

# Journal of the House

TWENTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 14, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 122 members present.  
Reps. Crow, Donohoe and Henderson were excused on verified illness.

Prayer by guest chaplain, the Rev. Phillip "Bo" Graves, pastor, First Baptist Church, Haysville, and guest of Rep. Kelsey:

Dear Heavenly Father,

We bow in your presence to thank you for how you have blessed our state with prosperity. I ask that you give wisdom to our legislators as they make decisions today. Give them the energy they need and protect their families while they are away from home.

We also ask that you watch over our men and women in uniform who are protecting our country from terrorism. Comfort those who have lost their sons and daughters for the cost of freedom.

We ask that you continue to bless our country, the Land of the Free and the Home of the Brave.

Jesus says, "You shall know the truth and the truth shall set you free." In Jesus' Name, Amen.

The Pledge of Allegiance was led by Rep. Faust-Goudeau.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2892**, An act concerning underground crude oil storage; relating to rules and regulations, by Committee on Energy and Utilities.

**HB 2893**, An act concerning all-inclusive care for the elderly (PACE) program; amending K.S.A. 65-5112 and repealing the existing section, by Committee on Appropriations.

**HB 2894**, An act concerning the secretary of the department of health and environment; duties and powers in issuing approvals and permits; amending K.S.A. 65-3008 and repealing the existing section, by Committee on Appropriations.

**HB 2895**, An act concerning sales taxation; relating to exemptions; capitol restoration; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

**HB 2896**, An act concerning sales taxation; relating to exemptions; Wellington community food bank, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2897**, An act concerning grain commodity commissions; amending K.S.A. 2-3005 and K.S.A. 2007 Supp. 2-3002, 2-3003 and 2-3007 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**HB 2898**, An act concerning grain commodity commissions; relating to assessment refunds; amending K.S.A. 2007 Supp. 2-3007 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2899**, An act concerning sales taxation; relating to exemptions; resource conservation and development councils; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2900**, An act concerning insurance; enacting the controlled insurance programs act, by Committee on Judiciary.

**HB 2901**, An act concerning crimes, criminal procedure and punishment; relating to sentencing; postrelease supervision; amending K.S.A. 21-4704 and 22-3716 and repealing the existing sections; also repealing K.S.A. 21-4704b, by Committee on Judiciary.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2860; HCR 5032.**

Appropriations: **HB 2859, HB 2866, HB 2873, HB 2884.**

Commerce and Labor: **HB 2863.**

Education: **HB 2869, HB 2870, HB 2871, HB 2874.**

Elections and Governmental Organization: **HB 2854, HB 2876.**

Energy and Utilities: **HB 2872, HB 2881.**

Federal and State Affairs: **HB 2853; HR 6012.**

Health and Human Services: **HB 2855.**

Insurance and Financial Institutions: **HB 2856, HB 2857, HB 2862, HB 2864, HB 2865, HB 2867, HB 2880, HB 2883.**

Taxation: **HB 2868, HB 2882.**

Transportation: **HB 2861, HB 2875.**

Veterans, Military and Homeland Security: **HB 2852.**

Education Budget: **HB 2858.**

Select Committee on Corrections Reform and Oversight: **HB 2877, HB 2878, HB 2879.**

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing in the calendar as "To be referred" were referred to committees as indicated:

Appropriations: **HB 2888, HB 2891.**

Education: **HB 2885.**

Insurance and Financial Institutions: **HB 2889.**

Judiciary: **HB 2886.**

General Government Budget: **HB 2890.**

Social Services Budget: **HB 2887.**

#### CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2799** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **SB 410** from Committee on Judiciary and referral to Select Committee on Corrections Reform and Oversight.

Also, the withdrawal of **HB 2827** from Committee on Appropriations and referral to committee on Commerce and Labor.

Also, the withdrawal of **HB 2873** from Committee on Appropriations and referral to Committee on Judiciary.

#### MESSAGES FROM THE GOVERNOR

**HB 2491, HB 2587** approved on February 19, 2008.

#### COMMUNICATIONS FROM STATE OFFICERS

From Stephen R. Weatherford, President, Kansas Development Finance Authority, Financial Statements, Years ended June 30, 2007 and 2006 and Independent Auditors' Report.

From The Kansas Public Broadcasting Council, pursuant to K.S.A. 75-4924, Annual Report to the Kansas Legislature.

