

Journal of the House

FIFTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 29, 2009, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 122 members present.
Rep. Sloan was excused on legislative business.
Reps. George and Landwehr were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Father God,
In Proverbs 16, it tells us that . . .
"Mortals make elaborate plans,
but God has the last word.
Humans are satisfied with whatever *looks* good;
God probes for what *is* good."
In this past session,
we have worked hard at what
we believed was best for our state.
We now begin a session to
take another look at these decisions.
Guide us through this process
and may we commit ourselves to the next
proverb in this passage,
"Put God in charge of your work,
then what you've planned will take place."
(Proverbs 16:1-3)
Please be with the families of Representatives
George and Landwehr in the recent loss of loved ones.
Give them strength, comfort and grace during these days.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Neighbor.

INTRODUCTION OF GUESTS

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

I'd like to introduce the St. John Tigers, who won the 1A State Championship for not just one sport, but two! This year the St. John girls won both the championship for volleyball and basketball. Last year we were 2A, but due to declining enrollment, the Tigers have been reclassified as 1A. Most of these girls played on both teams. And . . . just a few weeks ago we attended the school play and saw many of these girls do a wonderful job on the stage. In fact, we saw them in the play last semester, as well! This is a very talented group of young women who deserve the many accolades and ovations they've received already.

I'd like to recognize them by name: Tori Astle, Brooke Burgan, Beth Cornwell, Kayla Crissman, Alisha Fanshier, Sarah Johnson, Lyndsey Jones, Kory Kirkpatrick, Ava Long,

Christa Milton, Alyssa Roberts, Ariel Smith, Teresa Wade, Abbie Ward and Daniele Wendland. Team Managers are: Amber Gould, Brittany Hazelwood and Ashley Smith.

Our basketball coach is Danny Smith, assisted by Dave Losey. Our volleyball coach is Trish Wade assisted by Sheila Witt.

Please join me in recognizing the Saint John Tigers Girls' Basketball and Volleyball 1A State Champions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2401, An act concerning the Kansas bioscience authority; relating to the bioscience development and investment fund; amending K.S.A. 2008 Supp. 74-99b34 and repealing the existing section, by Committee on Appropriations.

INTRODUCTION OF GUESTS

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

Mr. Speaker, I wish to introduce Amanda Steiner, Ms. Wheelchair Kansas 2008, Carrie Greenwood, State Coordinator and Ms. Wheelchair Kansas 2004, and Marie Clement of Mayetta, Kansas Ms. Wheelchair Kansas 2009.

Marie Clement of Mayetta received her crown after participating in four judging sessions, as well as many other activities.

Marie, the new titleholder, has dedicated most of her life to giving back to other people. She is married and has three children and lived in Kansas for the last six years. She and her family are members of the Prairie Band Potawatomi Nation. Outside of taking care of her family, she loves gardening and planting flowers, beading, crocheting, stained glass, and decoupage. Marie is a quadriplegic, and has a passion for increasing public accessibility. Her goal is to educate others about improving the lives of people with disabilities.

It gives me great pleasure to present this certificate and congratulate Marie Clements, Ms. Wheelchair Kansas, 2009.

Rep. Fund presented Marie with a framed House certificate.

INTRODUCTION OF GUESTS

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

Today we are pleased to recognize the University of Kansas Debate Team.

Brett Bricker and Nate Johnson of the University of Kansas defeated defending national champion Wake Forest to win the National Debate Tournament Championship.

Bricker and Johnson topped 78 intercollegiate teams competing at the tournament held March 26-31 at the University of Texas-Austin. They defeated California-Berkeley in the semifinal to advance to the championship round.

This is KU's fifth national debate title, having previously won in 1954, 1970, 1976 and 1983. KU has had a team in the National Debate Tournament for each of the past 42 years.

Bricker, a mathematics major, is the son of Gary and Norma Bricker and a graduate of Wichita High School Southeast. Johnson, who is majoring in philosophy, political science and psychology, is the son of Ron and Betty Johnson and a graduate of Manhattan High School.

