

# Journal of the House

TWENTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 20, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 120 members present.  
Reps. Flora, Kelley and Kuether were excused on verified illness.  
Reps. C. Holmes and Winn were excused on legislative business.  
Present later: Rep. Flora.

Prayer by Chaplain Brubaker:

Dear Lord, we come before you today and honestly admit there has been what might be considered a high level of tension hovering over us. In one way, this is good as it shows our dedication and determination to do the best job we can as representatives. On the other hand, it can be detrimental by preventing us from accomplishing what needs to be completed for the good of our people. More than ever, Lord, we need your wisdom, direction and spirit of unity. Help us to be very careful to think wisely, speak softly, and act in compassion. As the body is not made up of one part but of many — it is important that the many parts work together and respect one another in order for the body to be healthy and work cohesively. Grant us this today, Lord. In Your Son's Name I pray, Amen

The Pledge of Allegiance was led by Rep. Rardin.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2919**.

Elections and Governmental Organization: **HB 2917**.

Taxation: **HB 2918**.

Social Services Budget: **HB 2920**.

## CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2818**, **HB 2819** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

## COMMUNICATIONS FROM STATE OFFICERS

From KTEC, Evaluation of KTEC Programs by Research Triangle Institute International Center for Technology Applications, February 2008.

From Ward Loyd, Chair, Kansas Advisory Group, Annual Report to the Governor on Juvenile Justice and Delinquency Prevention.

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

**MESSAGE FROM THE SENATE**

The Senate accedes to the request of the House for a conference on **HB 2578** and has appointed Senators Umbarger, V. Schmidt and Kelly as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6013—

By Representative Mast

A RESOLUTION condemning harmful gangsta rap lyrics which have a detrimental effect on families and communities, and a demoralizing message against women and minorities.

WHEREAS, Gangsta rap conveys messages that have a harmful impact on more individuals than just those who listen to it; it encourages violent and disrespectful behavior that devalues families and communities, and it infringes on the dignity of women; and

WHEREAS, Gangsta rap is widely criticized as an expression of anti-culture for its frequent reliance on messages that demean women and promote violence, but its continued popularity prevents many women and community leaders from speaking out against the negative stereotypes it perpetuates; and

WHEREAS, Individuals who are opposed to the misogynistic, sexist and racist lyrics of gangsta rap can make their voices heard by demonstrating against, and refusing to support, those who are unjustly enriched by it; and

WHEREAS, The First Amendment provides important protection for the freedom of speech by those in the entertainment industry, but gangsta rap abuses those rights by denigrating women and promoting stereotypes merely for the sake of financial profit; and

WHEREAS, Individuals are encouraged to protect themselves and their communities from the negative effects of gangsta rap by increasing awareness and reducing demand for this type of music; and

WHEREAS, As awareness increases regarding the negative effects gangsta rap has on communities, women and community leaders will feel empowered to speak out against hateful and derogatory lyrics in rap and to educate our youth about the dangers of perpetuating such negative stereotypes in our popular culture; and

WHEREAS, Rap music has always been associated with artistic creativity and innovation, and rappers are certainly capable of becoming positive role models, cleaning up their music, eliminating misogynistic and racist lyrics and replacing them with uplifting messages while maintaining a high level of entertainment in their songs; and

WHEREAS, Surely the words used to denigrate women and incite violence can be rewritten to encourage respect for women, families and communities: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we desire to empower women to defend themselves against the negative stereotypes depicted in gangsta rap and encourage community leaders to make efforts to combat the harmful effects of gangsta rap without infringing on the First Amendment rights of those in the entertainment industry; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Mast for presentation to Sonny Scroggins.

**CONSENT CALENDAR**

No objection was made to **HB 2665** 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**

**HB 2665**, An act relating to drivers' licenses; concerning the surrender thereof; amending K.S.A. 8-257 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood,

George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Master-son, 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, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, Hill, Hodge, C. Holmes, Kelley, Kuether, Winn.

The bill passed.

