

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 21, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 118 members present.
Reps. Flora and Kuether were excused on verified illness.
Rep. C. Holmes was excused on legislative business.
Reps. Colyer, Peterson, Ruiz and Sloan were excused on excused absence by the Speaker.
Present later: Rep. Colyer.

Prayer by guest chaplain, the Rev. Bobby Massey, pastor, Life Point Church, Valley Center, and guest of Rep. Huebert:

Father in Heaven we thank you for your abundant mercy which you pour out on each of us. Your prophet Jeremiah stated that your mercy was new every morning and that your faithfulness was great. Today we ask for your mercy and faithfulness to direct the decisions made in this great assembly hall. Father we ask that every policy debated, every plan discussed, and every purpose decided upon be filtered through the truth of your precious word. May the hearts of those who govern this great state of ours be turned to you as they ponder the direction we are to go and the course they are to set. Father, we are grateful for your loving kindness that leads us to repentance for actions that have not been made out of your leadership but rather our own selfishness. Forgive us, Oh God for taking advantage of your grace and help us to walk in your ways. Please give to all in this room wisdom to lead and the courage to carry out your will. In Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Ruff.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2922**.

Federal and State Affairs: **HB 2921, HB 2924; HR 6013**.

Veterans, Military and Homeland Security: **HB 2923**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **SB 214** from Committee on Appropriations and referral to Select Committee on Corrections, Reform and Oversight.

MESSAGE FROM THE SENATE

Announcing passage of **SB 46, SB 397, SB 457, SB 460, SB 464, SB 481, SB 486; Sub. SB 491; SB 511, SB 514, SB 519, SB 529, SB 548, SB 561**.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 327**, 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 46, SB 397, SB 457, SB 460, SB 464, SB 481, SB 486; Sub. SB 491; SB 511, SB 514, SB 519, SB 529, SB 548, SB 561.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 327**.

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

CONSENT CALENDAR

Objection was made to **HB 2735** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2892** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2331, An act concerning municipalities and taxing subdivisions; amending K.S.A. 2007 Supp. 79-2926, 79-2929a and 79-2930 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, 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, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schwartz, Shultz, Siegfried, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Schroeder.

Present but not voting: None.

Absent or not voting: Colyer, Flora, C. Holmes, Kuether, Peterson, Ruiz, Sloan.

The bill passed, as amended.

Sub. SB 89, An act relating to water; concerning the Republican river and the disposition of moneys recovered from certain litigation; establishing the Republican river water conservation projects fund, 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, 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, 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, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, 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, Flora, C. Holmes, Kuether, Peterson, Ruiz, Sloan.

The substitute bill passed, as amended.

H. Sub. SB 359. An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, for the department of transportation; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 5; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, King, 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, Phelps, Pottorf, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, 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, Hodge, Kelley, Kiegerl, Kinzer.

Present but not voting: None.

Absent or not voting: Colyer, Flora, C. Holmes, Kuether, Peterson, Ruiz, Sloan.

The substitute bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2660**, **HB 2681** be passed.

On motion of Rep. Hodge to refer **HB 2771** to Committee on Federal and State Affairs, the motion did not prevail and the bill be passed.

Committee report to **HB 2628** be adopted; and the bill be passed as amended.

Committee report to **HB 2726** be adopted; also, on motion of Rep. Holland to amend, the motion was withdrawn and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **HB 2698** be amended on page 2, after line 13, by inserting the following:

“(7) “Robo-call” means a telephone call to a residential telephone number using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call is initiated for emergency purposes.”;

Also on page 2, in line 16, after “8 a.m.” by inserting “central time”;

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

“(f) A robo-call shall not be placed between the hours of 8 p.m. and 8 a.m. central time. Any person alleging a violation of this subsection may bring a private action to seek relief pursuant to K.S.A. 50-634, 50-636 and 50-6,104, and amendments thereto, and such person may be defined as a consumer pursuant to K.S.A. 50-624, and amendments thereto, for the purposes of such private action.”;

By relettering the remaining subsections accordingly;

On page 1, in the title, in line 9, by striking “automated” and inserting “unsolicited”; and the bill be passed as amended.