Led by 18-year head coach Scott Harris, named national coach of the year in 2006, the KU debate team also won two other national tournaments this season.

Brothers Patrick and Sean Kennedy, both Leawood sophomores, defeated Georgetown to win first place at the Freshman/Sophomore Nationals, held in East Lansing, Michigan.

At the National Junior Division Debate Tournament in Overland Park, two KU teams tied for first place. Patrick Kennedy and Matthew Peterson, Wichita junior, went 12-0 and defeated Kansas State University in the semifinals. Mark Wilkins, Topeka sophomore, and Andrew Jack, Lawrence and Manhattan junior, were 11-1, defeating the University of Minnesota in the other semifinal.

Last season, the KU debate team finished the year ranked first in the national varsity rankings.

On motion of Rep. Merrick, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2402, An act concerning fair pricing of crude oil, by Committee on Federal and State Affairs.

HB 2403, An act creating the transparency and accountability in purchasing and state spending act, by Committee on Appropriations.

MESSAGES FROM THE GOVERNOR

HB 2050, HB 2185, HB 2201 approved on April 6, 2009.

Also, **HB 2002, HB 2171, HB 2233, HB 2258** approved on April 7, 2009.

Also, **HB 2098** approved on April 8, 2009.

Also, **HB 2001, HB 2059, HB 2131, HB 2343, HB 2359** approved on April 10, 2009.

Also, **HB 2052, HB 2111, HB 2134, HB 2165** approved on April 13, 2009.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for Sub. HB 2014**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012 and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections; also repealing K.S.A. 19-101m, was received and read.

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing **S. Sub. for Sub. HB 2014**.

Last year, I vetoed legislation that forced the Secretary of the Kansas Department of Health and Environment to issue air quality permits for two new coal fired plants which would produce 11 million tons of carbon dioxide each year. These new plants would generate 1400 megawatts of electricity, most of which would be exported to Colorado and Texas. In fact, Kansas would only get 200 megawatts of electricity, while we would get all of the new pollution.

I vetoed that legislation because while the rest of the country was trying to reduce greenhouse emissions, Kansas would be creating massive new emissions for power we don't need. Additionally, it appeared that federal legislation that would penalize new carbon dioxide emissions was on the horizon leaving Kansans vulnerable for years to come.

The bill before me now attempts to take us down that failed path once again. What was a bad idea last year, is an even worse idea today. Now, we know that according to Sunflower Electric's own reports, their customers will not need additional power until 2018. We also know that President Obama is moving aggressively to regulate new carbon dioxide emissions. These developments reaffirm that now is not the time for new coal plants in Kansas.

Prior to the start of this legislative session, Lieutenant Governor Parkinson and I worked with utility stakeholders to develop a renewable portfolio standard that would have further developed the natural resource we have in wind energy. Our proposed energy legislation contained real net-metering so that Kansans would be fairly compensated for power they generated; we also included energy efficiency measures to reduce our future energy needs.

We presented these proposals to the legislature, with the hope that the legislature would move towards a renewable energy economy creating thousands of jobs right here in Kansas.

However, the legislature chose instead to sacrifice real comprehensive energy legislation in the pursuit of more coal-fired power plants.

Despite what supporters of this legislation say, HB 2014 does little to advance clean, renewable energy. In fact, the renewable energy standards established in HB 2014 are less than the voluntary standards we already have today. The net metering provisions in the bill are weaker than any of the 42 states that currently offer net metering to utility consumers.

Kansas needs legislation that will increase development of our renewable energy resources, increase energy efficiency measures and create good-paying jobs. Once again, as the rest of the country moves toward a renewable energy future, the legislature is intent on darkening Kansas' energy future with new coal plants that will provide energy we don't yet need.

I encourage the legislature to abandon its efforts to saddle Kansas with massive new carbon dioxide emissions, and instead adopt a plan that will take advantage of our enormous wind assets and really look at energy efficiency as a way to stretch our power sources well into the future while creating thousands of sustainable Kansas jobs.

