

Journal of the House

TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 18, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Donald F. Davidson, pastor, St. David's Episcopal Church, and Command Chaplain, Kansas National Guard, guest of Rep. Tafanelli:

Good and Gracious Creator God,
Bless this House dedicated to the people of Kansas, and the proceedings therein. Let the work of the people be accomplished in this place, and may it be to the betterment of our society.

Give our elected officials grace as they pursue the noble principles of our state and nation, and on this day bless all those who serve our nation in uniform wherever they may be.

We ask all of this in your holy Name. Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

PERSONAL PRIVILEGE

In recognition of Armed Forces Appreciation Day at the Capitol, Rep. Tafanelli addressed a few remarks to the members of the House.

There being no objection, the following remarks by Rep. Bowers are spread upon the journal:

Good Morning! As you checked your calendar this morning you would see that it is Military Appreciation Day and among our guests here, I have a constituent who I'd like you all to meet. Caption Aaron Isaacson has just recently returned home from his 3rd tour to Iraq & Afghanistan. As important as we know his job is—he tells me he admires us more for our service in this chamber—to the people of Kansas. But I wonder how we can even compare our duties to someone like Aaron who protects our freedom in a way that most of us can't even fathom. Caption Isaacson is currently stationed at Fort Riley with the Wounded Warrior Transition Unit. And as you shake his hand and welcome him home—I'd like you to know this: this soldier not only has one Bronze Star but two—not only one Purple Heart but two plus other numerous decorations.

Mr. Speaker—it is my pleasure to introduce Caption Aaron P. Isaacson of the United States Army and Kansas National Guard to you and to the members of the Kansas House of Representatives.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Health and Human Services: **HB 2350**.

Taxation: **HB 2348**, **HB 2349**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2008** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2075**, **HB 2087**, **HB 2262** from Committee on Insurance and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2105** from Committee on Appropriations and referral to Committee on Education Budget.

Also, the withdrawal of **HB 2169**, **HB 2282** from Committee on Appropriations and rereferral to Committee on Local Government.

Also, the withdrawal of **HB 2199** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2252** from Committee on Appropriations and rereferral to Committee on Higher Education.

Also, the withdrawal of **HB 2283** from Committee on Appropriations and rereferral to Committee on Agriculture and Natural Resources.

CONSENT CALENDAR

Objection was made to **HB 2270** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2115** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2115, An act repealing K.S.A. 21-4211, relating to interference with an emergency call, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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: None.

The bill passed.

HB 2001, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6407 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 23; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, 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, Huntington, Jack, Johnson, Kerschen, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer,

Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Burgess, Carlson, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, King, Kinzer, Landwehr, Mast, McLeland, Merrick, Olson, Peck, Rhoades, Schroeder, Siegfried, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2023, An act relating to motor carriers; concerning enforcement of certain state corporation commission orders, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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: None.

The bill passed.

HB 2099, An act concerning criminal procedure; relating to withdrawal of guilty pleas; amending K.S.A. 22-3210 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLeland, Meier, 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, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Dillmore, Grant, Henderson, Kuether, Maloney, Menghini, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

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, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 12; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Fund, Garcia, D. 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, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, 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, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Frownfelter, Furtado, S. Gatewood, Kuether, Lane, Loganbill, Menghini, Ruiz, Ward, Whitham.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2221, An act concerning child care; disclosure of certain information; amending K.S.A. 2008 Supp. 65-525 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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: None.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2232**, **HB 2207**, **HB 2060** be passed.

Committee report to **HB 2236** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2050** be adopted; and the substitute bill be passed.

Committee report to **HB 2260** be adopted; and the bill be passed as amended.

HB 2002 be passed over and retain a place on the calendar.

On motion of Rep. Sloan to amend **HB 2079**, the motion was withdrawn and the bill be passed over and retain a place on the calendar.

Committee report to **HB 2250** be adopted; and the bill be passed as amended.

