

# Journal of the House

## SIXTEENTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 3, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.  
The roll was called with 122 members present.  
Rep. Neufeld was excused on legislative business.  
Reps. Kelley and Mast were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Kent Winters-Hazelton, pastor, First Presbyterian Church, Lawrence, and guest of Rep. Sloan:

Eternal and Temporal God;  
Unity of our spirit, Guide and Comforter in life:

We ask your guidance for the women and men who make up these offices. Grant them wisdom and courage to see and to do what is right and what is just. Grant them strength and resolve to carry out their responsibilities to serve all the people of this state. Grant them patience with the process and with one another so that they may find a common mind together serving the greater good. Grant them a humble spirit that they may act beyond self-interest, and grant them joy in their service on behalf of the people.

Comfort the family of Peggy Mast in light of the death of her father. Amen

The Pledge of Allegiance was led by Rep. Pottorff.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2215**, An act concerning governmental ethics; prohibiting the use of public funds for lobbying, by Committee on Elections.

**HB 2216**, An act concerning contracts with state agencies; amending K.S.A. 75-37,104 and K.S.A. 2008 Supp. 75-3739, 75-3740 and 75-37,132 and repealing the existing sections, by Committee on Elections.

**HB 2217**, An act concerning certain telephone calls; pertaining to telephone calls for political purposes; amending K.S.A. 50-670 and repealing the existing section, by Representative Swenson.

**HB 2218**, An act enacting the healthy workplace act; relating to abusive work environments; prohibiting certain acts and providing certain remedies for violations, by Representatives Swenson, Burroughs, Crow, Davis, Flaharty, Garcia and Mah.

**HB 2219**, An act concerning the Kansas performance measurement commission; amending K.S.A. 2008 Supp. 74-72,121 and repealing the existing section, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2220**, An act concerning child care; relating to certain licensed and registered facilities; amending K.S.A. 65-504, 65-505, 65-521, 65-522, 65-523 and 65-524 and K.S.A. 2008 Supp. 65-526 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2221**, An act concerning child care; disclosure of certain information; amending K.S.A. 2008 Supp. 65-525 and repealing the existing section, by Committee on Health and Human Services.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Agriculture and Natural Resources: **HB 2213**.  
 Committee of the Whole: **HCR 5008**.  
 Corrections and Juvenile Justice: **HB 2203, HB 2207**.  
 Economic Development and Tourism: **HB 2187**.  
 Education: **HB 2184, HB 2199, HB 2200**.  
 Elections: **HB 2193**.  
 Federal and State Affairs: **HB 2186, HB 2202, HB 2205, HB 2206**.  
 Financial Institutions: **HB 2185**.  
 Government Efficiency and Fiscal Oversight: **HB 2194, HB 2195**.  
 Health and Human Services: **HB 2198**.  
 Higher Education: **HB 2197**.  
 Insurance: **HB 2214**.  
 Judiciary: **HB 2201, HB 2204, HB 2208, HB 2210, HB 2211**.  
 Taxation: **HB 2189, HB 2190, HB 2191, HB 2192, HB 2196**.  
 Transportation: **HB 2188, HB 2212**.  
 Veterans, Military and Homeland Security: **HCR 5009**.  
 Education Budget: **HB 2183**.  
 Social Services Budget: **HB 2209**.

**COMMUNICATIONS FROM STATE OFFICERS**

From the Kansas Advisory council on Intergovernmental Relations, in accordance with K.S.A. 12-4001-4008, 2008 Annual Report.  
 From David D. Kerr, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), Star Bond Annual Report for 2008.  
 The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE SENATE**

Announcing adoption of **SCR 1606**.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate concurrent resolution was thereupon introduced and read by title:  
**SCR 1606**.

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Brunk, **HR 6007**, A resolution proclaiming February 3, 2009, as Kansas Human Resource Day, was adopted.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SCR 1601**, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2009-2010 biennium, 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: Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery,

Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Kiegerl, Otto.

Present but not voting: None.

Absent or not voting: Kelley, Mast, Neufeld.

The resolution was adopted, as amended.

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 **HB 2052** be passed.

**HCR 5008** be adopted.

Committee report to **HB 2026** be adopted; also, be amended on page 12, in line 16, by striking “(w)” and inserting “(x)”;

On page 1, in the title, in line 11, by striking “county” and inserting “and Rawlins counties”; and **HB 2026** 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 2222**, An act concerning state agencies; relating to the collection of licenses, fees, charges, taxes and exactions, by Committee on Government Efficiency and Fiscal Oversight.