Committee on **Government Efficiency and Technology** recommends **HB 2758** be amended on page 1, in line 42, after “on” by inserting “or while utilizing”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2570** be amended on page 1, in line 14, by striking “2006” and inserting “2007”; in line 17, by striking all after “assessment”; by striking all in lines 18 through 27 and inserting “of the advisability of the adoption by a court approved:

(I) (A) Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;

(B) licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(C) licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;

(D) licensed clinical professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(E) licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;

(F) licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;

(G) licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;

(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or

(I) a licensed child-placing agency.

(2) Any person performing an assessment pursuant to this subsection shall:

(A) Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or

(B) if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.”;

Also on page 1, in line 32, by striking all after “no”; by striking all in line 33; in line 34, by striking all before “available” and inserting “one authorized pursuant to this section”; in line 40, by striking all after the second “the”; by striking all in line 41; in line 42, by striking “child placing agency” and inserting “person authorized pursuant to this section”;

On page 2, in line 13, by striking “the social worker.”; by striking all in line 14 and inserting “any person authorized pursuant to this section to perform this assessment”; in line 19, by striking “a licensed social”; by striking all in lines 20 through 22 and inserting “a person authorized in that state to conduct such assessments. Such report shall be filed with the court not less than 10 days before the hearing on the petition.”; in line 31, by striking “2006” and inserting “2007”;

In the title, in line 10, by striking “2006” and inserting “2007”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2768** be amended on page 1, in line 15, before “Except” by inserting “(a)”; after line 23, by inserting the following:

“(b) A dead human body which is removed from the location of death shall be transported to a federally certified organ procurement organization serving the state of Kansas only upon the release of a person listed in the order of priority pursuant to K.S.A. 2007 Supp. 65-322S, and amendments thereto.”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2640** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2640,” as follows:

“Substitute for HOUSE BILL No. 2640

By Committee on Taxation

“AN ACT concerning income taxation; relating to credits; capital investments in businesses located in certain cities damaged by a disaster; refunds.”; and the substitute bill be passed.

(**Sub. HB 2640** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **HB 2824** 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 **Transportation** recommends **HB 2770** be amended on page 1, in line 34, by striking "adopt rules and regulations"; by striking all in line 35 and inserting "prescribe a fee of \$12 and upon";

On page 5, in line 7, after "after" by inserting "January 1, 2009, and"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources Budget** recommends **SB 447** 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 2925, An act concerning sales taxation; relating to exemptions; Franklin county agricultural society, Paola senior center, Anderson county fair association, Linn county fair association, Miami county fair association and Douglas county senior services, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

HB 2926, An act relating to cities; concerning the provision of equipment and personnel by the department of transportation and the Kansas national guard for demolition of housing damaged by flood waters, by Committee on Taxation.

HB 2927, An act concerning income taxation; relating to Kansas adjusted gross income; deductions; health care sharing ministries; amending K.S.A. 2007 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2928, An act relating to property taxation; enacting the senior citizen property tax deferral act, by Special Committee on Assessment and Taxation.

HB 2929, An act concerning sales taxation; relating to exemptions; Kansas art education association; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2930, An act concerning sales taxation; relating to countywide retailers' sales tax in Barton county; amending K.S.A. 2007 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Taxation.

HB 2931, An act concerning income taxation; relating to credits; adoption expenses; amending K.S.A. 2007 Supp. 79-32,202 and repealing the existing section, by Committee on Taxation.

HB 2932, An act concerning sales taxation; relating to countywide retailers' sales tax in Butler county; amending K.S.A. 2007 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2933, An act concerning sales taxation; relating to exemptions; Stella Wells Christmas Basket, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2714** from Committee on Education Budget and referral to Committee on Education.

REPORT ON ENGROSSED BILLS

HB 2331 reported correctly engrossed February 20, 2008.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, February 22, 2008.