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

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 419, SB 430, SB 431, SB 433, SB 434, SB 435, SB 449, SB 450, SB 465, SB 472, SB 487, SB 509, SB 521.**

The Senate nonconcurr in House amendments to **SB 49**, requests a conference and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 419, SB 430, SB 431, SB 433, SB 434, SB 435, SB 449, SB 450, SB 465, SB 472, SB 487, SB 509, SB 521.**

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 49**.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

**CONSENT CALENDAR**

No objection was made to **HB 2681, HB 2692** appearing on the Consent Calendar for the first day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2617**, An act concerning motor vehicles; relating to driving under the influence of alcohol or drugs; amending K.S.A. 2007 Supp. 8-1001 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, 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, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, 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, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Brunk, Humerickhouse, Powell, Spalding.

Present but not voting: None.

Absent or not voting: Crow, Donohoe, Henderson.

The bill passed, as amended.

**HB 2621**, An act concerning child custody and parenting time; relating to military deployment, mobilization, temporary duty or unaccompanied tour; amending K.S.A. 60-1625 and K.S.A. 2007 Supp. 60-1610 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, 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, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Met-

sker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Crow, Donohoe, Henderson.

The bill passed, as amended.

**HB 2730**, An act relating to public finance; creating the Kansas taxpayer transparency act; defining terms; requiring the secretary of administration to develop and operate a specified website; enumerating information which shall be made available on such website; establishing a time period covered for information on such website; establishing the public finance transparency board and prescribing its duties; and providing for nondisclosure of certain information, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Knox, Landwehr, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Burroughs, Flora, Kuether.

Present but not voting: None.

Absent or not voting: Crow, Donohoe, Henderson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: We vote "yes" on **HB 2730**, which creates a wonderful new public finance transparency tool for Kansas taxpayers. Giving the public a user-friendly internet-based searchable database to track state receipts and expenditures is a great step forward in making Kansans true partners in the quest for government efficiency and accountability. Unfortunately, the bill contains a flaw that would sunset the entire act in 2013, even as another amendment contemplates a report on administration of the act in 2015. Sunsetting governmental transparency is illogical. The Senate should take quick action on the bill and remove the sunset.—ARLEN H. SIEGFREID, TY MASTERTON, ROBERT OLSON, JOHN FABER, MICHAEL R. O'NEAL, KASHA KELLEY, LANCE KINZER, DICK KELSEY, STEVE HUEBERT

**HB 2749**, An act concerning townships; relating to the establishment of a township equipment reserve fund, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, 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, Knox, Kuether, Landwehr, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Brown, Kinzer.

Present but not voting: None.

Absent or not voting: Crow, Donohoe, Henderson.

The bill passed, as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2660, HB 2748** be passed.

Committee on **Agriculture and Natural Resources** recommends **HCR 5028** be amended on page 1, by striking all in lines 34 through 42;

On page 2, in line 20, by striking "Corp" and inserting "Corps";

On page 1, in the title, in line 10, by striking "Corp" and inserting "Corps"; and the concurrent resolution be adopted as amended.

Committee on **Agriculture and Natural Resources** recommends **Substitute for SB 89**, as amended by House Committee, be amended on page 1, in line 15, by striking all after "(a)"; by striking all in lines 16 through 43;

On page 2, by striking all in lines 1 through 27 and inserting the following:

"Moneys recovered by the state of Kansas from the states of Nebraska or Colorado to resolve disputes arising under the Republican river compact shall be deposited in the state treasury and credited as follows:

(1) 100% of moneys from both Nebraska and Colorado shall be credited to the interstate water litigation fund created by K.S.A. 82a-1802, and amendments thereto, until the aggregate amount of moneys credited to that fund equals the aggregate of all amounts certified by the attorney general, or the balance in the interstate water litigation fund equals \$20,000,000 whichever is less, as provided in this section. The attorney general shall certify to the director of accounts and reports any expenses incurred by the state in any litigation brought by the state of Kansas against the states of Nebraska or Colorado to resolve disputes arising under the Republican river compact and in preparation for such litigation.

(2) Once the aggregate amount of moneys credited to the interstate water litigation fund created by K.S.A. 82a-1802, and amendments thereto, equals the aggregate of all amounts certified by the attorney general as expenses incurred by the state, all moneys remaining recovered from Nebraska shall be credited to the Republican river water conservation projects - Nebraska moneys fund as directed by subsection (b) of this section, and all moneys remaining recovered from Colorado shall be credited to the Republican river water conservation projects - Colorado moneys fund as directed by subsection of this section.

