

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 15, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 119 members present.
Reps. Donohoe, Johnson and Rhoades were excused on verified illness.
Reps. Garcia, Hawk and Neufeld were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today as we celebrate
the birthdays of past leaders,
let us reflect on their wise words
and learn from them:

“It is impossible to rightly govern
a nation without God and the Bible.”

“Lenience will operate with greater force,
in some instances than rigor.
It is therefore my first wish
to have all of my conduct distinguished by it.”
(George Washington)

“A house divided against itself
cannot stand.”

“Better to remain silent and be thought a fool
than to speak out and remove all doubt.”

“Character is like a tree and
reputation like a shadow.
The shadow is what we think of it;
the tree is the real thing.”

One more from President Lincoln to ponder
“What kills a skunk is the publicity it gives itself.”
(Abraham Lincoln)

In Christ's Name, I pray, Amen.

The Pledge of Allegiance was led by Rep. O'Neal.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Appropriations: **SB 387, SB 446.**

Federal and State Affairs: **HB 2697; SB 342, SB 452.**

Judiciary: **SCR 1615.**

Local Government: **HB 2698; SB 463.**

Taxation: **HB 2695; SB 479.**
 Transportation: **HB 2696.**
 Education Budget: **HB 2699.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2288, HB 2642** from Committee on Appropriations and rereferral to Committee on Health and Human Services.

Also, the withdrawal of **HB 2479** from Committee on Local Government and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **HB 2615** from Committee on Transportation and referral to Committee on Federal and State Affairs.

CONSENT CALENDAR

No objection was made to **HB 2415** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2473, HB 2485** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2226, An act concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 43; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Benlon, Bethell, Bollier, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mah, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Wetta, Whitham, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Bowers, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Maloney, McCray-Miller, Menghini, Palmer, Peterson, Phelps, Quigley, Rardin, Ruiz, Schroeder, Slattery, Spalding, D. Svaty, Swenson, Tietze, Ward, Williams.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed, as amended.

HB 2364, An act concerning court procedure; time limitations for filing; amending K.S.A. 23-106, 23-9,307, 59-2947, 59-3052, 59-3073, 60-703, 60-906, 60-1503 and 61-3803 and K.S.A. 2009 Supp. 38-2229, 38-2232, 38-2242, 38-2243, 38-2260, 38-2343, 38-2361, 38-2366 and 60-206 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed, as amended.

HB 2435, An act concerning crimes, punishment and criminal procedure; relating to attempt, conspiracy and criminal solicitation to commit certain crimes; amending K.S.A. 21-3301, 21-3302, 21-3303, 21-3447, 21-3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516 and 21-4643 and K.S.A. 2009 Supp. 21-4642 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

HB 2468, An act concerning crimes, criminal procedure and punishment; relating to sex offender registration requirements; amending K.S.A. 22-4906 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

HB 2482, An act relating to drivers' licenses; concerning the expiration and renewal thereof; amending K.S.A. 2009 Supp. 8-247 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Crow, Crum, Davis, De-

Graaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Craft, Lane, Siegfried, Ward, Wetta.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2482**. While our ability to control spending remains the only true determinant in solving the state's fiscal crisis, the savings we garner with this bill are so insignificant in comparison to the potential risk we expose all motorists to by eliminating the "testing" element in the current process that I cannot in good conscience vote yes. While for most this test is a routine exercise, it seems clear to me that if a citizen is unable to successfully navigate this simple process they are most certainly not prepared to successfully navigate Kansas roads. — ARLEN SIEGFREID

HB 2484. An act relating to commercial driver's licenses; concerning diversion agreements; amending K.S.A. 2009 Supp. 8-2,150 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

Sub. HB 2528. An act concerning crimes, criminal procedure and punishment; relating to appearance bonds; amending K.S.A. 22-2507 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

ini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The substitute bill passed, as amended.