KATHLEEN SEBELIUS
Governor

Dated: April 13, 2009

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for HB 2354**, 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, procedures and acts incidental to the foregoing; amending section 3 of chapter 159 of the 2008 Session Laws of Kansas, section 95 of 2009 House Substitute for Substitute for Senate Bill No. 23 and K.S.A. 2008 Supp. 2-223, 12-5256, 55-193, 75-6702, 76-7,107, 79-2959, 79-2964, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79- 3425i, 79-4801 and 82a-953a and repealing the existing sections, was received and read.

Message to the House of Representatives of the State of Kansas:

In January, I presented the legislature a balanced budget for Fiscal Year 2010 that cut state spending while protecting our schools and our most vulnerable Kansans. In the months following my budget proposal, it became clear that state revenues would continue to decline dramatically as a result of the national economic recession. That's why my budget, and its subsequent budget amendments, proposed millions of dollars in additional savings.

Unfortunately, the legislature chose not to take action on a number of these cost saving measures. Consequently, the additional cuts to education and services the legislature has imposed in this bill give me pause, particularly when they chose to leave millions of dollars in revenue on the table that would have made these cuts unnecessary.

Furthermore, the American Reinvestment and Recovery Act provides Kansas an opportunity to protect our investment in our children's education. Because there is still uncertainty regarding the minimum threshold of funding a state must maintain to access these funds, we should not put this funding in jeopardy. I encourage the legislature to reconsider the revenue enhancements they have chosen to ignore, before further slashing education and other vital state services.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S. Sub. for HB 2354** with my signature approving the bill, except for the items enumerated below:

Kansas Savings Incentive Program

KSIP Authorization

Sections 30, 98(i), and 100 have been line-item vetoed in their entirety.

As part of my budget recommendations, I abolished this program and swept available monies to the State General Fund. The legislature chose to reinstate the program for FY 2010. This action is contrary to the purpose of strategically reducing agency budgets and should be reconsidered.

Kansas Technology Enterprise Corporation

Agency Status

Section 56 has been line-item vetoed in its entirety.

I believe that the State of Kansas has an important role in encouraging economic development and helping Kansas get through economically difficult times. The challenges that Kansas has experienced with the downturn of the economy also bring great opportunities. Kansas needs to reexamine its economic development efforts to ensure that they are focused, efficient and positioned to grow the economy in the future. In light of recent evaluations of the Kansas Technology Enterprise Corporation (KTEC), and given our limited state resources, it makes little sense to use the same system and expect different results. KTEC, under its current organization and operation, has struggled to produce a solid return on our investment in recent years. Therefore, I veto this section to allow the legislature to thoroughly review this program to ensure Kansas is positioned to develop a strong economy for years to come.

Regents System

Use of State Fiscal Stabilization Fund Monies

That portion of Section 72(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Fort Hays state university shall be expended only for deferred maintenance.”

That portion of Section 73(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university shall be expended only for deferred maintenance.”

That portion of Section 74(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university extension systems and agriculture research programs shall be expended only for deferred maintenance.”

That portion of Section 75(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Kansas state university veterinary medical center shall be expended only for deferred maintenance.”

That portion of Section 76(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Emporia state university shall be expended only for deferred maintenance.”

That portion of Section 77(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Pittsburg state university shall be expended only for deferred maintenance.”

That portion of Section 78(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas shall be expended only for deferred maintenance.”

That portion of Section 79(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—university of Kansas medical center shall be expended only for deferred maintenance.”

That portion of Section 80(b) that reads as follows has been line-item vetoed:

“Provided, That expenditures made from the federal higher education fiscal stabilization fund—Wichita state university shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:

“Provided, That all moneys credited to the federal higher education fiscal stabilization fund shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:
 “*Provided*, That all moneys credited to the federal higher education fiscal stabilization fund—community colleges shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:
 “*Provided*, That all moneys credited to the federal higher education fiscal stabilization fund—municipal university shall be expended only for deferred maintenance.”

