

# Journal of the House

THIRTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, March 9, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.  
The roll was called with 118 members present.  
Rep. Henderson was excused on verified illness.  
Reps. Neufeld and O'Neal were excused on legislative business.  
Reps. Davis, Goico, Knox and Svaty were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Dr. Ira Despain, university minister at Baker University in Baldwin, and guest of Rep. T. Brown:

Baker University is in the 10th House District and we are proud to be represented here by Representative Tony Brown. I bring greetings from President Patricia Long, and the faculty, staff and students at Baker University, the oldest university in the state of Kansas, and thus, the only university ever to have been referred to as "The One Great University in Kansas."

*Let us pray:*  
Almighty God,

By your grace and power you allowed us to awaken this morning and take our first conscious breath. We pray that the rest you allowed us last evening will give us sufficient strength for the challenges of this day.

Help us find moments of nourishment of mind, body and spirit in our work.  
Help us to find solutions to the problems we face as Kansas people. In your mercy, free us from ego and self-interest.

May we, on this and every day, accept your gift of life, grasp your continued faithfulness toward us, that promises strength for today and bright hope for tomorrow.

In your all powerful and ever-present name we pray. Amen.

The Pledge of Allegiance was led by Rep. Peck.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2369.** An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2370.** An act concerning state officers and employees; prescribing priority of payments for salaries and wages for state officers and employees over other amounts that are payable from the state treasury, by Committee on Appropriations.

**HB 2371.** An act concerning taxation of motor vehicles; relating to exemptions for certain disabled veterans; amending K.S.A. 2008 Supp. 79-5107 and repealing the existing section, by Committee on Appropriations.

**HB 2372.** An act concerning contracts with state agencies for certain professional services; relating to competitive bidding procedures; amending K.S.A. 75-37,102 and K.S.A.

2008 Supp. 75-1253, 75-1254, 75-3738, 75-3739, 75-37,132 and 76-786 and repealing the existing sections, by Committee on Appropriations.

**HB 2373**, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 2-223, 12-5256, 55-193, 75- 6702, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections. By Committee on Appropriations.

**HB 2374**, An act concerning employment security law; relating to alternative base periods and benefits for individuals forced to leave employment to care for an ill or disabled family member; amending K.S.A. 2008 Supp. 44-703 and 44-706 and repealing the existing sections, by Committee on Taxation.

**HB 2375**, An act concerning school districts; relating to state aid for capital improvements; amending K.S.A. 2008 Supp. 75-2319 and repealing the existing section, by Committee on Taxation.

#### **CORRECTION OF REFERENCE**

Speaker pro tem Siegfried announced **SB 253** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Local Government, should be corrected to be referred to Committee on Agriculture and Natural Resources.

Also, **SB 275** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Agriculture and Natural Resources, should be corrected to be referred to Committee on Financial Institutions.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Economic Development and Tourism: **SB 108**.

Health and Human Services: **SB 147**.

Insurance: **SB 49, SB 174**.

Transportation: **SB 153**.

#### **COMMUNICATIONS FROM STATE OFFICERS**

From Howard Schwartz, Judicial Administrator, pursuant to K.S.A. 8-1008, 2008 Annual Report of the Statement of Alcohol Drug Safety Action Program

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

#### **CONSENT CALENDAR**

Objection was made to **HB 2343** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 46, SB 187** appearing on the Consent Calendar for the first day.

No objection was made to **SB 77** 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**

Speaker pro tem Siegfried announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until Wednesday, March 11.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **S. Sub. for Sub. HB 2014** and asked for a conference.

Speaker pro tem Siegfried thereupon appointed Reps. C. Holmes, Moxley and Kuether as conferees on the part of the House.

**REPORTS OF STANDING COMMITTEES**

Committee on **Health and Human Services** recommends **HB 2359** 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 **Insurance** recommends **SB 50** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

**INTRODUCTION OF GUESTS**

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

Remarks of Rep. Phelps:

Jana Mackey, a 25 year old law student at the University of Kansas and resident of Lawrence, was murdered by her ex-boyfriend on July 2, 2008. Jana served as an advocate and devoted civic servant. She worked tirelessly to promote the rights of women, victims of violence and the voices of many often unheard and under-represented. Jana was well known throughout Kansas for her work on many women's issues. She had spent years volunteering to aid victims of sexual assault and domestic violence. She had actively participated in the KU Commission on the Status of Women and had served as one of the youngest lobbyists at the Kansas State Capitol for the National Organization for Women.

Yesterday, March 8, 2009, was International Women's Day. The Kansas House of Representatives would like to unite in honoring Jana Mackey as part of that day. A victim of an unjust crime, Jana was taken before her time. We can never replace Jana, however, we can help her service live on through others. Symbolic of the number of people who attended Jana's funeral, her family and friends have created the *Eleven Hundred Torches* national campaign to honor her by asking hundreds of ordinary citizens to serve others. We join this campaign, and call on Kansans to volunteer and make a difference in their communities.

Remarks by Rep. Ballard:

In recognition of International Women's Day, Kansas Governor Kathleen Sebelius proclaimed March 8, 2009 as "Jana Mackey Day in Kansas."

Sunday, March 8, in Lawrence, *Eleven Hundred Torches* partnered with Women Transitional Care Services in a day of service for International Women's Day to honor Jana Mackey. WTCS offers services to survivors of domestic violence.

It was a pleasure to work with Jana Mackey, here in the Capitol—tall, stately, smiling, professional, dedicated and passionate. The following poem by *Michael Josephson* from the Josephson Institute is perfect for Jana:

*"What Will It Matter?"*

*Ready or not, some day it will all come to an end.*

*There will be no more sunrises, no minutes, hours, or days.*

*All the things you collected, whether treasured or forgotten, will pass to someone else.*

*Your wealth, fame, and temporal power will shrivel to irrelevance.*

*It will not matter what you owned or what you were owed.*

*Your grudges, resentments, frustrations, and jealousies will finally disappear.*

*So too, your hopes, ambitions, plans, and to-do lists will expire.*

*The wins and losses that once seemed so important will fade away.*

*It won't matter where you came from or what side of the tracks you lived on at the end.*

*It won't matter whether you were beautiful or brilliant.*

*Even your gender and skin color will be irrelevant.*

*So what will matter? How will the value of your days be measured?*

*What will matter is not what you bought but what you built; not what you got but what you gave.*

*What will matter is not your success but your significance.*

*What will matter is not what you learned but what you taught.*

*What will matter is every act of integrity, compassion, courage, or sacrifice that enriched, empowered, or encouraged others to emulate your example.*

*What will matter is not your competence but your character.*

*What will matter is not how many people you knew but how many will feel a lasting loss when you're gone.*

*What will matter are not your memories but the memories that live in those who loved you.*

*What will matter is how long you will be remembered, by whom, and for what.*

*Living a life that matters doesn't happen by accident.*

*It's not a matter of circumstance but of choice.*

*Choose to live a life that matters.*

Jana chose to live a life that mattered.

Rep. Phelps will now present her parents, Curt and Christie Brungardt, with a framed House certificate.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, March 10, 2009.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