Rose and reported.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-Term Care** recommends **HB 2297** be amended on page 2, in line 41, by striking all after “medicine”; in line 42, by striking all before the semicolon;

On page 3, in line 10, by striking “or geriatric psychiatry”; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2241** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2139** be amended on page 1, in line 23, by striking “6.3%” and inserting “7.01%”; in line 27, after the semicolon by inserting “and”; by striking all in lines 28 and 29;

And by renumbering the remaining paragraphs accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2165** be amended on page 1, after line 29, by inserting the following:

“(d) The provisions of this section shall not be deemed to create any civil liability for any lodging establishment, as defined in K.S.A. 36-501, and amendments thereto.”;

And by relettering the remaining subsection accordingly; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2077** be amended on page 1, in line 13, after “Section 1.” by inserting “From and after January 1, 2012.”;

On page 2, in line 3, by striking all after the period; by striking all in lines 4 through 7;

On page 5, in line 23, by striking “2010” and inserting “2012”;

On page 6, in line 42, by striking “2010” and inserting “2012”;

On page 7, in line 33, by striking all after “vote” by striking all in line 34; in line 35, by striking all before the semicolon;

On page 9, in line 1, after “applicant” by inserting “, the applicant’s signature”; in line 28, by striking “2010” and inserting “2012”;

On page 11, by striking all in line 20 and inserting the following:

“(d) This section shall take effect on and after January 1, 2012.

New Sec. 6. If a voter is entitled to vote and such voter is unable to present one of the forms of identification listed in subsection (i) of section 3, and amendments thereto, such voter shall be allowed to vote after signing a statement, that such voter is the named registered voter who such voter claims to be. Such statement shall be subject to felony penalties for perjury pursuant to K.S.A. 21-3805, and amendments thereto, subject to felony penalties for perjury pursuant to K.S.A. 21-3805 and amendments thereto.”;

Also on page 11, in line 21, by striking “2010” and inserting “2012”; also in line 21, after “Supp.” by inserting “25-1122.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2308** be passed.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2219** be amended on page 2, in line 2, after “(d)” by inserting “(1)”; in line 3, by striking “(1)” and inserting “(A)”; in line 6, after the semicolon by inserting “and”; in line 7, by striking “(2)” and inserting “(B)”; in line 9, by striking the semicolon and inserting a period; in line 10, by striking “(3) develop” and inserting the following:

“(2) The commission shall:

(A) Develop”;

Also on page 2, in line 12, by striking “(4)” and inserting “(B)”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2222** be amended on page 1, in line 13, by striking “Any” and inserting “Recognizing the cost differences between different types of submission methods, any”; in lines 17 and 22, by striking “collections” and inserting “agency”; in line 24, by striking “and” and inserting “or”; in line 26, after the semicolon, by inserting “and”; in line 27, by striking “; and”; by striking all in lines 28 and 29; and inserting “, which may include, but are not limited to, insuring that the surcharge or discount has measured benefits of efficiency to the agency and customers.”; and the bill be passed as amended.

Committee on **Government Efficiency and Fiscal Oversight** recommends **HB 2249** be amended on page 4, after line 2, by inserting the following:

“(4) “Threat” means statements or actions outside the normal employee counseling and job review process that convey possible dismissal, transfer or other punishment for providing information the person believes to be accurate to a member of the legislature, the attorney general or any auditing agency.”;

Also on page 4, in line 7, by striking all after “general”; in line 8, by striking all before “an”; in line 20, by striking all after “general”; by striking all in line 21; in line 22, by striking all before “or”; in line 29, by striking “(i)” and inserting “(j)”;

On page 5, in line 29, by striking the second comma and inserting “and”; also in line 29, by striking all after “fees”; in line 30, by striking all before the period; in line 33, by striking the comma and inserting “and”; also in line 33, by striking “and any other damages”; in line 38, by striking “and other such relief or damages as the court deems appropriate”; in line 39, by striking all after “(h)”; by striking all in lines 40 through 43;

