

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 7, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 124 members present.
Rep. Rardin was excused on excused absence by the Speaker.
Reps. Hawk and Jack were excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

We asked you God for strength that we might achieve.
Make us weak, that we might learn humbly to obey . . .
We asked for health that we might do great things.
Give us strength that we might do better things . . .
We ask for riches, that we might be happy.
Give us poverty, that we might be wise . . .
We ask for power, that we might have the praise of people.
Give us weakness, that we might feel the need of God . . .
We ask for all things, that we might enjoy life.
Give us life, that we might enjoy all things . . .
From the Herrman House of Courtland, to the wheat crops of the Cloud
9 Ranch of Cimarron you have blessed us.
From the lakes of Leawood to the history and battles of Fort Scott, you
have blessed us.
From the limestone of Lincoln to the Grand Prix races at Richmond, you
have blessed us.
From the Memorial Day tribute in Soldier to the catacombs of the Capitol
in Topeka, you have blessed us and today we are thankful.
Give us nothing we asked for—but everything we have hoped for.
Despite ourselves, may our unspoken prayers be answered.
We are truly blessed as people of this great state of Kansas yesterday, today
and tomorrow and we are thankful. In Christ's name I ask. Amen.

The Pledge of Allegiance was led by Rep. Winn.

MESSAGE FROM THE SENATE

The Senate adopts the conference committee report to agree to disagree on **HB 2060** and has appointed Senators Owens, D. Schmidt and Kelly as fourth conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Huntington, **HR 6031**, by Reps. Huntington, Benlon, A. Brown, Colloton, Donohoe, Furtado, Kiegerl, Kinzer, Kleeb, Merrick, Neighbor, Olson, Quigley, Rardin, Schwab, Schwartz, Siegfried, Slattery, Spalding, Talia, K. Wolf, Worley and Yoder, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6031—

A RESOLUTION commemorating the 40th anniversary of the founding of Johnson County Community College.

WHEREAS, In 1969, voters approved a \$12.9 million bond issue to buy and build a permanent campus on the present site of Johnson County Community College; and

WHEREAS, Later in 1969, the college was granted correspondent status by the North Central Association of Colleges and Schools and started classes on September 4 at the temporary campus headquartered at Merriam Elementary School. On September 11, the college announced it could not accept any more students because all classes were filled with an enrollment of 1,380 students. In 1970, construction began on the new campus at College Boulevard and Quivira Road; and

WHEREAS, In 1973, the college was fully accredited by the Kansas State Department of Education and by the North Central Association of Colleges and Schools in 1975. Over the years, JCCC has been granted full accreditation at each review and is now accredited through 2011; and

WHEREAS, In 1988, JCCC entered into a unique agreement with Burlington Northern Santa Fe Railroad and built the Industrial Technical Center on campus to house BNSF's national training programs; and

WHEREAS, Today, more than 19,000 credit students and 15,000 continuing education students enroll at JCCC each semester. The campus now holds 20 buildings with full-time faculty and staff of more than 900 and another 1,600 employees working part-time. JCCC offers a full range of undergraduate credit courses consistent with the first two years of most college curricula and has more than 50 one and two-year career and certificate programs to prepare students to enter the job market; and

WHEREAS, Johnson County Community College has become the state's third-largest institution of higher education and remains a board member of the prestigious League for Innovation in the Community College; and

WHEREAS, Throughout the 40 years of JCCC's service to Kansas, it has made a major and long-lasting impact on the education of Kansans and has been a great benefit to the Kansas work force: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commemorate the 40th anniversary of the founding of Johnson County Community College and that we recognize the many contributions it has made to Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide three enrolled copies of this resolution to Representative Terrie Huntington.

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

This morning I am joined by Dr. Terry Calaway, the fifth President of Johnson County Community College, to honor the 40th anniversary of this unique higher education institution.

