

Journal of the House

FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 18, 2008, 10:30 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 124 members present.
Rep. Hodge was absent.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
As we contemplate the events of Holy Week,
Tuesday is considered the "Day of Controversy."
It was a day in which Christ gave some of the
greatest life lessons ever.
With the lesson of the two sons,
He taught the importance of keeping one's word.
The parable of the tenants teach us
that with privilege comes responsibility and accountability.
He warned those who made decisions that
loaded people down like pack mules . . .
putting unnecessary burdens on others . . .
and splitting hairs over nonessential rules.
He taught that judgment of the righteous is based
on a faith that demands loving action toward others
which He summarized as being the Greatest Commandment —
*"Love the Lord your God with all your heart and with all your soul and with all your
mind . . . and love your neighbor as yourself."*
Help us, Lord, to learn from these lessons today.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Menghini.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:
Federal and State Affairs: **HB 2972**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2971** from Committee on Appropriations and referral to Select Committee on KPERS.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 435**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 435**.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 419, SB 462, SB 467, SB 475, SB 509, SB 514** appearing on the Consent Calendar for the second day.

No objection was made to **SB 526, SB 614** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 526, An act concerning enhanced wireless 911 service; relating to distribution of moneys from service fees; amending K.S.A. 2007 Supp. 12-5331 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, 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, 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, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Judy Morrison.

The bill passed.

SB 614, An act concerning the Kansas electric transmission act; relating to notice of intent to construct by the Kansas electric transmission authority to private entities; amending K.S.A. 2007 Supp. 74-99d14 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, 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, 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, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Judy Morrison.

The bill passed.

H. Sub. for SB 389, An act concerning abortion; providing civil remedies, including injunctive relief; amending K.S.A. 65-445, 65-2836, 65-6703, 65-6704, 65-6705 and 65-6709 and K.S.A. 2007 Supp. 38-2223 and repealing the existing sections; also repealing K.S.A. 65-6713, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 84; Nays 40; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Donohoe, Faber, Feuerborn, Frownfelter, Fund, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Powers, Proehl, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Nays: Ballard, Carlin, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Goyle, Hawk, Henderson, Hill, Holland, Huntington, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, McLachlan, Menghini, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Sloan, Spalding, Storm, Tietze, Treaster, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Hodge.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote *yes* on **H. Sub. for SB 389**. To do otherwise would be to support abortion which I *cannot* do. My no votes on General Orders reflect a concern that I have on legal and constitutional questions regarding venue and the people's right to choose their representation at the local level. The hidden agenda on the bill is to circumvent the duly elected Sedgwick County District Attorney's position on the Tiller matter. Whether we agree or disagree with her, she *is* the elected choice of the people of that county. This bill isn't an appropriate remedy for *that* issue.—THOMAS C. (TIM) OWENS

MR. SPEAKER: There are many who agree with me today that the law of the land requires full and effective enforcement. But once again, my friends go too far.

Let us all endeavor to bring compassion before retribution, justice before reprisal.

I support the underlying principles of this bill. I oppose the expansion of judicial standing in this most intimate and personal decision. Mr. Speaker I vote no on **H. Sub. for SB 389**.—NILE DILLMORE, CINDY NEIGHBOR, SYDNEY CARLIN

MR. SPEAKER: **H. Sub. for SB 389** will give young women the opportunity to be better informed and more prepared for an event that will never be forgotten in their lives. It will protect young girls who are being abused by forcing adults who try to cover up their crime through abortion to be identified. Mr. Speaker I vote *yes* on **H. Sub. for SB 389**.—PEGGY MAST

SB 410, An act concerning juvenile corrections; amending K.S.A. 76-2101, 76-2125 and 76-2128 and K.S.A. 2007 Supp. 38-2302, 76-2101a, 76-3201 and 76-3202 and repealing the existing sections; also repealing K.S.A. 76-2111, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, 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, 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: None.

Present but not voting: None.

Absent or not voting: Hodge.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess, the House concurred in Senate amendments to **Sub. HB 2757**, An act concerning municipal hospitals; amending K.S.A. 12-1615, 13-14b11, 14-605, 19-4610 and 80-2511 and repealing the existing sections.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, 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, 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: None.

Present but not voting: None.

Absent or not voting: Hodge.

On motion of Rep. Grange, the House concurred in Senate amendments to **HB 2847**, An act concerning examination for licenses; heating, ventilation and air conditioning, plumbing and electrical contractors and electricians; amending K.S.A. 12-1508, 12-1525 and 12-1541 and repealing the existing sections.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, 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, 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: None.

Present but not voting: None.

Absent or not voting: Hodge.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Powell, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 557** be passed.