On page 6, by striking all in lines 1 through 4; in line 5, by striking “(i)”; also in line 5, by striking all after “faith”; in line 6, by striking all before “any” and inserting “discusses the operations of the state agency or other matters of public concern, including matters relating to public health, safety and welfare with”; also in line 6, by striking all after “general”; by striking all in line 7; in line 8, by striking all before “or”;

And by relettering the remaining subsections accordingly;

Also on page 6, in line 21, by striking the comma and inserting “and”; also in line 21, by striking “and any other damages”; in line 26, by striking “and other such relief or damages as the court deems appropriate”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2259** be amended on page 1, by striking all in lines 25 through 38;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2287** be amended on page 1, in line 12, by striking “Regardless if” and inserting “(a) If”; also in line 12, by striking “does or”; in line 17, by striking all after the period; by striking all in line 18; in line 19, by striking all before “If”; in line 21, by striking “40-2202o” and inserting “40-2209o”; after line 22, by inserting the following:

“(b) The provisions of this section shall expire on July 1, 2014.”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2054, HB 2214** be passed.

Committee on **Insurance** recommends **HB 2160** be amended on page 1, in line 17, by striking the colon; by striking all in lines 18 and 19; in line 20, by striking “(2)” following line 24, by inserting the following:

“Sec. 2. K.S.A. 50-626 is hereby amended to read as follows: 50-626. (a) No supplier shall engage in any deceptive act or practice in connection with a consumer transaction.

(b) Deceptive acts and practices include, but are not limited to, the following, each of which is hereby declared to be a violation of this act, whether or not any consumer has in fact been misled:

(1) Representations made knowingly or with reason to know that:

(A) Property or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or quantities that they do not have;

(B) the supplier has a sponsorship, approval, status, affiliation or connection that the supplier does not have;

(C) property is original or new, if such property has been deteriorated, altered, reconditioned, repossessed or is second-hand or otherwise used to an extent that is materially different from the representation;

(D) property or services are of particular standard, quality, grade, style or model, if they are of another which differs materially from the representation;

(E) the consumer will receive a rebate, discount or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer trans-

actions, if receipt of benefit is contingent on an event occurring after the consumer enters into the transaction;

(F) property or services has uses, benefits or characteristics unless the supplier relied upon and possesses a reasonable basis for making such representation; or

(G) use, benefit or characteristic of property or services has been proven or otherwise substantiated unless the supplier relied upon and possesses the type and amount of proof or substantiation represented to exist;

(2) the willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact;

(3) the willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact;

(4) disparaging the property, services or business of another by making, knowingly or with reason to know, false or misleading representations of material facts;

(5) offering property or services without intent to sell them;

(6) offering property or services without intent to supply reasonable, expectable public demand, unless the offer discloses the limitation;

(7) making false or misleading representations, knowingly or with reason to know, of fact concerning the reason for, existence of or amounts of price reductions, or the price in comparison to prices of competitors or one's own price at a past or future time;

(8) falsely stating, knowingly or with reason to know, that a consumer transaction involves consumer rights, remedies or obligations;

(9) falsely stating, knowingly or with reason to know, that services, replacements or repairs are needed;

(10) falsely stating, knowingly or with reason to know, the reasons for offering or supplying property or services at sale or discount prices;

(11) sending or delivering a solicitation for goods or services which could reasonably be interpreted or construed as a bill, invoice or statement of account due, unless:

(A) Such solicitation contains the following notice, on its face, in conspicuous and legible type in contrast by typography, layout or color with other printing on its face:

“THIS IS A SOLICITATION FOR THE PURCHASE OF GOODS OR SERVICES AND NOT A BILL, INVOICE OR STATEMENT OF ACCOUNT DUE. YOU ARE UNDER NO OBLIGATION TO MAKE ANY PAYMENTS UNLESS YOU ACCEPT THIS OFFER”; ~~and~~