In 1969, the voters in Johnson County approved by a 2-1 margin a \$12.9 million bond issue for the purpose of building a community college. Since that time, the college has grown in size and stature. With an initial enrollment of 1380 students, there are now more than 19,000 credit students and 15,000 continuing education students enrolled each semester, taught by a staff that numbers more than 900 full-time and 1600 part-time professionals. In 1978, JCCC became a board member of the League for Innovation in the Community College.

JCCC is the state's third largest higher education institution, and the second largest when counting only undergraduate students.

JCCC is home to The Burlington Northern Santa Fe Railroad national training programs, an agreement entered into in 1988, a premier culinary arts program, nursing, and athletic trainer program.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Huntington, **HR 6032**, by Reps. Huntington, Benlon, A. Brown, Colloton, Donohoe, Furtado, Kiegerl, Kinzer, Kleeb, Merrick, Neighbor, Olson,

Quigley, Rardin, Schwab, Siegfried, Slattery, Spalding, Talia, K. Wolf, Worley and Yoder, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6032—

A RESOLUTION congratulating the Johnson County Community College women's half-marathon team.

WHEREAS, On November 22, 2008, the Johnson County Community College women captured the National Junior College Athletic Association (NJCAA) Half-Marathon National Championship; and

WHEREAS, On the roads and trails that wove through Shawnee Mission Park and Mill Creek Streamway Park, the JCCC women's team battled wind-chill temperatures in the high teens and a field of 185 runners representing 27 teams to capture the women's championship; and

WHEREAS, In winning this year's half-marathon championship, the Johnson County women's team won their fourth team title in the six-year history of the event; and

WHEREAS, Johnson County had two of the top six runners in the final standings with sophomore Temer Yimer placing third with a time of 1:25:08 and sophomore Francis Gipson placing fourth with a time of 1:27:10; and

WHEREAS, The history of success for the Johnson County Community College women's team is particularly impressive considering that training and conditioning for long-distance running competitions like a half-marathon is grueling, requiring incredible levels of dedication and hard-work: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Johnson County Community College women's half-marathon team for winning its fourth NJCAA Half-Marathon National Championship in six years and that we wish them all continued success; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide three enrolled copies of this resolution to Representative Terrie Huntington.

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

Besides celebrating the 40th Anniversary, a field of 185 runners representing 27 teams began the rigorous trek through the parks and trails in Johnson County for the Half Marathon Championships in Shawnee. JCCC hosted and won the event, as they did in 2003, 2005, and 2006.

Two of the top six runners in the final standings included Sophomore Temer Yimer who placed third, followed by Francis Gipson.

I would like to introduce the team members: Francis Gipson, Temer Yimer, Heather Kochie, Emily Crews, Sarah Stark, Kayla Harris, Haley Snow, Roxanna Cabrera and Renae Dupree. Also, accompanying them today are Carl Heinrich, Director of Athletics; Mike Bloemker, coach of Cross Country/Track and Field; and Brian Batliner, assistant coach.

Please join me in recognizing the Women's Half Marathon team.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Yoder that the House nonconcur in Senate amendments to **S. Sub. for HB 2373** and that a conference committee be appointed, Rep. Aurand offered a substitute motion to concur.

The substitute motion prevailed and the House concurred in Senate amendments to **S. Sub. for 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, 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. 12-5256, as amended by section 136 of 2009 Senate Substitute for House Bill No. 2354, 76-7,107, as amended by section 139 of 2009 Senate Substitute for House Bill No. 2354, 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, as amended by section 144 of 2009 Senate Substitute for House Bill No. 2354,

79-34,156, as amended by section 91 of 2009 House Substitute for Substitute for Senate Bill No. 23, and 79-4801, as amended by section 145 of 2009 Senate Substitute for House Bill No. 2354, and repealing the existing sections; also repealing section 102 of 2009 Senate Substitute for House Bill No. 2354, 79-2978, as amended by section 142 of 2009 Senate Substitute for House Bill No. 2354, and 79-2979, as amended by section 143 of 2009 Senate Substitute for House Bill No. 2354.

Call of the House was demanded.

On roll call, the vote was: Yeas 64; Nays 60; Present but not voting: 0; Absent or not voting: 1.

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

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

Present but not voting: None.

