

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 3, 2012, 8:30 a.m.

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

The roll was called with 114 members present.

Reps. Aurand, Bethell, Calloway, Collins, Dillmore, Gordon, Henderson, Mah, O'Hara, Peterson and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Father God,
In Your Word we are told,
“do not be afraid or discouraged...
for the battle is not yours,
it is God's.”
Help us to realize that as leaders
we are stewards of Your purposes and resources.
Too often, we act as if we are the owners.
It is easy for us to try to play God...
to think we work miracles for You,
rather than You working miracles for us.
This day is yours;
these people are yours;
the resources are yours;
the challenges we face are yours—
as is anything we hope to accomplish.
Help us to let go and recognize...
it is all Yours—not ours.
In Christ's Name I pray, Amen.
(2 Chronicles 20:15)

The Pledge of Allegiance was led by Rep. Meigs.

Kansas Trivia Question – During the 1920's and 1930's Kansas manufactured a product known as Deep Shaft that supposedly was a favorite of former President Harry Truman in his younger days. What was it?

Answer: Bootleg liquor produced in the southeastern Kansas mining country

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. LeDoux are spread upon the Journal:

I rise to a Point of Personal Privilege to pay respects to PVC Cody Baker of Holton, Kansas. Six months ago today Cody lost his life in Afghanistan defending our country.

On the day of Cody's funeral in Holton, countless men, women and children wore Cody's memorial shirts and waved American Flags on the streets of that small town. A few days ago, Cody's mother, Candy McManigal, sent out an email asking the citizens of Holton to wear their memorial shirts this day.

That day last summer was one I shall never forget. I have never seen so many American Flags as the people of Holton lined the streets to pay their respects to our fallen hero. I was honored to stand with my fellow Holtonians and shield Cody and his family from the protestors who were on hand.

Mr. Speaker, PFC Baker gave his life defending the rights that so many of us sadly take for granted today. Daily, we in the Kansas House exercise these rights as we freely debate the issues facing our great state. True to form of our soldiers, he defended even the rights of those who protested his memorial service. Amazing.

I want to express that today the citizens of Holton and Jackson County honor PFC Baker's life and his service. I am proud to stand before you all today and pay my own respects to Cody, his parents Mike and Candy McManigal, and his entire family.

I am also very pleased the men and women of the Kansas House of Representatives honor Cody as well on this day.

PFC Cody Baker, thank you for your service. Godspeed, young man. Well done, good and faithful servant

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2627, AN ACT concerning certain deductions from wages; amending K.S.A. 2011 Supp. 44-319 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2628, AN ACT concerning sales taxation; relating to reduction of rate; amending K.S.A. 2011 Supp. 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2629, AN ACT concerning the Kansas product liability act; relating to a product liability claim arising from an alleged defect in a used product; amending K.S.A. 60-3306 and repealing the existing section, by Committee on Judiciary.

HB 2630, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; federal nontaxable distributions to certain retirants, by Committee on Pensions and Benefits.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long-term Care: **HB 2619**.

Corrections and Juvenile Justice: **HB 2600, HB 2601, HB 2602, HB 2613**.

Education: **HB 2608, HB 2615, HB 2620, HB 2623.**
 Energy and Utilities: **HB 2624.**
 Federal and State Affairs: **HB 2603, HB 2625.**
 Government Efficiency: **HB 2604, HB 2605, HB 2626.**
 Insurance: **HB 2618.**
 Judiciary: **HB 2621.**
 Local Government: **HB 2622.**
 Redistricting: **HB 2606.**
 Taxation: **HB 2607, HB 2609, HB 2610, HB 2611, HB 2617.**
 Transportation: **HB 2612, HB 2614, HB 2616.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2582** from Committee on Financial Institutions and referral to Committee on General Government Budget.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2456, AN ACT concerning the underground utility damage prevention act; relating to appointment of members; amending K.S.A. 2011 Supp. 66-1805 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Calloway, Collins, Dillmore, Gordon, Henderson, Mah, O'Hara, Peterson, Winn.

The bill passed.

HB 2471, AN ACT concerning adult care homes; relating to the board of adult care home administrators; amending K.S.A. 2011 Supp. 65-3506 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 11; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Colloton, Crum,

Davis, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, DeGraaf, Hildabrand, Kiegerl, Kinzer, LeDoux, Mast, O'Brien, Rubin, Scapa, Tyson.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Calloway, Collins, Dillmore, Gordon, Henderson, Mah, O'Hara, Peterson, Winn.

The bill passed, as amended.

HB 2502, AN ACT concerning agriculture; relating to swine production facilities and establishment procedures; amending K.S.A. 17-5907 and 17-5908 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 8; Present but not voting: 0; Absent or not voting: 11.

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

Nays: Burroughs, Flaharty, S. Gatewood, Kinzer, Kuether, Loganbill, McCray-Miller, Pauls.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Calloway, Collins, Dillmore, Gordon, Henderson, Mah, O'Hara, Peterson, Winn.