(B) such solicitation, if made by any classified telephone directory service not affiliated with a local telephone service in the area of service, contains the following notice, on its face, in a prominent and conspicuous manner:

“ _____ IS NOT AFFILIATED WITH

(name of telephone directory service)

ANY LOCAL TELEPHONE COMPANY”; ~~and~~

(12) using, in any printed advertisement, an assumed or fictitious name for the conduct of such person's business that includes the name of any municipality, community or region or other description of the municipality, community or region in this state in such a manner as to suggest that such person's business is located in such municipality, community or region unless: (A) Such person's business is, in fact, located in such municipality, community or region; or (B) such person includes in any such printed advertisement the complete street and city address of the location from which such person's business is actually conducted. If located outside of Kansas, the state in which such person's business is located also shall be included. The provisions of this subsection shall not apply to the use of any trademark or service mark registered under the laws of this state or under federal law; any such name that, when applied to the goods or services of such person's business, is merely descriptive of them; or any such name that is merely a surname. Nothing in this subsection shall be construed to impose any liability on any publisher when such publisher had no knowledge the business was not, in fact, located in such municipality, community or region; *and*

(13) *failing to release funds representing an insurance settlement payment for damage to real property subject to a mortgage by the mortgage holder to the mortgagor within 30 days after receiving written proof that the damaged property is replaced or otherwise repaired to the satisfaction of the mortgagor and the mortgage holder. Any person who submits false*

information regarding the condition of the property shall be liable in damages to the mortgage holder or the mortgage holder's assignee for the amount of the funds together with interest thereon, attorney fees, and any additional damages that the mortgage holder or the mortgage holder's assignee has incurred.

Sec. 3. K.S.A. 50-626 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking “; concerning the payment of” and inserting “payments for”; in line 10, preceding the period by inserting “; amending K.S.A. 50-626 and repealing the existing section”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2154** be passed.

Committee on **Judiciary** recommends **HB 2144** be amended on page 5, in line 26, by striking “and” and inserting “or”; in line 27, by striking “and” and inserting “or”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2084, HB 2125, HB 2155, HB 2157** be passed.

Committee on **Local Government** recommends **HB 2032** be amended on page 1, by striking all in lines 23 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 32;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “annexation”; in line 10, by striking all before the period; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2134** be passed.

Committee on **Transportation** recommends **HB 2188** be amended on page 3, in line 9, preceding the period by inserting “, except that the dealer shall have until and including the last day of February of each year within which to make application for renewal”; in line 39, preceding the period by inserting “, except that the dealer shall have until and including the last day of February of each year within which to make application for renewal”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2258** be amended on page 8, in line 13, by striking “end-of-life” and inserting “nonrepairable”; in line 15, by striking “end-of-life” and inserting “nonrepairable”; in line 18, by striking “end-of-life” and inserting “nonrepairable”; in line 21, by striking “end-of-life” and inserting “nonrepairable”; in line 25, by striking all following “(nn)”; by striking all in line 26; in line 27, by striking all preceding the period and inserting “ “Nonrepairable vehicle” means any motor vehicle which: (1) Has been damaged, destroyed, wrecked, burned or submerged in water to the extent that such motor vehicle is incapable of safe operation for use on roads or highways and has no resale value except as a source of parts or scrap only; or (2) the owner irreversibly designates as a source of parts or scrap”;

On page 13, in line 10, preceding “scrap” by inserting “rebuilder.”;

On page 15, in line 16, by striking “and vehicle recyclers” and inserting “, vehicle crusher, vehicle recycler, rebuilder, scrap metal recycler and salvage vehicle pool”; in line 18, by striking “quarterly” and inserting “monthly”; in line 25, by striking “the highway patrol” and inserting “law enforcement”;

On page 16, in line 12, preceding “or” by inserting “, salvage vehicle pool”; 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 bill was thereupon introduced and read by title:

HB 2351, An act concerning abolition of the death penalty; amending K.S.A. 21-3105, 21-4364, 21-4634, 21-4635, 21-4706, 22-3405, 22-3705, 22-3717, 22-4210, 22-4505 and 22-4506 and K.S.A. 2008 Supp. 21-4619, 22-4902, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 21-

3439, 21-4622, 21-4623, 21-4624, 21-4627, 21-4629, 21-4630 and 22-3704, by Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 25, SB 123, SB 135, SB 137, SB 139, SB 156.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 25, SB 123, SB 135, SB 137, SB 139, SB 156.

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

The House stood at ease until the sound of the gavel.

Speaker pro tem Siegfried called the House to order

On motion of Rep. Mast, the House resolved into Committee of the Whole, with Rep. King in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. King, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2233** be passed.

Committee report to **HB 2002** be adopted; also, roll call was demanded on motion of Rep. Peck to amend on page 3, by striking all in lines 25 through 35; following line 35, by inserting:

“(A) Determine the number of pupils enrolled in each district on September 20;
 (B) determine the number of military pupils enrolled in each district on September 20;
 (C) determine the number of military pupils enrolled in each district on February 20;
 (D) determine the number of military pupils enrolled in each district on February 20, who were not enrolled on the preceding September 20;
 (E) subtract the number obtained under (D) from the number obtained under (C);
 (3) If the number obtained under (2)(C) is greater than the number obtained under (2)(B) and the number obtained under (2)(E) is 25 or more, an amount equal to the number obtained under (2)(D) shall be added to the number determined under (2)(A). The sum is the enrollment of the district.

(4) If the number obtained under (2)(C) is greater than the number under (2)(B) and the number obtained under (2)(E) is at least 1% of the number determined under (2)(A), an amount equal to the number obtained under (2)(D) shall be added to the number determined under (2)(A). The sum is the enrollment of the district.”;

On roll call, the vote was: Yeas 28; Nays 88; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Gordon, Hayzlett, Jack, Kelley, Kinzer, Knox, Landwehr, Light, Mast, McLeland, Merrick, Patton, Peck, Powell, Quigley, Rhoades, Schwab, Seiwert, Shultz, Siegfried, Worley.

Nays: Ballard, Benlon, Bowers, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Johnson, Kersch, King, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Otto, Palmer, Pauls, Phelps, Pottorff, Prescott, Proehl, Rardin, Roth, Ruiz, Sawyer, Schroeder,

Schwartz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Carlson, Colloton, Goico, Grant, Kiegerl, O'Neal, Olson, Peterson.

The motion of Rep. Peck did not prevail.

Also, roll call was demanded on motion of Rep. Horst to amend **HB 2002** on page 3, in line 30, after "to" where it appears the first time, by inserting "½ of"; in line 33, after "to" by inserting "½ of";

On roll call, the vote was: Yeas 56; Nays 62; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Brookens, A. Brown, Brunk, Burgess, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Grange, Hayzlett, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Light, Mast, McLeland, Merrick, Olson, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schwab, Seiwert, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bowers, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Hawk, Henderson, Henry, Hermanson, Johnson, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Otto, Palmer, Pauls, Phelps, Rardin, Ruiz, Sawyer, Schroeder, Schwartz, Slattery, Sloan, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Carlson, Colloton, Gordon, Grant, Landwehr, O'Neal, Peterson.

The motion of Rep. Horst did not prevail; and **HB 2002** be passed as amended.

On motion of Rep. Sloan to amend **HB 2079** (see previous action, Morning Session), the motion did not prevail; and the bill be passed.

HB 2066 be passed over and retain a place on the calendar.

On motion of Rep. Goyle to amend **HB 2193**, Rep. Huebert offered a motion to rerefer the bill to Committee on Elections. Roll call was demanded.

On roll call, the vote was: Yeas 51; Nays 69; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Vickrey, Watkins, Yoder.

