

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 9, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.

The roll was called with 121 members present.

Rep. Siegfried was excused on legislative business.

Reps. Henry, Kelley and Ruiz were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, pastor, Fairlawn Church of the Nazarene, Topeka:

When the leaders of our country assembled to write the Constitution, Benjamin Franklin proposed that each session be opened with prayer. Franklin said, "I have lived a long time, and the longer I live the more convincing proof I see of this truth — that God governs the affairs of men."

Let us pray:

Our nation is great because it was founded upon God's Word and prayer. But today prayer has been replaced by intrigue, materials and a mistaken notion that our private and national affairs can be run without God. I pray Heavenly Father that you grant wisdom to the decision of the halls and offices of this place. Grant insight to direction and authority to govern this state under the wings of God himself. Bless these your children and may they offer themselves to you this day. Guide this state and our great country by your hand. May you oversee the decisions of our president and grant protection to our military around the globe. In God's name I pray. Amen.

You cannot help men permanently by doing for them what they could and should do for themselves. Abraham Lincoln

The Pledge of Allegiance was led by Rep. Ballard.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2320. An act concerning state finance; establishing the budget stabilization reserve fund in the state treasury; prescribing guidelines for expenditures from such fund and transfers between such fund and the state general fund, by Committee on Government Efficiency and Fiscal Oversight.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2309, HB 2318.**

Commerce and Labor: **HB 2312, HB 2313.**

Education: **HB 2307.**

Federal and State Affairs: **HB 2308.**

Government Efficiency and Fiscal Oversight: **HB 2316.**

Insurance: **HB 2310.**

Judiciary: **HB 2303, HB 2305, HB 2311, HB 2314, HB 2315.**

Taxation: **HB 2302, HB 2306, HB 2319.**
Transportation: **HB 2304.**
General Government Budget: **HB 2317.**

MESSAGES FROM THE SENATE

Announcing passage of **SB 82, SB 102.**
Announcing adoption of **HCR 5007.**
Also, announcing passage of **Sub. SB 6; SB 38, SB 78, SB 80, SB 85, SB 86, SB 132.**
Announcing adoption of **SCR 1604.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 6; SB 38, SB 78, SB 80, SB 82, SB 85, SB 86, SB 102, SB 132; SCR 1604.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2110** be amended on page 1, in line 14, by striking "Subject to the provisions of subsection (d), in" and inserting "In"; by striking all in lines 35 through 42; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2111** be amended on page 1, in line 16, before "The" by inserting "(a)"; after line 24, by inserting:

"(b) The provisions of K.S.A. 20-3201 through 20-3207, and amendments thereto shall expire on June 30, 2013.";

Also on page 1, in line 26, by striking "Of" and inserting "(a) On and after July 1, 2009 through June 30, 2013, of";

On page 2, after line 25, by inserting:

"(b) On and after July 1, 2013, of the remittance of the balance of docket fees received by the state treasurer from clerks of the district court pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the state treasurer shall deposit and credit:

- (1) 4.30% to the access to justice fund;
- (2) 2.38% to the juvenile detention facilities fund;
- (3) 1.83% to the judicial branch education fund;
- (4) .48% to the crime victims assistance fund;
- (5) 2.34% to the protection from abuse fund;
- (6) 3.71% to the judiciary technology fund;
- (7) .30% to the dispute resolution fund;
- (8) 1.08% to the Kansas juvenile delinquency prevention trust fund;
- (9) .19% to the the permanent families account in the family and children investment fund;
- (10) 1.29% to the trauma fund;
- (11) .97% to the judicial council fund;
- (12) .59% to the child exchange and visitation centers fund;
- (13) 15.75% to the judicial branch nonjudicial salary adjustment fund;
- (14) 15.57% to the judicial branch nonjudicial salary incentive fund; and
- (15) the balance to the state general fund.";

Also on page 2, after line 30, by inserting:

"(1) On and after July 1, 2009 through June 30, 2013.";

Also on page 2, after line 41, by inserting:

"(2) On and after July 1, 2013:

Murder or manslaughter	\$179.50
Other felony	170.00
Misdemeanor	135.00
Forfeited recognizance	71.50
Appeals from other courts	71.50";

On page 3, in line 8, before "a" by inserting "on and after July 1, 2009 through June 30, 2013."; in line 9, before the period, by inserting "; and on and after July 1, 2013, a docket fee of \$73 shall be charged"; in line 12, before "the" by inserting "on and after July 1, 2009

through June 30, 2013,”; in line 14, before the period, by inserting “, and on and after July 1, 2013, the docket fee to be paid as court costs shall be \$73”; in line 19, before “a” by inserting “on and after July 1, 2009 through June 30, 2013,”; in line 21, before the period, by inserting “, and on and after July 1, 2013, a docket fee of \$73 shall be charged”; in line 23, before “the” by inserting “on and after July 1, 2009 through June 30, 2013,”; in line 25, before the period, by inserting “, and on and after July 1, 2013, the docket fee to be paid as court costs shall be \$73”;