That portion of Section 81(b) that reads as follows has been line-item vetoed:
 “*Provided*, That all moneys credited to the federal higher education fiscal stabilization fund—postsecondary technical education shall be expended only for deferred maintenance.”

Early in FY 2009 the Kansas higher education system began to plan for the possibility that state support in FY 2010 could be as much as 7.0 percent below the approved level for FY 2009. Although the cuts are planned, they will have a significant and negative impact across the state’s system. However, given the enacted budget, the Board of Regents has stated that its plan would be to allocate the Recovery Act funds for deferred maintenance as well as tuition cost mitigation. The board notes that it would be unable impose a tuition freeze if the level of state support fell below what I have proposed for FY 2010. Now is not the time to make college less affordable.

My veto of the Federal Higher Education Fiscal Stabilization Fund provisos for FY 2010 will allow the Board of Regents to implement its plan and become a partner with the state in these challenging times. I therefore find it necessary to veto these constraints placed on the Federal Higher Education Fiscal Stabilization Fund.

Animal Health

Transfer of Federal Monies to the State General Fund

Section 93(f) has been line-item vetoed in its entirety.

The Greensburg Account of the Disease Control—Federal Fund was established to receive federal reimbursement for the Animal Health Department’s expenditures related to expenses incurred during the Greensburg tornado recovery and care of animals. This section, as written, does not follow proper accounting procedures for a transfer of these federal monies to the State General Fund. Given the enormous impact federal funds have on our budget, we must properly account for the monies.

KATHLEEN SEBELIUS
 Governor

Dated: April 13, 2009

MESSAGES FROM THE GOVERNOR

Sub. HB 2008; S. Sub. for HB 2126; HB 2308 approved on April 17, 2009.

Also, **S. Sub. for HB 2096, HB 2292** approved on April 20, 2009.

Also, **S. Sub. for HB 2085; HB 2152, HB 2155; S. Sub. for HB 2260; HB 2324, HB 2331** approved on April 23, 2009.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor’s objection to **HB 2121**, An act concerning agriculture; relating to pesticide and fertilizer programs; fees; fees for milk and dairy products; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306, 2-3309, 65-778 and 65-781 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466, was received and read.

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing **HB 2121**.

HB 2121 contains a number of provisions relating to pesticide and fertilizer laws and fees as well as dairy inspection and dairy-related fees. Without these fees, Kansas could lose

important programs that support essential agricultural business operations in our state. I urge the legislature to send me these components in an independent bill so I can affix my signature and the Department of Agriculture can effectively administer these programs.

However, the Bill before me also provides for changes in dairy labeling that could make it more difficult to provide consumers with clear information.

The milk labeling provisions negatively impact a dairy producer's ability to inform consumers that milk is from cows not treated with recombinant bovine growth hormone (rBST).

Supporters of the bill claim it's necessary to protect consumers from false or misleading information. Yet there has been overwhelming opposition by consumer groups, small dairy producers and retailers to this proposed legislation.

Furthermore, I am concerned that patchwork labeling requirements that differ from state to state will make it too expensive, in an already troubled economy, to provide consumers with information regarding the dairy products they purchase.

KATHLEEN SEBELIUS
Governor

Dated: April 23, 2009

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2172**, An act concerning sales taxation; relating to cash rebates on sales or leases of new motor vehicles; exemptions amending K.S.A. 2008 Supp. 79-3602, 79-3603 and 79-3606 and repealing the existing sections, was received and read.

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing **HB 2172**.

Many of the organizations requesting tax exemptions in **HB 2172** are worthy organizations with important missions; and individually, their requests do not amount to much of a loss in state revenues. However, when added together, the loss in state revenue grows dramatically from \$4.5 million in the first year, to more than \$11 million just a few years from now.

On April 17th we learned that state revenues leave a deficit gap of \$328 million, impacting the budgets of critical social service programs. With this in mind, I am concerned that further reducing revenues through tax breaks would negatively impact the budgets of critical services for Kansans.