**HB 2315.** An act concerning real property; relating to home inspections; requiring home inspector registration and certificates, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 38; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bethell, Bowers, Brunk, Burgess, Burroughs, Colloton, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faust-Goudeau, Flaharty, Frownfelter, Fund, Garcia, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Holland, M. Holmes, Horst, Humerickhouse, Huntington, Kelsey, Kiegerl, King, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, Menghini, Metsker, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Owens, Palmer, Pauls, Peck, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Sawyer, Shultz, Sloan, Spalding, Storm, Svaty, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Beamer, Brown, Carlson, Colyer, Dillmore, Faber, Feuerborn, Gatewood, Gordon, Henry, Hodge, Huebert, Johnson, Kinzer, Knox, Landwehr, Lane, McKinney, McLachlan, McLeland, Merrick, Jim Morrison, Neufeld, Olson, Otto, Patton, Peterson, Phelps, Rhoades, Schroeder, Schwartz, Siegfried, Swanson, Ward, Wetta, Williams, Yoder.

Present but not voting: None.

Absent or not voting: Carlin, Flora, Hill, C. Holmes, Kelley, Kuether, Winn.

The bill passed, as amended.

**Sub. HB 2545.** An act concerning controlled substances; relating to possession thereof; amending K.S.A. 65-4162 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim 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, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Judy Morrison.

Present but not voting: None.

Absent or not voting: Flora, Hill, C. Holmes, Kelley, Kuether, Winn.

The substitute bill passed.

**HB 2659.** An act designating a portion of United States highway 400 as the atomic veteran's memorial highway; amending K.S.A. 2007 Supp. 68-1022 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, 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, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Schwartz.

Present but not voting: None.

Absent or not voting: Flora, C. Holmes, Kelley, Kuether, Winn.

The bill passed.

**HB 2663**, An act relating to veterans; amending K.S.A. 2007 Supp. 73-1210a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, 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, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, C. Holmes, Kelley, Kuether, Winn.

The bill passed, as amended.

**HB 2708**, An act designating K-53 highway as the patriot guard highway, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, 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, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, C. Holmes, Kelley, Kuether, Winn.

The bill passed.

**HB 2748.** An act concerning the possession of wildlife; relating to the tagging of big game and wild turkey; amending K.S.A. 2007 Supp. 32-969 and 32-1004 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, 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, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, C. Holmes, Kelley, Kuether, Winn.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2331** be adopted; also, on motion of Rep. Otto be amended on page 3, in line 1, by striking "2008" and inserting "2009"; and the bill be passed as amended.

Committee reports to **Sub. SB 89** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 359** be adopted; also, on motion of Rep. Schwartz be amended on page 1, in line 41, by striking "Manhattan, Kan."; in line 42, by striking "sas" and inserting "the Manhattan area chamber of commerce, inc."; in line 43, by striking "period" and inserting "quarter"; also in line 43, after "flights" by inserting "provided by an airline that is a party to an air passenger service support agreement";

On page 2, in line 2, by striking "city of Manhattan, KS" and inserting "Manhattan area chamber of commerce, inc."; in line 5, by striking "city of Manhattan, KS" and inserting "Manhattan area chamber of commerce, inc."; in line 15, by striking "period" and inserting "quarter"; also in line 15, after "flights" by inserting "provided by an airline that is a party to an air passenger service support agreement"; in line 17, by striking "city of Manhattan, KS" and inserting "Manhattan area chamber of commerce, inc."; in line 20, by striking "city of Manhattan, KS" and inserting "Manhattan area chamber of commerce, inc."; in line 28, by striking "state highway" and inserting "public use general aviation airport development"; in line 31, by striking "Manhattan, Kansas" and inserting "Manhattan area chamber of commerce, inc."; in line 32, by striking "period" and inserting "quarter"; in line 33, after "flights" by inserting "provided by an airline that is a party to an air passenger service support agreement"; in line 35, by striking "city of Manhattan, KS" and inserting "Manhattan area chamber of commerce, inc."; also in line 35, by striking "city of" where it appears for the last time; in line 36, by striking "Manhattan, KS" and inserting "Manhattan area chamber of commerce, inc."; in line 38, by striking "state highway" and inserting "public use general

aviation airport development”; in line 41, by striking “state highway” and inserting “public use general aviation airport development”; in line 43, by striking “state highway” and inserting “public use general aviation airport development”;

