

Journal of the House

THIRTY-FIFTH DAY

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

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 120 members present.
Rep. Kuether was excused on verified illness.
Rep. Pottorff was excused on legislative business.
Reps. Garcia, Henry and Hill were excused on excused absence by the Speaker.
Prayer by Chaplain Brubaker:

Father, God
Today as we talk and walk about,
give us understanding with no doubt.
Give us clarity of thought
of the decisions we have sought.
There are a lot of voices crying out,
yes, some even shout,
“lend us your ear—please come near,
we have something you need to hear.”
Bottom line, though, Lord,
is that we harmonize in one accord,
as You admonish us in Your Word,
“Whether you turn to the right or to the left,
your ears will hear a voice behind you,
saying, ‘This is the way; walk in it.’ ”
(Isaiah 30:21)

In Your name I pray, Amen.

The Pledge of Allegiance was led by Rep. Wetta.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:
Health and Human Services: **HB 2359**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2259** from Committee on Appropriations and referral to Committee of the Whole.

Also, the withdrawal of **HB 2273** from Committee on Appropriations and referral to Committee on General Government Budget.

Also, the withdrawal of **HB 2358** from Committee on Taxation and referral to Committee on Economic Development and Tourism.

CONSENT CALENDAR

No objection was made to **SB 82** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2121, An act concerning agriculture; relating to pesticide and fertilizer programs of the department of agriculture; concerning fees for such programs; definitions; amending K.S.A. 2-2203, 2-2205, 2-2206, 2-2207, 2-2209, 2-2214, 2-2440a, 2-2440c, 2-2440e, 2-2446, 2-2449, 2-2450, 2-2454, 2-2455, 2-2470 and 2-2471 and K.S.A. 2008 Supp. 2-1205, 2-2202, 2-2204, 2-2438a, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2469, 2-2905, 2-2906, 2-3304, 2-3306 and 2-3309 and repealing the existing sections; also repealing K.S.A. 2-1211 and 2-2466, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 31; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henderson, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kleebl, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Neal, Olson, Palmer, Pauls, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Schwab, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, DeGraaf, Donohoe, Faber, Gordon, Hayzlett, Hermanson, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Neufeld, O'Brien, Otto, Patton, Peck, Rhoades, Schwartz, Seiwert, Tafanelli, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Garcia, Henry, Hill, Kuether, Pottorff.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Many may focus on the caption and portion of **HB 2121** related to program fees. Simply making a decision on this measure based on fee restructuring ignores the fact that this bill provides a much-needed state-level enforcement option through the Kansas Department of Agriculture.

Without this mechanism, violations under FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) cannot be addressed at the state level and must be referred to the federal Environmental Protection Agency. Tying regulatory enforcement close to home is good public policy. I vote "Yes" on **HB 2121**.—JIM MORRISON

SB 14, An act concerning the interstate compact for juveniles; relating to the compact administrator; establishing the Kansas council for interstate juvenile supervision, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Benlon, Bethell, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crum, Finney, Flaharty, Frownfelter, Fund, Furtado, S. Gatewood, George, Goico, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kerschen, Kiegerl, King, Kinzer, Kleebl, Light, Loganbill, Lukert, Mah, Maloney, McCray-Miller, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Peck, Prescott, Proehl, Quigley, Rhoades, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Swanson, Tafanelli, Talia, Tietze, Vickrey, Watkins, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, A. Brown, Brunk, Carlson, Crow, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, D. Gatewood, Gordon, Grant, Hawk, Huebert, Jack, Kelley, Knox, Landwehr, Lane, Long, Mast, McLeland, Menghini, O'Brien, Pauls, Peterson, Phelps, Powell, Rardin, Sawyer, Schwartz, Svaty, Swenson, Trimmer, Ward, Wetta.

Present but not voting: None.

Absent or not voting: Garcia, Henry, Hill, Kuether, Pottorff.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2311**; **SB 219** be passed.

Committee report to **SB 102** be adopted; and the bill be passed as amended.

On motion of Rep. Kinzer, **HB 2206** be amended on page 11, in line 40, by striking all after "(2)"; in line 41, by striking all before "If" and inserting "a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.";

On page 13, in line 15, before "the" where is appears the first time by inserting "such person is a physician and has a documented referral from another physician who is licensed to practice in this state, and who is not legally or financially affiliated with the physician performing or inducing the abortion and both physicians provide a written determination, based upon a medical judgment that would be made by a reasonably prudent physician, knowledgeable in the field and knowledgeable about the case and the treatment possibilities with respect to the conditions involved, that";

Also, on motion of Rep. Benlon to amend **HB 2206**, Rep. Kinzer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 238** be adopted; also, on motion of Rep. Loganbill to amend, Rep. Kiegerl requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Swenson to amend **H. Sub. for SB 238**, the motion did not prevail; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 77** 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 2360, An act concerning the state budget; relating to preparation and submission of budget estimates and recommendations by the governor to the legislature; amending K.S.A. 75-3720 and K.S.A. 2008 Supp. 75-3717, 75-3717b, 75-3718 and 75-3721 and repealing the existing sections, by Committee on Appropriations.

HB 2361, An act concerning state finance; establishing a process to evaluate and implement federal funding available for state agencies under the federal American economic recovery and reinvestment act of 2009, by Committee on Appropriations.

HB 2362, An act concerning deer; relating to procedures for the taking thereof; concerning certain fees charged by the secretary of wildlife and parks; relating to the feed the hungry fund; amending K.S.A. 2008 Supp. 32-988, 32-995 and 79-3606 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2121 reported correctly engrossed March 2, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 4, 2009.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