Nays: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Hill, Hineman, Horst, Huntington, Johnson, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Carlson, Colloton, Grant, Peterson, Williams.

The motion of Rep. Huebert did not prevail.

The question then reverted back to the motion of Rep. Goyle to amend **HB 2193** on page 4, after line 1, by inserting the following:

"New Sec. 2. (a) Any person who spends or contracts to spend an amount of \$500 or more per calendar year for any electioneering communication shall submit a campaign finance report prescribed and provided by the governmental ethics commission for each electioneering communication, which shall include:

(1) The name of the clearly identified candidate mentioned in the electioneering communication.

(2) The name, street address, city, state and zip code of each individual or other entity that contributes more than \$50 per year to such person for an electioneering communication. In addition, the report shall list the occupation of any individual who contributed \$150 or more.

(3) The name, street address, city, state and zip code of the vendor to whom a payment of more than \$50 for such electioneering communication is made or contracted to be made.

(4) The amount spent on or contracted to be spent on such electioneering communication. If the person making the electioneering communication is an individual, such reports shall also include the occupation and employer of such individual. Reports required by this section shall be in addition to any other reports required by law.

(b) (1) (A) For an electioneering communication concerning a candidate for state office, the report required by subsection (a) shall be filed only with the secretary of state.

(B) For an electioneering communication concerning a candidate for local office, the report required by subsection (a) shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot.

(2) Except as required by paragraph (3), each report required by subsection (a) shall be filed in time to be received in the offices required in accordance with the times set forth in K.S.A. 25-4148 and amendments thereto.

(3) For any electioneering communication occurring during the 11 days preceding the election, the report required by subsection (a) shall be filed on or before the close of the second business day following the day in which such funds are spent or contracted to be spent for such electioneering communication.

(c) For the purposes of this section:

(1) "Electioneering communication" means any communication that reaches 300 or more persons broadcast by television or radio, printed in a newspaper or on a billboard, directly mailed or delivered by hand to personal residences or otherwise distributed that:

(A) Unambiguously refers to any clearly identified candidate;

(B) is broadcast, printed, mailed, delivered or distributed within 30 days before a primary election or 60 days before a general election;

(C) is broadcast to, printed in a newspaper distributed to, mailed to, delivered by hand to, or otherwise distributed to an audience that includes members of the electorate for such public office.

(2) "Electioneering communication" does not include:

(A) Any news articles, editorial endorsements, opinion or commentary writings, or letters to the editor printed in a newspaper, magazine or other periodical not owned or controlled by a candidate or political party;

(B) any editorial endorsements or opinions aired by a broadcast facility not owned or controlled by a candidate or political party;

(C) any communication by persons made in the regular course and scope of their business or any communication made by a membership organization solely to members of such organization and their families;

(D) any communication that refers to any candidate only as part of the popular name of a bill or statute;

(E) any communication made solely to promote a candidate debate or forum that is made by or on behalf of the person sponsoring such debate or forum; or

(F) any communication made as part of a nonpartisan activity designed to encourage individuals to vote or register to vote.

(d) The provisions of this section shall be part of and supplemental to the campaign finance act.;

And by renumbering the remaining sections accordingly;

In the title, in line 9, by striking all after the semicolon; by striking all in line 10; in line 11, by striking "officials;";

Roll call was demanded.

On roll call, the vote was: Yeas 68; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, Huntington, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bowers, A. Brown, Brunk, Burgess, Crum, DeGraaf, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, B. Wolf.

Present but not voting: None.

Absent or not voting: Carlson, Colloton, Grant, Neufeld, Peterson.

The motion of Rep. Goyle prevailed; and **HB 2193** be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2099, HB 2221 reported correctly engrossed February 17, 2009.

REPORT ON ENROLLED RESOLUTIONS

Sub. HR 6004 reported correctly enrolled and properly signed on February 17, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, February 19, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

