, following line 41, by inserting the following material to read as follows:

(l) During the fiscal year ending June 30, 2009, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2009, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2009 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(m) (1) During the fiscal year ending June 30, 2009, notwithstanding the provisions of K.S.A. 73-1231, 73-1906, 73-1953 or 75-3728g, and amendments thereto, or K.S.A. 2008 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection (m), "special revenue fund" means the soldiers' home fee fund, veterans' home fee fund, soldiers' home outpatient clinic fund, soldiers' home benefit fund, soldiers' home work therapy fund, veterans' home canteen fund, veterans' home benefit fund, Persian Gulf War veterans health initiative fund, state veterans cemeteries fee fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

(n) (1) During the fiscal year ending June 30, 2009, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget and subject to the applicable restrictions and limitations or other provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas commission on veterans affairs to another federal fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection (n), "federal fund" means the VA burial reimbursement fund—federal, veterans home federal fund, soldiers home federal fund, commission on veterans affairs federal fund, and outpatient clinic patient federal reimbursement fund—federal.;

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 striking "\$11,755" and inserting "\$195,924"; by striking all in lines 33 through 37; in line 42, by striking "\$13,741" and inserting "\$229,011"; by striking all in line 43;

On page 23, by striking all in lines 1 through 4;

And by relettering the subsections accordingly;

On page 26, in line 35, by striking "\$242,324" and inserting "\$222,124";

On page 27, by striking all in lines 13 through 22; in line 23, by striking "(n)" and inserting "(l)";

On page 28, in line 1, by striking "\$12,538,435" and inserting "\$6,538,435"; in line 6, by striking "\$198,736" and inserting "\$72,004";

On page 29, in line 30, by striking "\$3,200" and inserting "\$5,200"; by striking all in lines 32 through 43;

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

On page 31, in line 24, by striking "\$16,804" and inserting "\$8,305";

On page 32, in line 4, by striking "\$104,040" and inserting "\$100,000"; by striking all in lines 5 through 19;

On page 35, in line 14, by striking "\$12,000" and inserting "\$19,500";

On page 36, in line 16, by striking "\$480" and inserting "\$8,000"; by striking all in lines 40 through 43;

On page 37, by striking all in lines 1 through 11, and inserting the following material to read as follows:

"(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Wichita center for graduate medical education \$2,900,000";

Also on page 37, in line 28, by striking "\$200,082" and inserting "\$325,133"; in line 33, by striking "\$100,000" and inserting "\$162,500";

On page 39, in line 11, by striking "\$102,600" and inserting "\$166,725"; in line 16, by striking "\$9,931" and inserting "\$16,137";

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

On page 46, in line 26, by striking "\$1,731" and inserting "\$28,849"; in line 31, by striking "\$720" and inserting "\$12,000"; in line 36, by striking "\$7,000" and inserting "\$49,463";

On page 47, in line 8, by striking "\$2,744" and inserting "\$4,459"; in line 25, by striking "\$46,758" and inserting "\$322,092"; in line 30, by striking "\$47,013" and inserting "\$783,542"; in line 35, by striking "\$14,077" and inserting "\$234,623"; by striking all in lines 36 through 40;

On page 48, in line 2, by striking "\$5,448" and inserting "\$90,802"; in line 7, by striking "\$3,639" and inserting "\$60,650"; by striking all in lines 8 through 12;

And by relettering subsections accordingly;

Also on page 48, in line 17, by striking "\$73,685" and inserting "\$1,228,078"; in line 22, by striking "\$18,446" and inserting "\$307,427"; in line 34, by striking "\$10,802" and inserting "\$180,035"; by striking all in lines 35 through 43;

On page 49, by striking all in line 1; in line 6, by striking "\$9,494" and inserting "\$158,230"; in line 11, by striking "\$1,458" and inserting "\$24,300"; by striking all in lines 12 through 21; in line 25, by striking "\$1,200" and inserting "\$20,000"; by striking all in lines 27 through 31;

And by relettering subsections accordingly;

On page 50, in line 4, by striking "\$480" and inserting "\$8,000"; in line 39, by striking "\$2,880,000" and inserting "\$2,805,000";

On page 52, in line 36, by striking "\$878,241" and inserting "\$802,141"; by striking all in lines 37 through 43;

And by relettering subsections accordingly;

On page 53, in line 14, by striking "\$40,910,154" both times it appears and inserting "\$39,000,000"; in line 19, by striking "\$40,910,154" and inserting "\$39,000,000";

