

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 20, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 121 members present.
Rep. Knox was excused on verified illness.
Reps. Colyer, Crow and Henderson were excused on excused absence by the Speaker.
Present later: Reps. Colyer and Henderson.

Prayer by Chaplain Brubaker:

Dear Lord, today we are reminded how negativity breeds negativity and positive thinking breeds victory and success. As we come down to the last few days of session and still have so much to cover, remind us often that we empower and enlarge that upon which we focus and give time to. If we focus on the good, good will prevail. If we focus on the negative, negativity will prevail. It all comes down to each of us choosing what we want more of — good or negativity. Every choice we make will have an end result — and the power of choice is within us. Lord, help us to choose wisely. In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Rardin.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2588, An act concerning gaming; relating to the Kansas commission on expanded gaming, by Committee on Federal and State Affairs.

MESSAGES FROM THE GOVERNOR

HB 2096 approved on March 20, 2007.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 23**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2004** and has appointed Senators Jordan, Brownlee and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2010** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2032** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2034** and has appointed Senators Emler, Apple and Lee 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 2035** and has appointed Senators Vratil, Bruce and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2108** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2111** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2112** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2185** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2278** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2314** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2360** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2368** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2487** and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

CONSENT CALENDAR

No objection was made to **SB 121** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 121, An act concerning reciprocal insurance companies; pertaining to attorneys-in-fact; amending K.S.A. 40-1611 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, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Colyer, Crow, Henderson, Hodge, Knox, Landwehr.

The bill passed.

HB 2556, An act concerning technical education; establishing the postsecondary technical education authority; relating to the powers and duties thereof, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 41; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bowers, Brunk, Burgess, Carlin, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, Horst, Humerickhouse, Johnson, Kelsey, King, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Menghini, Jim Morri-

son, Moxley, Neighbor, Neufeld, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Powers, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Sloan, Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Ward, Wetta, Wilk, Williams, B. Wolf.

Nays: Bethell, Brown, Burroughs, Carlson, Colloton, Davis, Feuerborn, Frownfelter, Hodge, M. Holmes, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Light, McCray-Miller, Merrick, Metsker, Judy Morrison, Myers, O'Neal, Olson, Owens, Pauls, Peterson, Proehl, Rardin, Ruiz, Sharp, Shultz, Siegfried, Spalding, Storm, Treaster, Watkins, Whitham, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Colyer, Crow, Henderson, Knox.

The bill passed, as amended.

SCR 1609, A concurrent resolution relating to the adjournment of the senate and house of representatives for periods during the 2007 regular session of the legislature, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Landwehr, Watkins.

Present but not voting: None.

Absent or not voting: Colyer, Crow, Henderson, Knox.

The resolution was adopted.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Masterson, Committee of the Whole report, as follows, was adopted: Recommended that **SB 235** be passed.

SB 202 be passed over and retain a place on the calendar.

Committee report to **HB 2528** be adopted; also, on motion of Rep. Ruff be amended on page 1, in line 20, by striking "Any" and inserting "Except as provided in subsection (b) and subsection (a) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto, any";

On page 2, in line 10, after "a", by inserting "loaded";

On page 9, in line 39, before the period by inserting "except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto"; in line 43, after "act", by inserting "except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006 Supp. 75-7c11, and amendments thereto,";

Also, on motion of Rep. Hayzlett, **HB 2528** be amended on page 8, by striking all in lines 5 through 9;

And by renumbering the remaining subsections accordingly; and **HB 2528** be passed as amended.

Committee report to **SB 137** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 35** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2451** be adopted; and the substitute bill be passed.

Committee report to **HCR 5016** be adopted; and the resolution be adopted as amended.

On motion of Rep. Wilk to amend **SB 259**, Rep. McKinney requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 292** be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 2006 Supp. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757 and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) (1) *Prior to June 30, 2010, the claimant, only if such claimant has been identified by the secretary as being likely to exhaust such claimant's benefits, has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary; or*

(2) *on and after June 30, 2010, the claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of subsection (a) of K.S.A. 44-704 and amendments thereto, the secretary may adopt rules and regulations which waive or alter either or both of the requirements of this subsection (a).*

(b) The claimant has made a claim for benefits with respect to such week in accordance with rules and regulations adopted by the secretary.

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations for which the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974.

For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) The claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in subsection (k)(4) of K.S.A. 44-757 and amendments thereto, which period of one week, in either case, occurs within the benefit year which includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection (d):

(1) If benefits have been paid for such week;

(2) if the individual fails to meet with the other eligibility requirements of this section; or

(3) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subsection (d)(3) shall not apply.

(e) For benefit years established on and after the effective date of this act, the claimant has been paid total wages for insured work in the claimant's base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's base period, except that the wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which such individual filed a valid initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has returned to work and subsequently earned wages for insured work in an amount equal to at least eight times the claimant's current weekly benefit amount.

(f) The claimant participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that: (1) The individual has completed such services; or (2) there is justifiable cause for the claimant's failure to participate in such services.

(g) The claimant is returning to work after a qualifying injury and has been paid total wages for insured work in the claimant's alternative base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's alternative base period if:

(1) The claimant has filed for benefits within four weeks of being released to return to work by a licensed and practicing health care provider.

(2) The claimant files for benefits within 24 months of the date the qualifying injury occurred.