The bill passed, a amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2503** be amended on page 3, in line 33, after "the" by inserting "secretary of the department of agriculture determines that the"; by striking all in lines 36 through 43;

On page 4, by striking all in lines 1 through 42;

And by renumbering sections accordingly;

On page 5, in line 39, by striking "74-555" and inserting "74-50,163";

On page 1, in the title, in line 2, by striking the third comma; in line 3, by striking "74-555"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2422** be amended on page 1, in line 32, by striking "except as provided by subsection (g),";

On page 3, in line 20, by striking "of \$75, which fee shall be in the"; by striking all in lines 21 and 22; in line 23, by striking "general, to be forwarded by the sheriff to the attorney general" and inserting "as provided by subsection (b)(2)"; in line 24, by striking "weapons" and inserting "handgun"; in line 38, after "officer" by inserting ", a parole officer or a corrections officer employed by the federal bureau of prisons"; also in line 38, by striking "75-"; in line 39, by striking "5201" and inserting "75-5202"; in line 40, by striking all after the first "fee"; by striking all in lines 41 and 42; in line 43, by striking "sheriff to the attorney general" and inserting "as provided by subsection (b) (2)";

On page 4, in line 1, by striking "weapons" and inserting "handgun"; also in line 1, by striking "certified by the"; by striking all in line 2; in line 3, by striking "body from another jurisdiction," and inserting "issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body"; also in line 3, by striking "eight years" and inserting "one year"; 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. 22, by Representative Winn, congratulating Emily K. Fleming on being awarded 2012 Kansas Regional Teacher of the Year;

Request No. 23, by Representative O'Neal, congratulating All Kansas Cooperatives commemorating The "International Year of Cooperatives";

Request No. 24, by Representative Crum, congratulating Rose Hill Rockets for winning the 2011 Class 4A State Football Championship;

Request No. 25, by Representative Victors, honoring Chairman Steve Cadue in recognition for Outstanding Leadership as Tribal Chairman for his service to the people of the Kickapoo Tribe;

Request No. 26, by Representative Victors, honoring Chairman Steve Ortiz in recognition for Outstanding Leadership as Tribal Chairman for his service to the people of the Prairie Band Potawatomi Nation;

Request No. 27, by Representative Victors, honoring Chairman Mike Dougherty in recognition for Outstanding Leadership as Tribal Chairman for his service to the people of the Sac and Fox Nation of Missouri in Kansas;

Request No. 28, by Representative Victors, honoring Chairman Guy Munroe in recognition for Outstanding Leadership as Tribal Chairman for his service to the people of the of the Kaw Nation;

Request No. 29, by Representative Victors, honoring Chairman Tim Rhodd in recognition for Outstanding Leadership as Tribal Chairman for his service to the people of the Iowa Tribe of Kansas and Nebraska;

Request No. 30, by Representative Alford, congratulating Mable Roland on 101 years of longevity;

Request No. 31, by Representative Alford, congratulating Wayne DeCamp on celebrating his 92nd birthday;

Request No. 32, by Representative Alford, congratulating Avis Curtis on 98 years of longevity;

Request No. 33, by Representative Prescott, congratulating Richard Nienstedt for receiving the Kansas Association of City/County Management's Buford Watson Jr. Award of Excellence in Public Management;

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.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2631, AN ACT concerning dental care; amending K.S.A. 2011 Supp. 65-1456 and 75-6102 and repealing the existing sections, by Committee on Health and Human Services.

HB 2632, AN ACT concerning crimes, criminal procedure and punishment; relating to reporting and investigation of missing persons; amending K.S.A. 2011 Supp. 75-712b and 75-712c and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6008**—

By Representative McCray-Miller

A RESOLUTION urging the State Board of Education to encourage school districts to administer the Kansas Communities That Care Survey.

WHEREAS, The Kansas Communities That Care youth survey, which is implemented and funded by the Addiction and Prevention Services division of the department of Social and Rehabilitation Services, tracks teen usage of harmful substances such as alcohol, tobacco and illegal drugs and provides information regarding teen participation in, perception of, and attitudes toward prosocial and antisocial behavior at the peer, school, family and community levels; and

WHEREAS, The survey provides measurable data concerning the risk and protective factors that influence behavior, attitudes and opinions of Kansas teens; and

WHEREAS, Such survey data is used to develop measurable outcomes that communities throughout the state choose to target, and can be used to track progress towards those outcomes; and

WHEREAS, The survey has been administered annually throughout the state, free of charge, since 1994; and

WHEREAS, In 2011, 101,600 students from 247 school districts, representing 70% of all eligible sixth, eighth, tenth and twelfth grade students all across Kansas, participated in the survey; and

WHEREAS, The survey data is an instrumental tool used by the Juvenile Justice Authority and the Kansas Advisory Group to make funding decisions and evaluate the effectiveness of youth programs: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the State Board of Education to continue the widespread use of the Kansas Communities That Care survey to ensure that quality, reliable data can be gathered and implemented to serve the youth of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the members of the State Board of Education.

REPORT ON ENGROSSED BILLS

HB 2424, HB 2453, HB 2471, HB 2502 reported correctly engrossed, February 2, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Monday, February 6, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