(b) There is hereby established in the state treasury the Republican river water conservation projects - Nebraska moneys fund to be administered by the director of the Kansas water office.

(1) One-third of the money deposited to this fund shall be credited to the state water plan fund for use for water conservation projects, with priority given to conservation projects that directly enhance the ability of the state of Kansas to remain in compliance with the Republican river compact; and

(2) two-thirds of the money deposited in this fund shall be expended only for conservation projects, utilization efficiency, administrative requirements and delivery projects, and similar types of projects set forth in subsection (d), in those areas of the state lying in the lower Republican river basin between the Kansas/Nebraska border and Milford dam in all or parts of Clay, Cloud, Dickinson, Geary, Jewell, Mitchell, Republic, Riley, Smith and Washington counties.

(c) There is hereby established in the state treasury the Republican river water conservation projects - Colorado moneys fund to be administered by the director of the Kansas water office.

(1) One-third of the money deposited to this fund shall be credited to the state water plan fund for use for water conservation projects; and

(2) two-thirds of the money deposited in this fund shall be expended only for conservation projects, utilization efficiency, administrative requirements and delivery projects, and similar types of projects set forth in subsection (d), in those areas of the state lying in the upper Republican river basin in northwest Kansas in all or parts of Cheyenne, Decatur, Norton, Phillips, Rawlins, Sheridan, Sherman and Thomas counties.”;

On page 3, in line 7, by striking “Republican river”; by striking all in line 8, in line 9, by striking all before “The” and inserting “Republican river water conservation projects - Nebraska moneys fund and the Republican river water conservation projects - Colorado moneys fund for the purposes set forth in subsection (b) and of section 1, and amendments thereto.”; in line 12, by striking “the” and inserting “either”; in line 19, by striking “the”, where it appears for the second time, and inserting “either”; in line 22, by striking “the” and inserting “either”; in line 23, by striking “Republican river water con-”; in line 24, by striking “servation projects fund” and inserting “Republican river water conservation projects - Nebraska moneys fund and the Republican river water conservation projects - Colorado moneys fund”; in line 26, by striking all after “the”; in line 27, by striking “projects fund” and inserting “Republican river water conservation projects - Nebraska moneys fund and the Republican river water conservation projects - Colorado moneys fund”; by striking all in lines 31 through 43;

On page 4, by striking all in lines 1 through 7;

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

Committee on **Agriculture and Natural Resources** recommends **SB 267** be amended on page 2, in line 32, by striking “2006” and inserting “2007”;

On page 3, by striking “2006” and inserting “2007”;

On page 1, in the title, in line 11, by striking “2006” and inserting “2007”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2771** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Elections and Governmental Organization** recommends **HB 2697** be amended on page 1, in line 17, by striking “employer” and inserting “industry”; also in line 17, by striking all after the period; by striking all in line 18; in line 19, by striking all before “If”; in line 20, by striking “employer” and inserting “industry”; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **SB 196** be amended on page 1, in line 29, by striking “Thursday” and inserting “Wednesday”; in line 30, by striking “Friday” and inserting “Thursday”;

On page 2, in line 11, by striking “Thursday” and inserting “Wednesday”; in line 21, by striking “Friday” and inserting “Thursday”; in line 30, before the period by inserting “and which expressly advocates the election or defeat of a clearly identified candidate”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2689** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2663** be amended on page 2, by striking all in lines 35 through 39 and inserting “No veterans service representative of the Kansas commission on veterans affairs shall take a power of attorney in the name of the Kansas commission on veterans affairs. Nothing in this act shall be construed to prohibit any such veterans service representative from assisting any veteran with any claim in which a power of attorney is not required.”

On page 3, by striking all in lines 15 through 29;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 30, by striking “K.S.A. 73-1211 and”; also in line 30, by striking “are” and inserting “is”;

On page 1, in the title, in line 9, by striking "K.S.A. 73-1211 and"; in line 10, by striking "sections" and inserting "section"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were thereupon introduced and read by title:

**HB 2902**, An act concerning law enforcement officers; enacting the law enforcement family support act, by Committee on Judiciary.

**HB 2903**, An act concerning teachers; relating to licensure thereof, by Committee on Education.

#### **REPORT ON ENGROSSED BILLS**

**HB 2617, HB 2621, HB 2730, HB 2749** reported correctly engrossed February 13, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, February 15, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