On page 4, after line 25, by inserting:

“(A) On and after July 1, 2009 through June 30, 2013:”;

On page 5, after line 17, by inserting:

“(B) On and after July 1, 2013:

Treatment of mentally ill	\$34.50
Treatment of alcoholism or drug abuse	34.50
Determination of descent of property	49.50
Termination of life estate	48.50
Termination of joint tenancy	48.50
Refusal to grant letters of administration	48.50
Adoption	48.50
Filing a will and affidavit under K.S.A. 59-618a, and amendments thereto ...	48.50
Guardianship	69.50
Conservatorship	69.50
Trusteeship	69.50
Combined guardianship and conservatorship	69.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	23.50
Decrees in probate from another state	108.50
Probate of an estate or of a will	109.50
Civil commitment under K.S.A. 59-29a01 et seq., and amendments thereto	33.50”;

On page 6, in line 3, before “to” by inserting “on and after July 1, 2009 through June 30, 2013, and \$40 on and after July 1, 2013,”; in line 20, before “to” by inserting “on and after July 1, 2009 through June 30, 2013, and \$154 on and after July 1, 2013,”;

On page 7, in line 39, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$37 on and after July 1, 2013,”; in line 41, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$57 on and after July 1, 2013,”;

On page 8, in line 11, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$35 on and after July 1, 2013,”; in line 13, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$55 on and after July 1, 2013,”; in line 16, before “if” by inserting “on and after July 1, 2009 through June 30, 2013, and \$101 on and after July 1, 2013,”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2023, HB 2045** be passed.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2085** be amended on page 4, before line 1, by inserting the following:

“Sec. 2. K.S.A. 2008 Supp. 73-1235 is hereby amended to read as follows: 73-1235. (a)

There is hereby established with the Kansas commission on veterans affairs an advisory board which shall be known as the veterans claims assistance advisory board. The advisory board shall advise the Kansas commission on veterans affairs in the implementation and administration of the veterans claims assistance program.

(b) The advisory board shall consist of ~~six members as follows~~ *the following members*:

(1) The director of the veterans claims assistance program, who shall be a permanent member of the advisory board and shall serve as the chairperson of the advisory board.

(2) ~~Three members of the advisory board shall be veterans representing veterans service organizations~~ *Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran.* The director shall notify the state level unit of each national veterans service organization which has an office in the federal department of veteran affairs regional office in Wichita, Kansas, and request written confirmation of the intent of the veterans service organization to participate in the veterans claims assistance program and to request an annual service grant. Each such veterans service organization submitting such confirmation *that also meets the eligibility requirements in*

K.S.A. 73-1234, and amendments thereto, shall prepare and submit a list of three nominations of veterans from such veterans service organization. The governor shall appoint one veteran as a member of the advisory board from each list.

(3) Two legislators, one from each house, shall be appointed to the advisory board with the speaker of the house of representatives and president of the senate each appointing a member. One legislator shall be a member of the democratic party and one legislator shall be a member of the republican party.

(c) Within 90 days of the effective date of this act, the governor, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the advisory board. Of the initial appointments to the advisory board by the governor, one shall be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. After the initial appointments, terms of office of the members appointed by the governor shall be for three years. The term of office of each member appointed by the speaker of the house of representatives or the president of the senate shall end on the first day of the regular session of the legislature which commences in the first odd-numbered year occurring after the year such member was appointed.

(d) Each member of the advisory board, other than the director of the veterans claims assistance program, shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the advisory board for any reason other than the expiration of a member's term of office, the governor, the speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of an advisory board member who was appointed from a list of nominations submitted by a veterans service organization, the governor shall notify that veterans service organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the advisory board.

(e) Annually, the advisory board shall elect a vice-chairperson and secretary from among its members and shall meet at least four times each year at the call of the chairperson.

(f) The members of the advisory board attending meetings of the advisory board or attending a subcommittee meeting thereof authorized by the advisory board shall receive no compensation for their services but shall be paid subsistence allowances, mileage and other expenses as provided in subsections (b), (c) and (d) of K.S.A. 75-3223 and amendments thereto.;

Also on page 4, in line 1, by striking "is" and inserting "and 73-1235 are";

And by renumbering the sections accordingly;

On page 1, in the title, in line 1, after "relating" by inserting "to the Kansas commission on veterans affairs; pertaining"; in line 10, by striking "service grant eligibility requirements;" and inserting "the veterans claims assistance advisory board;" in line 11, after "73-1234" by inserting "and 73-1235"; also in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

In accordance with **HCR 5007** providing for a joint session for the purpose of hearing a message from the Supreme Court, Speaker O'Neal appointed Reps. Morrison and Garcia to escort the Senate; Reps. King, Patton and D. Gatewood to escort the Supreme Court.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 10, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