On page 3, in line 8, by striking “state highway” and inserting “public use general aviation airport development”; in line 11, by striking “Manhattan, Kansas” and inserting “Manhattan area chamber of commerce, inc.”; in line 12, by striking “period” and inserting “quarter”; in line 13, after “flights” by inserting “provided by an airline that is a party to an air passenger service support agreement”; in line 15, by striking “city of Manhattan, KS” and inserting “Manhattan area chamber of commerce, inc.”; also in line 15, by striking “city of” where it appears for the last time; in line 16, by striking “Manhattan, KS” and inserting “Manhattan area chamber of commerce, inc.”; in line 18, by striking “state highway” and inserting “public use general aviation airport development”; in line 21, by striking “state highway” and inserting “public use general aviation airport development”; in line 23, by striking “state highway” and inserting “public use general aviation airport development”;

Also, on motion of Rep. Hayzlett, **H. Sub. for SB 359** be amended on page 1, in line 17, by striking “and”; in line 18, before “appropriations” by inserting “and June 30, 2011.”;

On page 3, following line 27, by inserting the following:

“(d) (1) On July 1, 2009, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state economic development initiatives fund to the public use general aviation airport development fund the amount equal to the aggregate of all amounts transferred during the fiscal year ending June 30, 2009, from the public use general aviation airport development fund to the north central Kansas air passenger service support fund pursuant to subsection (b): *Provided*, That, if no moneys are transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund during the fiscal year ending June 30, 2009, pursuant to subsection (b), then the director of accounts and reports shall not transfer any moneys from the state economic development initiatives fund to the public use general aviation airport development fund during the fiscal year ending June 30, 2010, pursuant to this subsection (d)(1).

(2) On July 1, 2010, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state economic development initiatives fund to the public use general aviation airport development fund the amount equal to the aggregate of all amounts transferred during the fiscal year ending June 30, 2010, from the public use general aviation airport development fund to the north central Kansas air passenger service support fund pursuant to subsection (c): *Provided*, That, if no moneys are transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund during the fiscal year ending June 30, 2010, pursuant to subsection (c), then the director of accounts and reports shall not transfer any moneys from the state economic development initiatives fund to the public use general aviation airport development fund during the fiscal year ending June 30, 2011, pursuant to this subsection (d)(2).”;

On page 1, in the title, in line 10, by striking “and”; also in line 10, before “for” by inserting “and June 30, 2011.”; and **H. Sub. for SB 359** be passed as amended.

On motion of Rep. Lane to amend **HB 2299**, Rep. Kinzer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Lane challenged the ruling, the question being “Shall the Rules Chair be sustained.” The Rules Chair was sustained.

Also, roll call was demanded on motion of Rep. Davis to refer **HB 2299** to Committee on Judiciary.

On roll call, the vote was: Yeas 66; Nays 50; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Moxley, Neighbor, Owens, Palmer, Pauls, Phelps, Proehl, Quigley, Rardin, Roth,

Ruff, Ruiz, Sawyer, Sloan, Spalding, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, K. Wolf, Worley, Yoder.

Nays: Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hodge, M. Holmes, Huebert, Kelsey, King, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Powers, Rhoades, Schroeder, Schwartz, Siegfried, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf.

Present but not voting: None.

Absent or not voting: Aurand, C. Holmes, Kelley, Kiegerl, Kuether, Peterson, Shultz, Storm, Winn.

The motion prevailed and **HB 2299** be referred to Committee on Judiciary.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HCR 5028** be amended on page 2, by striking all in lines 1 through 3 and inserting the following:

*“Be it further resolved:* That members of this partnership shall enter into suitable arrangements with the State of Kansas to jointly develop and implement plans to sustain the reservoirs beyond their original design lives. Such plans shall consider the need for future flood protection, water supply and reasonable recreational opportunities; and”;

Also on page 2, in line 4, by striking “amend” and inserting “determine needed amendments to”; in line 7, after “lives” by inserting “and shall report needed amendments to the Kansas legislature and the United States Congress by January, 2009”; in line 13, by striking “amend” and inserting “determine needed amendments to”; in line 19, before the semicolon, by inserting “and shall report needed amendments to the Kansas legislature and the United States Congress by January, 2009”; and the concurrent resolution be adopted as amended.