HB 2551, An act concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 14; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, DeGraaf, Huebert, Kelley, Kiegerl, Kinzer, Knox, Landwehr, Mast, Merrick, O'Brien, Olson, Peck, Schwab.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Hawk, Johnson, Neufeld, Rhoades.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Whitham, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2548** be adopted; and the bill be passed as amended.

On motion of Rep. Worley, **HB 2434** be amended on page 1, in line 31, after "Spirit" by inserting "rail";

Also, on motion of Rep. Prescott to amend **HB 2434**, the motion did not prevail.

Also, on motion of Rep. Schwartz, **HB 2434** be amended on page 1, following line 12, by inserting:

"Section 1. The secretary of the department of wildlife and parks is hereby directed to reopen the Tuttle Creek state park river pond area west entrance. This entrance shall be operated in a substantially similar manner as it was operated in September 2007.";

And by renumbering the sections accordingly; and **HB 2434** be passed as amended.

Roll call was demanded on motion of Rep. A. Brown to amend **HB 2492** on page 6, after line 27, by inserting:

"New Sec. 2. (a) Any person who, at the time of an automobile accident resulting in injuries to that person, is required but fails to maintain personal injury protection benefits coverage mandated by the Kansas automobile injury reparations act, article 31 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall have no cause of action for recovery of noneconomic loss sustained as a result of an accident while operating an uninsured automobile. The provisions of this subsection shall not apply to any person who at the time of an automobile accident has failed to maintain coverage for a period of 30 days or less and who had maintained continuous coverage for at least one year immediately prior to such failure to maintain coverage.

(b) Any person who is convicted of, or pleads guilty to, a violation of K.S.A. 8-1014 or 8-1567, and amendments thereto, or a similar violation of law in another state or an ordinance of any city, or resolution of any county, in connection with an accident, shall have no cause of action for recovery of noneconomic loss sustained as a result of the accident.

(c) The provisions of this section shall apply to a cause of action arising on and after the effective date of this act.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 35; Nays 78; Present but not voting: 0; Absent or not voting: 12.

Yeas: A. Brown, Brunk, Carlson, Crum, Faber, Fund, George, Hayzlett, C. Holmes, M. Holmes, Kelley, Kerschen, Kiegerl, Kinzer, Knox, Landwehr, Lukert, Mast, McLeland, Merrick, Morrison, Myers, O'Brien, O'Neal, Olson, Otto, Peck, Powell, Schwab, Shultz, Siegfried, Tafanelli, Vickrey, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Gordon, Goyle, Grange, Grant, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Huebert, Jack, King, Kleeb, Kuether, Lane, Loganbill, Long, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Patton, Pauls, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Seiwert, Slattery, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Goico, Hawk, Johnson, Light, Neufeld, Peterson, Pottorff, Rhoades, Schwartz, Sloan.

The motion of Rep. A. Brown did not prevail, and **HB 2492** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2676** be amended on page 1, in line 31, after the period, by inserting “Except that, notwithstanding the federal law requiring the secretary of labor to annually recalculate the contribution rate, for calendar years 2010 and 2011, the secretary shall charge each contributing employer in rate groups 1 through 32 the contribution rate in the 2010 original tax rate computation table, with contributing employers in rate groups 33 through 51 being capped at a 5.4% contribution rate.”; by striking all in lines 32 through 37;

On page 10, in line 42, by striking “file a wage report or” and inserting “pay such employer’s”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2652** be amended on page 1, in line 14, after “(a)” by inserting “For the purposes of this section, “wireless telecommunications carrier” shall include a reseller of wireless service.