On page 55, in line 3, by striking "or before"; in line 4, by striking "February 15, 2009" and inserting "March 2, 2009, and on June 1, 2009";

On page 56, in line 29, following "that" by inserting "(A)"; in line 33, preceding the period by inserting ", and (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on March 2, 2009, and an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be

transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on June 1, 2009”;

On page 57, in line 26, by striking “96.0%” and inserting “93.5%”; in line 28, by striking “96.0%” and inserting “93.5%”; in line 30, by striking “96.0%” and inserting “93.5%”; in line 32, by striking “96.0%” and inserting “93.5%”; in line 33, by striking “96.0%” and inserting “93.5%”;

On page 58, in line 38, by striking “or before February 15, 2009” and inserting “March 2, 2009, and on June 1, 2009”;

On page 60, in line 14, following “that” by inserting “(A)”; in line 18, preceding the period by inserting “, and (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on March 2, 2009, and an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on June 1, 2009”;

On page 61, in line 13, by striking “96.0%” and inserting “93.5%”; in line 14, by striking “96.0%” and inserting “93.5%”; in line 16, preceding “aggregate” by inserting “amount equal to 93.5% of the”; in line 18, by striking “96.0%” and inserting “93.5%”; in line 19, by striking “96.0%” and inserting “93.5%”; in line 41, by striking “\$4,830,558.72” and inserting “\$3,330,543.50”;

On page 62, in line 1, preceding the period by inserting “; and (4) notwithstanding the provisions of K.S.A. 79-3425c and 75-3425i, and amendments thereto, or any other statute, the aggregate amount of \$6,661,087 of the moneys credited to the special city and county highway fund shall be paid on or before April 14, 2009, by the state treasurer in accordance with the following to the following counties in the amounts specified respectively therefor with the requirement that the moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute: Barton county, \$174,544.98; Butler county, \$890,898.90; Chautauqua county, \$7,293.76; Clay county, \$15,533.75; Comanche county, \$15,525.56; Cowley county, \$151,493.36; Douglas county, \$1,152,561.96; Finney county, \$38,376.16; Geary county, \$41,101.83; Grant county, \$11,827.23; Lane county, \$6,986.21; Leavenworth county, \$655,874.14; Ness county, \$13,000.51; Rice county, \$9,780.91; Russell county, \$18,610.55; Shawnee county, \$3,299,659.69; Sherman county, \$29,689.72; Stevens county, \$7,532.41; Trego county, \$4,257.37; and Wyandotte county, \$116,537.47, which shall be for the purpose of providing such counties, cities and other local governmental entities the amounts that were not paid as directed by statute during state fiscal years 2006, 2007 and 2008”; in line 29, by striking “\$859,000” and inserting “\$849,000”;

On page 63, in line 6, by striking “\$48,000,000” and inserting “\$48,059,846”; in line 11, by striking “\$48,000,000” and inserting “\$48,059,846”; in line 28, by striking “\$5,760,000” and inserting “\$2,000,000”; in line 30, by striking “\$5,760,000” and inserting “\$2,000,000”;

On page 64, in line 3, by striking “1.0%” and inserting “1.25%”;

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

KEVIN YODER
JASON P. WATKINS
BILL FEUERBORN
Conferees on part of House

JAY SCOTT EMLER
JOHN VRATIL
LAURA KELLY
Conferees on part of Senate

On motion of Rep. Yoder, the conference committee report on **H. Sub. for Sub. SB 23** was adopted.

On roll call, the vote was: Yeas 70; Nays 51; Present but not voting: 0; Absent or not voting: 4.

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

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

Present but not voting: None.

Absent or not voting: George, Lane, Morrison, Ruiz.

EXPLANATIONS OF VOTE

MR. SPEAKER: I beg to disagree with Chairman Yoder. A "no" vote is not the easy vote. There are direct benefits to my district in the bill. But this bill bankrupts nearly fifty school districts and eliminates the safety net for many more. It puts public safety at risk, all unnecessarily. We do *not* have to make cuts this deep to be responsible. We can protect those most at risk, keep the school safety net and be fiscally responsible. I vote no on **H. Sub. for Sub. SB 23**.—ANN MAH

MR. SPEAKER: I vote yes to adopt the conference committee report on **H. Sub. for Sub. SB 23**. We must do everything we can to protect education while asking our state agencies to do more with less. This compromise meets that goal while making tough but responsible expenditure adjustments.—JOE SEIWERT

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2097**, **HB 2091**, **HB 2096** be passed.

SCR 1604 be adopted.

