

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 29, 2011, 10:00 a.m.

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

The roll was called with 120 members present.

Rep. Weber was excused on verified illness.

Reps. Aurand, Brunk and Schwab were excused on excused absence by the Speaker.

Because of the death of Rep. Fund yesterday, April 28, the House is now organized with 124 member.

Prayer by guest chaplains, the Rev. David Gass, pastor, First Covenant Church, Salina, and his father, the Rev. Bruce Gass, pastor, Harper Community Bible Church, guests of Rep. Howell:

Prayer by David Gass:

God our Father we come today praising You as the giver of life. In these past days we have remembered the sacrifice of Your Son Jesus Christ on the cross to be the substitution for us, to pay the penalty for our sin, and then how on the third day He rose from the grave and so you raise us from death to life through the power of Your Holy Spirit.

Lord today we are grieved by the loss of our beloved Representative Rocky Fund. While we grieve his passing, we pause today for a moment of silence to remember his life, and to pray for his family, his friends, and those who loved him. May you bring them comfort today God.

Father we also think of the families of those hundreds who lost their lives in the storms just a couple of days ago. May we always remember that every life is sacred, and every moment is precious. We praise You Lord, the Giver of Life.

Prayer by Bruce Gass:

Please grant comfort and help to the friends and family of Rocky Fund. We thank you for his years of public service. Please be with this body of public servants, carry their grief and come alongside them as they hurt.

Almighty God I agree in Christ with my son and add my voice asking you to grant good judgment, discernment of facts and

character, Godly wisdom and righteous character to all these representatives. Please gracious Father, bless these folks with safety in travel and wise choices for their health. Please bring old fashioned revival to our dwindling and weak churches. Please rebuke and bind and cast away any and all destructive dark forces physical, spiritual, intellectual or educational that would destroy or harm the people of Kansas in any way. Please build a powerful hedge and wall of protection around our State. We understand that it is you, God, who have raised up these very representatives to do this work in this house at this very time. I ask these things in the name and Blood of the Lord Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. Ruiz.

Kansas Trivia Question – In 1912 Kansas State Agricultural College (later Kansas State) became the first to broadcast what?

Answer: Weather reports.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources Budget: **HB 2408**.

Energy and Utilities: **HCR 5027; HR 6024, HR 6025**.

Rules and Journal: **HR 6026**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 25, AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 23; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Ballard, Bethell, Bollier, Burgess, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Grant, Henderson, Hill, Kuether, Lane, Prescott, Roth, Ruiz, Sloan, Tietze, Winn, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Landwehr, Schwab, Weber.

The substitute bill passed.

HR 6017, A RESOLUTION urging the United States congress to repeal 23 U.S.C. 127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Brunk, Landwehr, Schwab, Weber.

The resolution was adopted.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Mast in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rule be suspended for the purpose of considering **HB 2314**; **SB 97**.

Committee report to **HB 2314** be adopted; and the bill be passed as amended.

Committee report to **SB 97** be adopted; also, on motion of Rep. Davis to amend, the motion did not prevail, and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 131, by Representative Schwab, commending James Sullinger on his retirement after 28 years' reporting on the Kansas Legislature for the Kansas City Star;

Request No. 132, by Representatives Grant and D. Gatewood, commending Beth Bradrick, Ph.D. for her service to the people and community in southeast Kansas;

Request No. 133, by Representative Proehl, congratulating Nathan McAlister on being named the 2010 national History Teacher of the Year;

Request No. 134, by Representative Gregory, congratulating Baker University Dance Team in recognition of being named the NAIA National Dance Alliance National Champions;

Request No. 135, by Representative Gregory, congratulating Lloyd and Doris Wingert on their 60th wedding anniversary;

Request No. 136, by Representative Gregory, honoring the memory of Elizabeth Miller Watkins in celebration of her 150th birth year in recognition of her generosity in establishing Watkins Scholarship Hall, one of the first scholarship halls in America on the University of Kansas campus;

Request No. 137, by Representative Gregory, honoring the memory of Elizabeth Miller Watkins in celebration of her 150th birth year in recognition of her generosity in establishing Miller Scholarship Hall, one of the first scholarship halls in America on the University of Kansas campus;

Request No. 138, by Representative Worley, congratulating Kansas Cold War Veterans Association in recognition of Cold War Victory Day, May 1, 2011;

Request No. 139, by Representative Phelps, congratulating Glenn Staab for his dedication of 20 years of service to the 1st District and the Ellis County Democrat Party;

Request No. 140, by Representative Phelps, congratulating Skyler Urban on achieving the rank of Eagle Scout;

Request No. 141, by Representative Ballard, congratulating Phillip and Patricia Friedeman for over 50 years of marriage;

Request No. 142, by Representative Ballard, congratulating Bob and Jackie Shmalberg on their 50th Anniversary;

Request No. 143, by Representative Ballard, congratulating Jack and Mary Arensberg for over 50 years of marriage;

Request No. 144, by Representative Ballard, congratulating Edwin and Kathleen Turner for over 50 years of marriage;

Request No. 145, by Representative Holmes, congratulating Elva Morales on being selected Outstanding Alumni of 2011 by the American Association of Community Colleges;

Request No. 146, by Representative Ballard, congratulating Tyrel Reed on his academic and athletic achievements at the University of Kansas;

Request No. 147, by Representative Grange, congratulating El Dorado 1st Baptist Church on their 140th anniversary;

Request No. 148, by Representative Schwartz, congratulating the Kansas Organization of the Delta Kappa Gamma Society International on their 75th anniversary;

Request No. 149, by Representative Hayzlett, congratulating Coach Glenn O'Neil and the boys of the Scott City basketball team on winning the State Class 3A Championship at Hutchinson;

Request No. 150, by Representative Feuerborn, congratulating Rita M. Nienstedt on her many years of contributions to her students in the state of Kansas and her upcoming retirement;

Request No. 151, by Representative Hayzlett, congratulating Coach Jeff Starkey and the Tribune-Greeley County high school boys basketball team for winning the 2011 Class 1A, Division II, Kansas State Basketball Championship;

Request No. 152, by Representative Hayzlett, congratulating Coach Greg Cook and the Girls and Boys Tribune-Greeley County Cross Country Teams for winning the 2010 Class 1A Kansas State Cross Championships;

Request No. 153, by Representative Schroeder, congratulating Trevor Alan Birney on achieving the rank of Eagle Scout;

Request No. 154, by Representative Gail Finney, congratulating the Progressive Missionary Baptist Church on their Sixty-Fifth Anniversary;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Siegfried, the committee report was adopted.

REPORT ON ENROLLED RESOLUTIONS

HR 6022 reported correctly enrolled and properly signed on April 29, 2011.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Monday, May 2, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