(b)”;

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

Committee on **Energy and Utilities** recommends **HB 2663** be amended on page 1, in line 14, by striking “energy management district act” and inserting “property assessed renewable energy and energy efficiency (PARE) program act”; in line 17, by striking “or”; in line 18, by striking “commercial” and inserting “, commercial or industrial”; in line 22, by striking all after “(2)””; by striking all in lines 23 and 24; in line 25, by striking all before the semicolon and inserting “building envelope items, such as roofing, masonry, foundation, windows and doors”; in line 26, by striking “automatic” and inserting “automated or computerized”; in line 27, after “(4)” by inserting “geothermal heating/cooling pumps,”; in line 28, by striking “in buildings or central plants”; in line 32, by striking all before “unless”; in line 36, by striking “and”; after line 36, by inserting:

“(9) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity;

(10) tankless hot water systems, solar hot water systems and low-flow bathroom fixtures and toilets; and”;

Also on page 1, in line 37, by striking “(9)” and inserting “(11)””; in line 43, by striking “or commercial” and inserting “, commercial or industrial”;

On page 4, after line 19, by inserting:

“(d) Any city or county issuing bonds under the provisions of this act shall not use the bonds to generate revenue.”;

And by relettering subsections accordingly;

Also on page 4, in line 30, after “all” by inserting “reasonable”; also in line 30, by striking “such” and inserting “the”; also in line 30, after “improvements” by inserting “, not to exceed 5% of such improvements.”;

On page 5, after line 3, by inserting:

“Sec. 12. (a) No improvement shall be made if the governing body determines that the owner of the real property cannot demonstrate sufficient income or other sufficient financial means, excluding the value of the real property, to pay the special assessment.

(b) Real property shall be considered eligible for purposes of this act if the total unpaid balances of debts secured by mortgages and other liens does not exceed 80% of the market value of the real property.

(c) The costs of renewable energy and energy efficiency improvements on the property shall not exceed 10% of the appraised value of the property.

(d) Any lien filed pursuant to a special assessment authorized by this act shall be subject to all prior liens of record. The lien must be filed in the office of the register of deeds of the county where the real property is located and must contain the legal description of all real property in the county subject to the lien.”;

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

Committee on **Transportation** recommends **HB 2555** be passed.

Committee on **Transportation** recommends **HB 2547** be amended on page 4, in line 13, before the semicolon, by inserting “. The provisions of this subsection shall not apply to manufacturers of recreational vehicles”; in line 32, before “through” by inserting “unless the parties have reached a voluntary agreement where separate and adequate consideration has been offered and accepted in exchange for altering or foregoing the following limitations.”; in line 39, after “including” by inserting “, but not limited to.”; in line 40, by striking “business plan” and inserting “and manufacturer’s business plans”;

On page 5, in line 2, after “including” by inserting “, but not limited to.”; in line 3, by striking “business plan” and inserting “and manufacturer’s business plans”; in line 23, by striking “clear and convincing” and inserting “a preponderance of the”;

On page 6, in line 5, before the semicolon, by inserting “, except that voluntary agreements where separate and adequate consideration has been offered and accepted are excluded”; in line 17, by striking “is”; by striking all in lines 18 through 21; in line 22, by striking all before the semicolon and inserting “does not meet the standards listed in subparagraph (A) may request a hearing before the director pursuant to K.S.A. 8-2411, and amendments thereto”; in line 24, by striking “clear and convincing” and inserting “a preponderance of the”; in line 26, by striking all after “this”; in line 27, by striking all before the semicolon and inserting “subsection”;

On page 7, in line 19, by striking all after “parties”; by striking all in lines 20 through 30; in line 31, by striking all before the period and inserting “shall participate in the mediation of the dispute upon the request of any party to the matter. In the event mediation is requested, any time frame applicable for taking action under the dealers and manufacturers licensing act shall be deemed stayed or tolled, as the case may be until the mediation is completed. The mediation shall be nonbinding, unless the parties reach agreement resolving the dispute”;

On page 8, in line 26, by striking “clear and convincing” and inserting “a preponderance of the”; in line 33, by striking all after “cause”; in line 34, by striking all before “and”;

On page 10, in line 28, by striking all after “tools”; in line 29, by striking all before “and”; in line 31, by striking “or that”; by striking all in lines 32 and 33; in line 34, by striking “agreement”; after line 34, by inserting:

“(E) dealer cost for computers and data processing systems which are in usable condition and were leased or purchased within three years of the date of termination, cancellation or nonrenewal of the franchise agreement up to an amount equal to the cost of meeting the

minimum standards and requirements for the dealer to participate in promotional or incentive programs or perform the franchise agreement;”;

Also on page 10, in line 35, by striking “(E)” and inserting “(F)”; in line 38, by striking “or in”; in line 39, by striking all before the comma where it appears for the last time;

On page 11, after line 28, by inserting:

“(6) The provisions of this subsection shall not apply to voluntary termination by dealers of recreational vehicles or to where the new vehicle dealer has voluntarily terminated its franchise agreement in conjunction with the sale of the business.”;

On page 12, in line 24, after the period, by inserting “If the claim is for warranty work, whether or not it includes parts, repairs or services, then the amount of compensation for the claims shall not be reduced or disallowed on the grounds the dealer failed to submit the claim fewer than 60 days after the dealer completed the work underlying the claim.”;

On page 14, in line 19, by striking “clear and convincing” and inserting “a preponderance of the”;

On page 16, in line 38, by striking “and material”; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6017—

By Committee on Appropriations

A RESOLUTION recognizing the prevalence of excess weight and obesity within the African American, Hispanic/Latino American and Native American communities, its impact on diabetes and cardiovascular disease, urging advocacy for access to innovative and improved treatment options and improved provider reimbursement rates to address the issue.

WHEREAS, The prevalence of excess body weight and obesity poses a significant public health challenge and is a major contributor to preventable death in the United States. Sixty-three percent of adults in the United States are overweight or obese, with 26.7% considered obese. Obesity produces medical costs in the United States of an estimated 147 billion dollars annually, representing nearly 9.1% of annual medical spending; and

WHEREAS, The Body Mass Index (BMI), a standard method of measuring body weight, measures height and weight in kilograms per meter squared, with excess or overweight defined as a BMI of 25 to 29, and obese defined as a BMI greater than 30; and

WHEREAS, A significant health threat, obesity should be treated as a chronic condition. Overweight and obese individuals are at increased risk for many diseases and health conditions, including type 2 diabetes, hypertension, stroke, cardiovascular disease, high blood cholesterol, osteoarthritis, sleep apnea and other breathing problems, gallbladder disease and some forms of cancer. By treating individuals with excess weight and obesity, the long-term interests of the community as well as employers are served by reducing a major contributor to diseases, such as diabetes, which disproportionately impact the African American, Hispanic/Latino American and Native American communities; and

WHEREAS, Obesity is a major medical risk factor for diabetes in African Americans, Hispanic/Latino Americans and Native Americans. Studies have shown substantially higher rates of obesity in adult African, Hispanic/Latino and Native Americans who had diabetes, compared to those who did not have diabetes; and

WHEREAS, Promoting regular physical activity and healthy eating and creating environments that support these behaviors are essential to addressing the problem of excess weight across the population. Studies show that if a person is overweight or obese, reducing body weight by just 5 to 10% can improve one’s health. African Americans, Hispanic/Latino Americans and Native Americans are more likely to be concentrated in areas with poor socio-environmental conditions that provide few physical activity and healthy eating options; and

WHEREAS, There is a need to improve physician and patient knowledge, attitudes and practices in the treatment of excess weight and obesity in the African American, Hispanic/Latino American and Native American communities, including working holistically to generate effective obesity interventions in these communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do hereby recognize the importance of addressing excess weight and obesity as a means of supporting overall health within our community; and

Be it further resolved: That we urge our members to advocate for both public and private health insurers to provide access to innovative and improved treatment options, as well as improved health care provider reimbursement rates to address this critical issue within the African American, Hispanic/Latino American and Native American populations.

REPORT ON ENGROSSED BILLS

HB 2226, HB 2364, HB 2414, HB 2482; Sub. HB 2528 reported correctly engrossed February 12, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 16, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