Committee report to **HB 2185** be adopted; and the bill be passed as amended.

Committee report to **HB 2092** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2081** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2081," as follows:

"Substitute for HOUSE BILL No. 2081

By Committee on Agriculture and Natural Resources

"AN ACT concerning milk and dairy products; relating to certain fees fixed by the secretary of agriculture; amending K.S.A. 2008 Supp. 65-771, 65-778 and 65-781 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2081** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2099** be amended on page 1, in line 38, after the period by inserting the following:

"(e) (1)";

Also in line 38, by striking "this paragraph" and inserting "subsection (d)(2)";

On page 2, in line 1, by striking "(3)" and inserting "(2)"; in line 2, by striking "based upon a fail-"; by striking all in line 3; in line 4, by striking all before the period and inserting "by the defendant"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2001**, **HB 2102**, **HB 2103** be passed.

Committee on **Elections** recommends **HB 2193** be passed.

Committee on **Elections** recommends **HB 2066** be amended on page 1, in line 27, after “and” by inserting “either the voter’s photograph or the voter’s current residential”; in line 39, after “and” by inserting “either the voter’s photograph or the voter’s current residential”;

On page 2, in line 1, after “and” by inserting “either the voter’s photograph or the voter’s current”;

On page 5, in line 25, after “my” by inserting “current”; also in line 25, after “and” by inserting “either my photograph or my”;

On page 6, in line 6, after “my” by inserting “current”; also in line 6, after “and” by inserting “either my photograph or my”; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2244** be amended on page 1, in line 13, by striking “person” and inserting “candidate”; in line 14, by striking “\$1,000” and inserting “\$5,000”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2115** 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 **Health and Human Services** recommends **HB 2221** be amended on page 2, in line 2, after “that” by inserting “prohibition of”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2079**, **HB 2172** be passed.

Committee on **Transportation** recommends **HB 2131** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 30, by Representative John Grange, congratulating the Butler County Community College Football Team and coaching staff for winning the 2008 NJCAA championship;

Request No. 31, by Representative John Grange, congratulating Gordon “Sonny” and Joan Clark on their 50th Wedding Anniversary;

Request No. 32, by Representative Dan Kerschen, congratulating St. Paul’s Lutheran Church on 125 years of ministry;

Request No. 33, by Representative Richard Carlson, congratulating Harold and Ramona Tessendorf on their 50th wedding anniversary;

Request No. 34, by Representative Melody McCray-Miller, congratulating Tyler Robert Johnson, on becoming an Eagle Scout;

Request No. 35, by Representative J. David Crum, congratulating Emily Deaver as Miss Kansas 2009;

Request No. 36, by Representative Jim Morrison, commending C.H. HSU, M.D., F.A.C.S. for thirty-four years of Urologic Practice;

Request No. 37, by Representatives Neighbor, Benlon and Quigley, commending former State Representative Gene Amos for his service to his local community through Rotary, as a school board member and representative for the State of Kansas, district #18;

Request No. 38, by Representative Knox, commending John Bilby for his many years of dedication and volunteer service as head basketball coach to Chanute Christian Academy;

Request No. 39, by Representative Wolf, commending Andrew Wayne Mitchener on becoming and Eagle Scout;

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 2332, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 9-2012, 12-4419, 12-4509, 16-305, 17-12a508, 17-1311a, 19-3519, 21-2501, 21-2511,