Committee on **Energy and Utilities** recommends **HB 2892** 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 **Government Efficiency and Technology** recommends **HB 2207** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2207,” as follows:

“Substitute for HOUSE BILL No. 2207

By Committee on Government Efficiency and Technology

“AN ACT concerning the Kansas board of pharmacy; authorizing emergency proceedings against permits and registrations; amending K.S.A. 2007 Supp. 65-1627 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2207** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **HB 2781** be amended on page 2, in line 15, by striking “one dental office” and inserting “two dental offices”; in line 17, by striking “75” and inserting “125”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2644** be amended on page 1, after line 14, by inserting the following:

“Section 1. K.S.A. 59-3051 is hereby amended to read as follows: 59-3051. When used in the act for obtaining a guardian or a conservator, or both:

(a) “Adult with an impairment in need of a guardian or a conservator, or both” means a person 18 years of age or older, or a minor who is considered to be of the age of majority pursuant to K.S.A. 38-101, and amendments thereto, or upon whom the rights of majority have been conferred pursuant to K.S.A. 38-108, and amendments thereto, whose ability to receive and evaluate relevant information, or to effectively communicate decisions, or both, even with the use of assistive technologies or other supports, is impaired such that the person lacks the capacity to manage such person’s estate, or to meet essential needs for physical health, safety or welfare, and who is in need of a guardian or a conservator, or both. No person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone through prayer for healing shall be determined to be an adult with an impairment in need of a guardian under this act for that reason alone,

nor considered to lack the capacity to meet essential needs for physical health, safety or welfare because of such person's reliance upon such treatment.

(b) "Appropriate alternative" means any program or service, or the use of a legal device or representative, which enables a person with an impairment to adequately meet essential needs for physical health, safety or welfare, or to reasonably manage such person's estate. Appropriate alternatives may include, but are not limited to, a power of attorney, a durable power of attorney, a power of attorney for health care decisions, a living will, a trust, a joint tenancy or a representative payee.

(c) "Conservatee" means a person who has a conservator.

(d) "Conservator" means an individual or a corporation who or which is appointed by the court to act on behalf of a conservatee and who or which is possessed of some or all of the powers and duties set out in K.S.A. 59-3078, and amendments thereto.

(e) "Guardian" means an individual or a corporation certified in accordance with K.S.A. 59-3070, and amendments thereto, who or which is appointed by a court to act on behalf of a ward, and who or which is possessed of some or all of the powers and duties set out in K.S.A. 59-3075, amendments thereto. "Guardian" does not mean a "natural guardian" unless specified.

(f) "In need of a guardian" means a person who because of both an impairment and the lack of appropriate alternatives for meeting essential needs, requires the appointment of a guardian.

(g) "In need of a conservator" means a person who because of both an impairment and the lack of appropriate alternatives for managing such person's estate, requires the appointment of a conservator.

(h) "Manage such person's estate" means making those determinations and taking those actions which are reasonably necessary in order for a person to receive and account for personal or business income, benefits and property, whether real, personal or intangible, and except for reasons of indigency, to purchase or otherwise obtain necessary goods or services, to pay debts and expenses, to sell, exchange or otherwise dispose of property, and to plan for future accumulation, conservation, utilization, investment, and other disposition of financial resources.

(i) "Meet essential needs for physical health, safety or welfare" means making those determinations and taking those actions which are reasonably necessary in order for a person to obtain or be provided with shelter, sustenance, personal hygiene or health care, and without which serious illness or injury is likely to occur.

(j) "Minor" means any person defined by K.S.A. 38-101, and amendments thereto, as being within the period of minority.

(k) "Minor with an impairment in need of a guardian or a conservator, or both" means a person under 18 years of age who otherwise meets the definition of an "adult with an impairment in need of a guardian or conservator, or both" and whose impairment is expected to continue beyond the age of 18.

(l) "Natural guardian" means both the biological or adoptive mother and father of a minor if neither parent has been found to be an adult with an impairment in need of a guardian or has had parental rights terminated by a court of competent jurisdiction. If either parent of a minor is deceased, or has been found to be an adult with an impairment in need of a guardian or has had parental rights terminated by a court of competent jurisdiction, then the other parent shall be the natural guardian, unless also deceased, or found to be an adult with an impairment in need of a guardian, or has had parental rights terminated by a court of competent jurisdiction, in which case no person shall qualify as the natural guardian.