While the intent of this legislation is good, given the incredible economic challenges and revenue deficits we are facing, we simply are not able to offer these additional tax breaks right now.

KATHLEEN SEBELIUS
Governor

Dated: April 23, 2009

COMMUNICATIONS FROM STATE OFFICERS

From Mark S. Beck, Director, Division of Property Valuation, Kansas Department of Revenue, pursuant to K.S.A. 75-3048, 1008 Statistical Report of Property Assessment and Taxation.

From Larry Biles, State Forester, Kansas Forest Service 2008 Annual Report.

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

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5020, HCR 5021**.

The Senate adopts conference committee report on **SB 160**.

The Senate concurs in House amendments to **H. Sub. for SB 218**.

The Senate accedes to the request of the House for a conference on **SB 171** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as third conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2158** and has appointed Senators V. Schmidt, Apple and Faust-Goudeau as second conferees on the part of the Senate.

Also, the Senate reconsidered its action on **S. Sub. for HB 2162** and requests return of the bill.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6028—

By Representative Johnson

A RESOLUTION in memory of Richard E. “Dick” Eckert.

WHEREAS, Richard E. “Dick” Eckert of Holton, Kansas, formerly of Wetmore, Kansas, passed away April 2, 2009, at Ottawa County Health Center in Minneapolis, Kansas at the age of 86; and

WHEREAS, Dick Eckert was born June 9, 1922, in Arrington, Kansas to Jacob Richard and Helen Littleton Eckert. He graduated from Denison High School in 1940 before he was mobilized as a Private with the Kansas National Guard in Holton on December 23, 1940, and served with the 11th Airborne Division in the Philippines, Okinawa and Japan. He was in active duty until February 1946, and remained active in the National Guard until he moved to full time in 1963; and

WHEREAS, Dick Eckert married Maxine E. Kientz on August 24, 1951; and

WHEREAS, Mr. Eckert attended Washburn University and graduated with an Associates of Business Degree in Education; and

WHEREAS, After graduating, Mr. Eckert was hired to teach and coach at Netawaka High School in September 1949, where he coached baseball and boys and girls basketball. His boys basketball teams went to the State Tournament in 1959, 1960 and 1962; and

WHEREAS, Mr. Eckert was promoted to Colonel on July 15, 1971, and appointed to the position of Chief of Staff for the Adjutant General Kansas Army National Guard, a position he served in for 9 years before retiring in December 1980, with 40 years of Active and Reserve service; and

WHEREAS, Colonel Eckert was inducted into the Infantry Officer Candidate Hall of Fame at Fort Benning, Georgia in May 1991, and the Kansas National Guard Hall of Fame in Topeka in November 1991; and

WHEREAS, Dick Eckert was elected to the Kansas House of Representatives 60th District in 1982, and was re-elected in 1984, 1986 and 1988; and

WHEREAS, Dick Eckert is survived by his son Rick Eckert and his wife Belinda; his daughter-in-law Kelly Ray; his sisters Mary Doyle, Marceline Marinich and Marjorie Sage; nine grandchildren and twelve great grandchildren; and

WHEREAS, The fortitude and strength of character that Dick Eckert demonstrated throughout his life serves as an example for all to aspire to: Now, therefore,

Be it resolved by the House of Representative of the State of Kansas: That we honor Richard E. “Dick” Eckert for his many contributions to his state and country and that we extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Representative Dan Johnson.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Colloton, **HR 6029**, by Rep. Colloton, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6029—

A RESOLUTION recognizing May as lyme disease awareness month and commending and congratulating those groups who help raise awareness about lyme disease.