21-3301, 21-3302, 21-3303, 21-3411, 21-3413, 21-3414, 21-3415, 21-3421, 21-3435, 21-3436, 21-3437, 21-3447, 21-3451, 21-3608a, 21-3609, 21-3701, 21-3704, 21-3707, 21-3710, 21-3718, 21-3720, 21-3729, 21-3734, 21-3761, 21-3763, 21-3812, 21-3826, 21-3846, 21-3902, 21-3904, 21-3905, 21-3910, 21-4018, 21-4105, 21-4111, 21-4203, 21-4204, 21-4226, 21-4232, 21-4318, 21-4502, 21-4503a, 21-4603d, 21-4611, 21-4638, 21-4643, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4713, 21-4717, 21-4720, 21-4722, 21-4729, 22-2512, 22-2515, 22-2802, 22-2908, 22-2909, 22-3303, 22-3412, 22-3604, 22-3901, 22-4405, 22-4903, 22-4906, 36-601, 36-604, 39-720, 41-405, 47-421, 58-3315, 60-427, 65-2859, 65-4102, 65-4127c, 65-4139, 65-5709, 65-6a40, 75-4228, 75-4314 and 79-5201 and K.S.A. 2008 Supp. 8-2,128, 8-1567, 9-2203, 12-4104, 21-3412a, 21-3419a, 21-3705, 21-3811, 21-4310, 21-4619, 21-4704, 21-4705, 21-4714, 22-3716, 22-3717, 22-4902, 38-2255, 38-2346, 38-2347, 38-2369, 38-2374, 38-2376, 38-2377, 39-717, 40-247, 40-2,118, 40-5013, 44-5,125, 44-619, 44-706, 44-719, 47-1827, 59-2132, 59-29b46, 60-4104, 65-516, 65-3235, 65-3236, 65-4167, 72-1397, 72-5445, 72-89c01 74-9101, 75-7c04, 75-5291, 75-52,144, 76-11a13, 79-15,235 and 79-3228 and repealing the existing sections; also repealing K.S.A. 21-4214, 21-4215, 21-4705, 21-4708, 21-4724, 65-4105a, 65-4127d, 65-4141, 65-4142, 65-4155, 65-4158, 65-4164 and 65-4165 and K.S.A. 2008 Supp. 21-4705, 65-4150, 65-4151, 65-4152, 65-4153, 65-4159, 65-4159a, 65-4160, 65-4161, 65-4162, 65-4163, 65-4166, 65-4168, 65-4168a and 65-7006, by Committee on Federal and State Affairs.

HB 2333, An act concerning crimes and punishment; creating the crime of use of a controlled substance endangering a child, by Committee on Federal and State Affairs.

HB 2334, An act concerning crimes, punishment and criminal procedure; relating to sentencing; amending K.S.A. 21-4720 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2335, An act concerning crimes, punishment and criminal procedure; relating to domestic violence; amending K.S.A. 20-369, 21-4603d, 22-2307, 22-2401, 22-3210 and 60-3107 and K.S.A. 2008 Supp. 12-4104, 21-3110, 21-4704, 72-1397, 72-5445 and 74-5602 and repealing the existing sections; also repealing K.S.A. 21-3412a, by Committee on Federal and State Affairs.

HB 2336, An act concerning sales taxation; relating to exemptions; MidAmerica Minority Business Development Council; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2337, An act concerning sales taxation; relating to exemptions; Kansas legal services, inc.; amending K.S.A. 2008 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2338, An act concerning schools; relating to personal financial literacy courses; amending K.S.A. 2008 Supp. 72-7535 and repealing the existing section, by Committee on Taxation.

HB 2339, An act concerning accountants; relating to licensure, examination, registration and peer review; amending K.S.A. 1-307, 1-315 and 1-322 and K.S.A. 2008 Supp. 1-301, 1-302b, 1-308, 1-310, 1-311, 1-312, 1-316, 1-321 and 1-501 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2340, An act concerning parole; abolishing the Kansas parole board; creating the prisoner review board within the Kansas department of corrections; transferring the powers, duties and functions of the Kansas parole board; amending K.S.A. 22-3701, 22-3706, 22-3709, 22-3710, 22-3711, 22-3712, 22-3718, 22-3719, 22-3720, 22-3722, 22-3726 and 22-3728 and K.S.A. 2008 Supp. 22-3717 and repealing the existing sections; also repealing K.S.A. 22-3707, 22-3707a, 22-3708 and 22-3713, by Committee on Appropriations.

HB 2341, An act concerning state agencies; relating to expenditures thereof, by Committee on Appropriations.

HB 2342, An act concerning deer; relating to the taking thereof, by Committee on Appropriations.

HB 2343, An act concerning the licensure of professional nurses and practical nurses; amending K.S.A. 65-1115 and 65-1116 and repealing the existing sections, by Committee on Appropriations.

HB 2344, An act relating to insurance; providing reimbursement for certain dietary formulas; amending K.S.A. 2008 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Appropriations.

HB 2345, An act relating to insurance; concerning life insurance; valuation of policies; reserves; amending K.S.A. 2008 Supp. 40-409 and repealing the existing section, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Meier is appointed to replace Rep. Frownfelter on Committee on Taxation for Monday, February 16 only.

REPORT ON ENGROSSED BILLS

HB 2085, **HB 2111** reported correctly engrossed February 11, 2009.

REPORT ON ENGROSSED RESOLUTIONS

Sub. HR 6004 reported correctly engrossed February 11, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5001 reported correctly enrolled and properly signed on February 12, 2009.

On motion of Rep. Merrick, the House adjourned pro forma until 10:00 a.m., Friday, February 13, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