(m) "Person who has been previously adjudged as impaired in another state" means a person who has been duly adjudged by a court of competent jurisdiction of any other state to be unable to meet essential needs for physical health, safety or welfare or to manage such person's estate and for whom a guardian or a conservator, or other similarly empowered fiduciary, has been appointed by that court, but who now resides within Kansas or for whom plans have been made by such person's guardian or other fiduciary to relocate the person to Kansas.

(n) "Person in need of an ancillary conservator" means a person not residing within Kansas, who has been duly adjudged by a court of competent jurisdiction of another state



to be unable to manage such person's estate and for whom a conservator or other fiduciary of the person's estate has been appointed by that court, and who has property in Kansas for which a conservator is required.

(o) "Proposed ward" means a person for whom a petition for the appointment of a guardian pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, has been filed.

(p) "Proposed conservatee" means a person for whom a petition for the appointment of a conservator pursuant to K.S.A. 59-3058, 59-3059, 59-3060, 59-3061 or 59-3062, and amendments thereto, has been filed.

(q) "Ward" means a person who has a guardian.

(r) The terms defined in K.S.A. 59-2946 and 59-2946, and amendments thereto, have the meanings provided by those statutes.

(s) "*Personal or agency interest shall include, but not be limited to, details of any financial, agency or other transactions between a proposed guardian, guardian, proposed conservator or conservator and the proposed ward, ward, proposed conservatee or conservatee as applicable.*";

And by renumbering the remaining sections accordingly;

On page 17, in line 8, after "K.S.A." by inserting "59-3051,";

On page 1, in the title, in line 10, after "K.S.A." by inserting "59-3051,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2816** be amended on page 3, in line 20, by striking "within" and inserting "as soon as practicable but not to exceed"; in line 25, by striking "within" and inserting "as soon as practicable but not to exceed"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2520** be passed.

Committee on **Taxation** recommends **HB 2750** be amended on page 6, in line 9, by striking "state educational institutions" and inserting "postsecondary educational institutions, as that term is defined in K.S.A. 2007 Supp. 74-3201b, and amendments thereto,"; in line 10, by striking "state educational institutions" and inserting "postsecondary educational institutions"; in line 12, by striking "state"; in line 13, by striking "educational institution" and inserting "postsecondary educational institution"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2704**, **HB 2720** be passed.

Committee on **Transportation** recommends **HB 2691** be amended on page 1, in line 31, by striking all after "is"; in line 32, by striking all before "of" and inserting "the mother"; in line 36, by striking "family member" and inserting "mother"; in line 40, by striking "family member" and inserting "mother";

On page 2, in line 2, by striking "family member" and inserting "mother"; by striking all in lines 17 and 18;

In the title, in line 22, by striking "family" and inserting "mother"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources Budget** recommends **HB 2735** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 2921**, An act creating the Kansas employment verification act; amending K.S.A. 19-101a, 21-3830 and 21-4018 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2922**, An act concerning municipalities; relating to disaster emergencies; amending K.S.A. 79-2940 and repealing the existing section, by Committee on Appropriations.

**HB 2923**, An act concerning the Kansas commission on veterans affairs; establishing a veterans enhanced service delivery program, by Committee on Federal and State Affairs.

**HB 2924**, An act establishing civilian conservation corps day, by Committee on Federal and State Affairs.

Rep. Holland is appointed to replace Rep. Frownfelter on Committee on Taxation effective February 21. Rep. Holland will return to the position of Ranking Minority Member.

**REPORT ON ENGROSSED BILLS**

**HB 2315, HB 2663** reported correctly engrossed February 19, 2008.

**READING AND CORRECTION OF THE JOURNAL**

In the Journal, on page 1398, Rep. Siegfried's name should be deleted from the Explanation of Vote by Rep. C. Holmes. Also, on page 1397, Rep. Siegfried's name should be inserted on the Explanation of Vote by Rep. Neufeld and others.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February 21, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