WHEREAS, The month of May 2009 is lyme disease awareness month; and

WHEREAS, Many Kansans have been diagnosed with lyme disease in the past 10 years; and

WHEREAS, There is no vaccine currently available to prevent most lyme disease illnesses, so early detection and treatment are important. Most lyme disease illnesses can be treated successfully if diagnosed early; and

WHEREAS, There are steps Kansans can take to reduce their risk of lyme disease such as avoiding wooded areas where ticks are most prevalent, using insect repellent and removing leaf litter and brush around homes and lawns ; and

WHEREAS, The following groups help raise awareness about lyme disease: Lyme Association of Greater Kansas City, Inc.; Lyme Association of Franklin County; Lyme Support Group of Parsons, KS; and the Kansas Lyme Fighters, Inc.: Now, therefore,

Be it resolved by the House of Representatives of Kansas: That we recognize May 2009 as lyme disease awareness month, and we commend and congratulate those groups who help raise awareness about lyme disease; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Lyme Association of Greater Kansas City, Inc., Ila Utley, President, P.O. Box 25853, Overland Park, KS 66225; Lyme Association of Franklin County, Tracey and Michael Wade, Leaders, 119 South Main Street, Ottawa, KS 66067; Lyme Support Group of Parsons, KS, Linda Deidliker, Leader and Phil Edwards, Assistant Leader, Southeast Kansas Independent Living Resource Center, Inc. (SKIL), 1801 Main, Box 957, Parsons, KS 67357; Kansas Lyme Fighters, Inc., Peggy Blumhagen, Leader, 1829 Brook Street, Lawrence, KS 66044.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Dillmore, in accordance with subsection (b) of House Rule 1309, that **HB 2367** be withdrawn from Committee on Insurance and be placed on the calendar under the order of business General Orders, was considered.

Roll call was demanded.

On roll call, the vote was: Yeas 60; Nays 60; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Huntington, Kiegerl, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Quigley, Rardin, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Knox, Mast, McLeland, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: George, Hermanson, Landwehr, Morrison, Sloan.

Not having received the required 70 votes, the motion did not prevail.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2022** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2022," as follows:

"Substitute for HOUSE BILL No. 2022

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, 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, procedures and acts incidental to the foregoing; amending K.S.A. 2008 Supp. 72-8814, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354, and 79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and repealing

the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354.”; and the substitute bill be passed.
(**Sub. HB 2022** was thereupon introduced and read by title.)

COMMITTEE ASSIGNMENT CHANGE

Rep. Patton has been appointed to replace Rep. Swenson on the Joint Committee on Special Claims Against the State.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2126; S. Sub. for HB 2260 reported correctly re-engrossed April 3, 2009.

Also, **HB 2052, HB 2152, HB 2155, HB 2374, HB 2388** reported correctly engrossed April 6, 2009.

Also, **S. Sub. for Sub. HB 2014; HB 2324** reported correctly re-engrossed April 6, 2009.

Also, **HB 2121** reported correctly re-engrossed April 8, 2009.

REPORT ON ENROLLED BILLS

Sub. HB 2008; S. Sub. for HB 2096; S. Sub. for HB 2126; HB 2292, HB 2308; S. Sub. for HB 2354 reported correctly enrolled, properly signed and presented to the governor on April 10, 2009.

Also, **S. Sub. for HB 2014; HB 2052; S. Sub. for HB 2085; HB 2121, HB 2152, HB 2155, HB 2172; S. Sub. for HB 2260; HB 2324, HB 2331** reported correctly enrolled, properly signed and presented to the governor on April 13, 2009.

REPORT ON ENROLLED RESOLUTIONS

HCR 5020, HCR 5021 reported correctly enrolled and properly signed on April 29, 2009.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 578, the conference committee report on **S. Sub. for HB 2260** should be deleted and the following report should be inserted:

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2260**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2260, as follows:

On page 2, in line 43, by striking all after “dwelling”;

On page 3, by striking all in line 1; in line 2, by striking “greater”;

On page 7, in line 24, after “of”, where it appears for the first time, by inserting “any misdemeanor or”;

On page 8, in line 26, by striking “July 1, 2010” and inserting “January 1, 2010”;

On page 9, in line 41, by striking “6” and inserting “8”;

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

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, April 30, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