Absent or not voting: Rardin.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **S. Sub. for HB 2373**. I have great concern when the House abdicates its responsibility to the Senate. Although I agree with some of the general area funding positions in areas such as education, social services, etc., the fact that I didn't have the chance to closely study the entire bill and determine points of agreement and disagreement with the bill is disquieting. Because of that fact, I feel it is inappropriate for me to support a bill which has the potential of negatively affecting many Kansans and most likely has mistakes which would have been corrected by the close scrutiny of a conference committee.—DEENA HORST

MR. SPEAKER: As an elected Representative, I am troubled that we would pass a bill without fully understanding the consequences. By not debating, or even reading the bill, we have passed something that contains many items that are damaging to the state in the long-term. By subverting the normal legislative process and forgoing any Representative involvement, we are failing our constituents. This was not the only way we could protect our schools and draft a responsible budget. For that reason, I vote "No" on **S. Sub. for HB 2373**.—WILLIE PRESCOTT, DAN KERSCHEN

MR. SPEAKER: I vote no on **S. Sub. for HB 2373**. The bill doesn't keep promises made to local governments. It doesn't balance the budget but leaves a bigger hole to fill with tax increases that will only burden thousands of Kansans who are struggling to make ends meet.

I take my job very seriously. Part of my responsibility is to make sure the voices of my constituents are heard on every issue that comes before us. That is done through careful study and debate. I vote no because this motion silences the House and my constituents.—SHARON SCHWARTZ

MR. SPEAKER: I vote no on **S. Sub. for HB 2373**. I am troubled that we would pass a bill without any debate and not fully understanding the consequences. There are many items that are damaging to the state and we have abdicated our duty to protect the long-term good of our schools and taxpayers by not drafting a responsible budget. In addition, I voted no because the omnibus budget bill:

- Eliminates critical legal and rehabilitation programs
- Assumes imaginary gaming revenue

- Denies cities and counties the tax slider revenue forcing local governments to raise taxes.
- Denied adequate funding for the physically and developmentally disabled and mental facilities.—MARVIN KLEEB

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2060**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

THOMAS C. OWENS
DEREK SCHMIDT
Conferees on part of Senate

PAT COLLOTON
JOE PATTON
MELODY MCCRAY-MILLER
Conferees on part of House

On motion of Rep. Colloton, the conference committee report on **HB 2060** was adopted. Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as fourth conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2267**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2267**, 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 with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 35 through 41 and by inserting the following:

“(c) On July 1, 2009, the governor shall appoint the membership of the task force. Any person serving as a member of the task force on June 30, 2009, may be reappointed. The terms of members appointed or reappointed to the task force shall expire on July 1, 2011. Vacancies occurring before the expiration of a term shall be filled in the same manner as the original appointment.”;

On page 4, in line 14, by striking “information” and inserting “certification”;

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

PETE BRUNGARDT
ROGER P. REITZ
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

LANCE KINZER
JEFF WHITHAM
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on **S. Sub. for HB 2267** was adopted.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

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, 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, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, 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: Finney, Knox.

Present but not voting: None.

Absent or not voting: Lane, Rardin.

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 ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2010**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House concurred in Senate amendments to **HB 2010**, An act concerning state board of healing arts; relating to storage, maintenance and transfer of medical records and delegation of practice; creating medical records maintenance trust fund; amending K.S.A. 2008 Supp. 65-28,127 and 65-28,128 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 104; Nays 0; Present but not voting: 0; Absent or not voting: 21.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Huntington, Johnson, Kiegerl, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Roth, Ruiz, Sawyer, Schwab, Schwartz, Seiwert, 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: Brunk, Crum, DeGraaf, George, Hawk, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Knox, Mast, McCray-Miller, Neufeld, Peck, Rardin, Rhoades, Schroeder, Shultz, Siegfried.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2267 reported correctly engrossed May 7, 2009.

REPORT ON ENROLLED RESOLUTIONS

HR 6030 reported correctly enrolled and properly signed on May 7, 2009.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Friday, May 8, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

