

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 10, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 116 members present.
Rep. Sawyer was excused on verified illness.
Reps. Davis, Knox, Neufeld, O'Neal and Sloan were excused on legislative business.
Reps. Crow, Goico and Svaty were excused on excused absence by the Speaker.
Prayer by guest chaplain, Rev. Ronnie Metsker, former Representative, President of Parakaleo Group, of Overland Park, and guest of Rep. Schwab:

With the Psalmist David I declare: "Sing joyfully to the Lord, all the earth. Serve the Lord with gladness: come before Him with joyful singing, Know that the Lord Himself is God; it is He who has made us, and not we ourselves: We are His people and the sheep of His pasture. Enter His gates with thanksgiving, and His courts with praise. Give thanks to Him; bless His name. For the Lord is good, His loving kindness is everlasting and His faithfulness to all generations."

Almighty and Everlasting God, the giver of all good things, I come before You today on behalf of my brothers and sisters—my friends, new and old—here in this, the people's house of Kansas. Thank You for our creation, preservation and all the blessings of this life, but above all for Your immeasurable love in the redemption of the world through Your Son.

We praise You for the good providence that has directed our steps in life. We thank You for the times You have enlightened our minds to understand the truths that we have heard, and to know the things that make for our everlasting peace. And, for the Lord's loving kindnesses that indeed never cease, we praise You. Your compassions never fail. They are new every morning; Great is Thy faithfulness!

Now, I most humbly ask You, O Lord, Help my friends, as they begin this day of deliberation and decision making that they will adhere to Your words from Holy Scripture as You admonish us to dress in the wardrobe God picked out for us of compassion . . . kindness . . . humility . . . quiet strength . . . discipline. Help my friends to be even-tempered, content with second place, quick to forgive an offense and to forgive as quickly and completely as God forgives us. Most of all God help all of us today to put on love—which You describe as our all-purpose garment and may we never be without it.

Father, now, that we've been reminded from Your Word of Your faithfulness, grace and mercy . . . and how we were to dress for this day—help my friends to now go forward with wisdom and discernment—recognizing that their work is to be done for others as unto You, Oh God.

In your powerful, wonderful and matchless name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Finney.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2369, HB 2370, HB 2372, HB 2373.**

Commerce and Labor: **HB 2374.**

Taxation: **HB 2371, HB 2375.**

CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **SB 178** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 102**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 238**, requests a conference and has appointed Senators Owens, D. Schmidt and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for Sub. HB 2014** and has appointed Senators Apple, Petersen and Lee as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 102**.

Speaker pro tem Siegfried thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 238**.

Speaker pro tem Siegfried thereupon appointed Reps. Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hill, **HR 6017**, by Rep. Hill, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6017—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2008 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Emerging Business of the Year award recipients have demonstrated major accomplishments while establishing and growing the business, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a clear vision for the future of the business and something unique to offer to their community; and

WHEREAS, Existing Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC

Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2008 KSBDC Emerging Businesses of the Year are Eagle Creek Vineyards in Olpe, Kansas, owned by Jo Ann Kuhlmann; Flower Cottage in Quinter, Kansas, owned by Kathy and Robert Kuntz; Local Burger in Lawrence, Kansas, owned by Hilary Brown; Longford Water Company, LLC in Longford, Kansas, owned by Kim and Wava Kramer; Music House School of Music in Overland Park, Kansas, owned by Aaron Sizemore and Katrinka Riggs; New Boston Creative Group, LLC in Manhattan, Kansas, owned by Kristin Brighton, Susan Religa and Lisa Sisley; Oakview Estates Assisted Living in Frontenac, Kansas, owned by Mark Scales and Jason Lahr; and Oswalt Appraisals in Garden City, Kansas, owned by Alan Oswalt; and

WHEREAS, The 2008 KSBDC Existing Businesses of the Year are Acorn Valley Custom Cabinetry in Thayer, Kansas, owned by Jim Houston and Bob Greif; Avon Beauty Center in Overland Park, Kansas, owned by Elizabeth and George Demas; EmbroidMe in Dodge City, Kansas, owned by Gavin and Kim Unruh; The Furniture Look, Inc. in Hays, Kansas, owned by Karen Dreiling; Howard Pine's Garden Center & Greenhouses in Lawrence, Kansas, owned by Gerald Pine; Morrill Collision Repair, Inc. in Morrill, Kansas, owned by Lonnie and Melanie Teeter; Pet Sitting Pal in Emporia, Kansas, owned by Reneé Flott; and ServiceMaster by Clean In a Wink in Wichita, Kansas, owned by Jerry E. Winkley; and

WHEREAS, The KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2008 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

Be it further resolved: That the Clerk of the House of Representatives be directed to provide 17 enrolled copies of this resolution to Representative Don Hill.

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

Today we have the opportunity to recognize Kansas Small Business Development Center's emerging and existing 2008 businesses of the year. These sixteen businesses represent economic vitality and human vibrancy in the communities where they operate. They have achieved major accomplishments; established growing businesses, demonstrated vision, problem solving and good corporate citizenship. Challenging economic times have proven to be good times to launch a new business. In 2008 there were nearly 150 business startups in Kansas that received KSBDC services. It is the priority of KSBDC to reach as many potential entrepreneurs as possible and provide tools and services for Kansans in all parts of the state. The entrepreneurial spirit and energy represented by our honorees today provide a source of encouragement and optimism as we face these difficult and uncertain economic times.

CONSENT CALENDAR

Objection was made to **SB 50** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2359** appearing on the Consent Calendar for the first day.

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

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2354** be amended on page 9, following line 11, by inserting the following material to read as follows:

"Sec. 7. The state board of technical professions is hereby authorized and directed to pay the following amount from the technical professions fee fund as reimbursement for attorney's fees and associated expenses related to the claimant's defense of a claim of practicing architecture or engineering without a license, to the following claimant:

Eldon Ray
 16284 R. Road
 Mayetta, KS 66509..... \$3,122.00”;

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

Committee on **Education** recommends **SB 40** 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 **Education** recommends **SB 84** be amended on page 2, by striking all in lines 15 through 17; in line 20, by striking “2012” and inserting “2010”; and the bill be passed as amended.

Committee on **Education** recommends **SB 161** be amended on page 2, in line 26, following “fund” by inserting “. The amount of moneys in a petty cash fund shall not exceed \$1,000 at any one time”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **SB 39** be amended on page 1, in line 19, by striking “may seek approval from” and inserting “and such written investment policy is approved by”; in line 20, by striking “to” and inserting “may”; in line 39, by striking “On condition of” and inserting “In”; in line 41, by striking “review the policy to assure that it” and inserting “require that such policy”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 86** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 2376, An act concerning emergency management; relating to immunity from liability; amending K.S.A. 48-915 and repealing the existing section, by Committee on Appropriations.

HB 2377, An act concerning pet animals; transferring the powers, duties and functions of the livestock commissioner regarding the Kansas pet animal act to the secretary of agriculture; amending K.S.A. 47-1701, 47-1702, 47-1703, 47-1704, 47-1708, 47-1712, 47-1713, 47-1715, 47-1719, 47-1720, 47-1723, 47-1725, 47-1727, 47-1731, 47-1732, 47-1733, 47-1734, 47-1735 and 47-1736 and K.S.A. 2008 Supp. 47-1706, 47-1706a, 47-1707, 47-1709 and 47-1721 and repealing the existing sections, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Rep. Kelley will replace Rep. Knox on Social Services Budget Committee for March 10.

REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on March 10, 2009.

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

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