(3) The claimant attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.”;

And by renumbering sections accordingly;

On page 9, in line 43, by striking “44-717 is” and inserting “44-705 and 44-717 are”;

In the title, in line 9, by striking “collection of employer payments under”; in line 10, after “Supp. by inserting “44-705 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2464** be amended on page 2, preceding line 1, by inserting the following:

“New Sec. 2. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms.”;

And by renumbering sections accordingly;

In the title, in line 9, by striking “libraries” and inserting “certain political and taxing subdivisions”; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **SB 101** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 101,” as follows:

“HOUSE Substitute for SENATE BILL No. 101

By Committee on Elections and Governmental Organization

“AN ACT concerning the Kansas sports hall of fame; relating to funding thereof; providing for the use of certain lottery revenues therefor; amending K.S.A. 2006 Supp. 74-8711 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 101** was thereupon introduced and read by title.)

Committee on **Insurance and Financial Institutions** recommends **SB 255** be passed.

Committee on **Insurance and Financial Institutions** recommends **SB 154** be amended on page 2, in line 3, preceding “If” by inserting “(b)”; in line 16, by striking “secured” and inserting “: (1) Secured”; in line 17, preceding “bonds” by inserting “(2)”; in line 19, preceding “bonds” by inserting “(3)”; in line 20, by striking “and” where it appears for the second time and inserting “(4)”; in line 21, by striking “and” and inserting “, and (5)”; in line 24, following the period by inserting “If bonds under clause (5) are sold at private sale, the officers having charge of the sale of such bonds shall publish within five business days following such sale, a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notice shall contain the name of the purchaser, the total par value, the interest rate and the amount paid.”; in line 29, by striking “(b)” and inserting “(c)”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SB 239** be amended on page 2, after line 36, by inserting the following:

“Sec. 4. K.S.A. 40-2441 is hereby amended to read as follows: 40-2441. As used in K.S.A. 40-2440 through 40-2442 and amendments thereto:

(a) The term “clean claim” means a claim that has no defect or impropriety, including any lack of required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under the Kansas health care prompt payment act.

(b) The term “claim” means a written proof of loss as defined in paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto, or an electronic proof of loss which contains the information required by paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto.

(c) The term “policy of accident and sickness insurance” means any policy or contract insuring against loss resulting from sickness or bodily injury or death by accident, or both, any hospital, *dental* or medical expense policy, health, hospital, medical service corporation contract issued by a stock or mutual company or association, a health maintenance organization or any other insurer, third party administrator or other entity which pays claims pursuant to a policy of accident and sickness insurance. The term policy of accident and sickness insurance does not include any policy or contract of reinsurance, life insurance, endowment or annuity contract, policies or certificates covering only credit, disability income, long-term care, medicare supplement, ~~dental~~, drug, or vision-care only policy, coverage issued as a supplement to liability insurance, insurance arising out of a workers compensation or similar law, automobile medical-payment insurance or insurance under which benefits are payable without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

Sec. 5. K.S.A. 40-2441 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, following “ACT” by inserting “relating to insurance.”; in line 11, before the period, by inserting “; amending K.S.A. 40-2441 and repealing the existing section”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 18** be passed.

Committee on **Judiciary** recommends **SB 183**, **SB 308** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 14** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 14,” as follows:

“HOUSE Substitute for SENATE BILL No. 14

By Committee on Judiciary

“AN ACT concerning corrections; amending K.S.A. 75-5293 and 75-52,111 and K.S.A. 2006 Supp. 21-4706, 21-4722 and 22-3717 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 14** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 88** be amended on page 1, after line 14, by inserting the following:

“New Section 1. (a) At the time of marriage, a person may designate a new legal name, by which such person shall subsequently be known. Such name shall include a combination of the person’s prior existing name and the prior existing name of such person’s spouse, or derivative versions thereof.

(b) A person’s name, as designated pursuant to subsection (a), shall be recorded on the marriage license issued to such person, along with such person’s name at the time of the person’s application for such license, which shall be described thereon as the person’s former name.

(c) The change to the person’s new legal name shall be effective upon the endorsement of the person’s marriage license with the certificate of marriage of the person who performed the marriage ceremony pursuant to K.S.A. 23-109, and amendments thereto.

(d) A certified copy of a person’s marriage license endorsed with a certificate of marriage pursuant to K.S.A. 23-109, and amendments thereto, shall constitute proof of identity for the purposes of issuance of any Kansas driver’s license or nondriver’s identification card.”;

And by renumbering the remaining sections accordingly;

On page 8, in line 23, by striking “any time before”; also in line 23, after “after” by inserting “the time”;

In the title, in line 10, by striking "divorce; restoration" and inserting "alteration"; in line 11, before the semicolon, by inserting "upon marriage or divorce"; and the bill be passed as amended.

Select Committee on **KPERS** recommends **SB 232**, **SB 362** be passed.

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 bill was thereupon introduced and read by title:

HB 2589, An act making and concerning appropriations for the fiscal year ending June 30, 2008; relating to postsecondary aid for vocational education; amending K.S.A. 2006 Supp. 72-4432 and repealing the existing section, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2447** from Committee on Appropriations and referral to Committee of the Whole.

REPORT ON ENGROSSED BILLS

HB 2268, **HB 2556** reported correctly engrossed March 19, 2007.

HB 2373 reported correctly re-engrossed March 19, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 21, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