**HB 2223**, An act concerning child care; family day care homes; amending K.S.A. 65-504, 65-506, 65-523, 65-524, 65-529, 65-530 and 65-531 and K.S.A. 2008 Supp. 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522, by Committee on Health and Human Services.

**HB 2224**, An act concerning the state corporation commission; relating to compressed air energy storage, by Committee on Energy and Utilities.

**HB 2225**, An act concerning utilities; relating to electric power purchase, by Committee on Energy and Utilities.

**HB 2226**, An act concerning criminal procedure; relating to grand juries; amending K.S.A. 22-3001 and repealing the existing section, by Representative Kinzer.

**HB 2227**, An act concerning school districts; creating the autism scholarship program; relating to the administration thereof; amending K.S.A. 2008 Supp. 72-6407 and repealing the existing section, by Representatives Kinzer and Kiegerl.

**HB 2228**, An act concerning private postsecondary institutions of higher education; relating to eligibility under the Kansas comprehensive grant program; amending K.S.A. 2008 Supp. 74-32,120 and repealing the existing section, by Representative Horst.

**HB 2229**, An act concerning visitation in medical care facilities and adult care homes, by Representative Flaharty.

**HB 2230**, An act establishing the advisory council on pain and symptom management, by Representative Benlon.

**HB 2231**, An act relating to insurance; concerning mental health parity; amending K.S.A. 2008 Supp. 40-2,105, 40-2,105a and 40-2258 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2232**, An act concerning corrections advisory boards; relating to membership; amending K.S.A. 2008 Supp. 75-5297 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2233**, An act concerning criminal procedure; relating to appeals; release or discharge of defendant; amending K.S.A. 22-3604 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2234**, An act concerning sexual abuse; amending K.S.A. 21-3503, 21-3504, 21-3508, 21-3512, 21-3516, 21-3517, 21-3518 and 60-3102 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2235**, An act concerning motor vehicles; relating to fleeing or eluding a police officer; amending K.S.A. 8-1568 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2236**, An act relating to crimes, criminal procedure and punishments; concerning drug crimes; recodification of certain statutes; amending K.S.A. 12-4419, 12-4509, 21-2501, 21-3436, 21-3608a, 21-3718, 21-3826, 21-4203, 21-4204, 21-4226, 21-4502, 21-4603d, 21-4708, 21-4713, 21-4717, 21-4729, 22-2512, 22-2515, 22-2909, 22-3901, 36-601, 36-604, 60-427, 65-4102, 65-4127c, 65-4139 and 79-5201 and K.S.A. 2008 Supp. 8-2,128, 8-1567, 12-4104, 21-4704, 21-4705, 21-4714, 22-4902, 38-2255, 44-706, 59-2132, 59-29b46, 60-4104, 65-516, 72-1397, 72-5445, 72-89c01, 75-7c04, 75-52,144 and 76-11a13 and repealing the existing sections; also repealing K.S.A. 21-4214, 21-4215, 65-4105a, 65-4127d, 65-4141, 65-4142, 65-4155, 65-4158, 65-4164 and 65-4165 and K.S.A. 2008 Supp. 65-4150, 65-4151, 65-4152, 65-4153, 65-4159, 65-4159a, 65-4160, 65-4161, 65-4162, 65-4163, 65-4166, 65-4168 and 65-4168a, by Committee on Corrections and Juvenile Justice.

**HB 2237**, An act concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6413 and repealing the existing section, by Committee on Education.

**HB 2238**, An act concerning construction contracts; relating to retention in public and private construction contracts; amending K.S.A. 16-1802, 16-1804, 16-1902 and 16-1904 and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2239**, An act concerning school districts; enacting the Kansas uniform financial accounting and reporting act; amending K.S.A. 2008 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

**HB 2240**, An act concerning utilities; relating to the Kansas underground utility damage prevention act; amending K.S.A. 66-1802, 66-1804, 66-1805 and 66-1806 and repealing the existing sections; also repealing K.S.A. 66-1802, as amended by Section 5 of Chapter 122 of the 2008 Session Laws of Kansas, K.S.A. 66-1804, as amended by Section 6 of Chapter 122 of the 2008 Session Laws of Kansas, K.S.A. 66-1805, as amended by Section 7 of Chapter 122 of the 2008 Session Laws of Kansas and K.S.A. 66-1806, as amended by Section 8 of Chapter 122 of the 2008 Session Laws of Kansas, by Committee on Appropriations.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, February 4, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