H. Sub. for SB 81 be passed over and retain a place on the calendar.

On motion of Rep. Grange, **SB 474** be amended on page 1, in line 31, by striking "person" and inserting "resident of this state"; and the bill be passed as amended.

Committee report to **HB 2935** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 612** be amended on page 1, in line 15, by striking "and 44-1132" and inserting ", 44-1132 and section 2"; in line 17, by striking "and 44-1132" and inserting ", 44-1132 and section 2"; after line 17, by inserting the following:

"New Sec. 2. (a) An employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim of physical violence where the offense was motivated entirely or in part by the race, color, religion, ethnicity or national origin of the victim or the perpetrator was motivated by the perpetrator's belief or perception, entirely or in part, of the race, color, religion, ethnicity or national origin of the victim, whether or not the perpetrator's belief or perception was correct, for taking time off from work to:

(1) Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children;

(2) seek medical attention for injuries caused by the physical violence;

(3) obtain therapy services as a result of the physical violence; or

(4) make court appearances in the aftermath of the physical violence.

(b) (1) As a condition of taking time off for a purpose set forth in subsection (a), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless such advance notice is not feasible. Within 48 hours after returning from the requested time off, the employee shall provide documentation which may include, but is not limited to, that described in subsection (b)(2) to support taking time off for a purpose set forth in subsection (a).

(2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within seven days after the beginning of the unscheduled absence, provides a certification to the employer in the form of any of the following:

(A) A police report indicating that the employee was a victim of physical violence;

(B) a court order protecting or separating the employee from the perpetrator of an act of physical violence, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or

(C) documentation from a medical professional, therapist, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of physical violence.

(3) An employee taking time off pursuant to subsection (a) shall have 30 days to provide documentation to such employee's employer indicating that the physical violence was motivated entirely or in part by the race, color, religion, ethnicity or national origin of the employee or the perpetrator was motivated by the perpetrator's belief or perception, entirely or in part, of the race, color, religion, ethnicity or national origin of the employee, whether or not the perpetrator's belief or perception was correct.

(c) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under subsection (a), as well as the confidentiality of any supporting documentation provided by the employee to the employer relating to a purpose set forth in subsection (a).

(d) An employee may use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year, as time off for a purpose specified in subsection (a), unless a longer period of time is otherwise available

to an employee under the applicable terms of employment or is provided by a collective bargaining agreement. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(e) As used in this section: "Physical violence" means any crime defined in K.S.A. 21-3412, 21-3412a, 21-3413, 21-3414 or 21-3415, and amendments thereto.

Sec. 3. K.S.A. 2007 Supp. 44-1132 is hereby amended to read as follows: 44-1132. (a) An employer may not discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence or a victim of sexual assault for taking time off from work to:

(1) Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child or children;

(2) seek medical attention for injuries caused by domestic violence or sexual assault;

(3) obtain services from a domestic violence shelter, domestic violence program or rape crisis center as a result of domestic violence or sexual assault; or

(4) make court appearances in the aftermath of domestic violence or sexual assault.

(b) (1) As a condition of taking time off for a purpose set forth in subsection (a), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless such advance notice is not feasible. Within 48 hours after returning from the requested time off, the employee shall provide documentation which may include, but is not limited to, that described in subsection (b)(2) to support taking time off for a purpose set forth in subsection (a).

(2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within ~~48 hours~~ *seven days* after the beginning of the unscheduled absence, provides a certification to the employer in the form of any of the following:

(A) A police report indicating that the employee was a victim of domestic violence or sexual assault;

(B) a court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or

(C) documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

(c) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under subsection (a), as well as the confidentiality of any supporting documentation provided by the employee to the employer relating to a purpose set forth in subsection (a).

(d) An employee may use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year, as time off for a purpose specified in subsection (a), unless a longer period of time is otherwise available to an employee under the applicable terms of employment or is provided by a collective bargaining agreement. The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

Sec. 4. K.S.A. 2007 Supp. 44-1132 is hereby repealed." And by renumbering the remaining section accordingly;

On page 1, in line 9, by striking "to domestic"; in line 10, by striking "violence and sexual abuse victims" and inserting "to excused and unexcused absences"; in line 11, before the period, by inserting "; amending K.S.A. 2007 Supp. 44-1132 and repealing the existing section"; and the bill be passed as amended.

Committee on **General Government Budget** recommends **HB 2968** 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 2973, An act concerning elections; relating to certain primary elections; amending K.S.A. 25-2021, 25-2108a and 71-1415 and repealing the existing sections, by Committee on Federal and State Affairs.

REPORT ON ENROLLED BILLS

HB 2628, HB 2749 reported correctly enrolled, properly signed and presented to the governor on March 18, 2008.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, March 19, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

