

# Journal of the House

## TWENTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 15, 2012, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Ballard was excused on legislative business.

Prayer by guest chaplain, the Rev. Lynn R. Dickson, pastor, First Christian Church, Leavenworth, and guest of Rep. Goodman:

Blessed are You God of the Universe, Creator of Earth and Heaven and Giver of Life. We acknowledge Your Presence in the world and seek Your blessing in this new day. Grant that we may recognize the beauty of life and the joys of sharing it with one another and the people of this great State. We praise You for all the richness of our State with her resources and power to produce life giving bread, riches from under the earth, and power from her winds and sky. Most of all we thank you for all her people and the blessings they bring; for they are our greatest asset and bring our greatest responsibility.

The citizens of this House of Representatives have been charged with a greater responsibility to charter direction and to provide leadership for Kansas that all our people may prosper. Like Albus Dumbledore we recognize that "Dark and difficult times lie ahead. Soon we must all face the choice between what is right and what is easy." Give these House members courage to make the choices that show true leadership in providing life and opportunity to all of the citizens of this great State.

We know that we all will be judged. May this House be judged as one who didn't waste its time or the money of the people, but worked selflessly in cooperation with others to make this State even greater and provided for the common good by lifting up the weak and insuring that all her citizens had all they needed. May Kansas be known not just as the home State of great basketball, but as a State where the ideals and characteristics of America are lived at their highest. Amen.

The Pledge of Allegiance was led by Rep. Gregory.

Kansas Trivia Question – During the early years of the twentieth century, the state legislature considered declaring Kansas a bilingual state. One language was to be English and what was the other?

Answer: German

### **INTRODUCTION OF GUESTS**

There being no objection, the following remarks of Reps. Seiwert and Kerschen are spread upon the Journal:

This morning I would like to recognize a school from my district, St. Joseph's Catholic School Ost in Mount Hope, Kansas for receiving the Governor's Award for Excellence in Education. To achieve this award schools must attain the "Standard of Excellence" in reading and mathematics and also make adequate yearly progress in both of these subjects. One hundred percent of all students at St. Joseph's passed their state assessment tests.

Out of all the elementary and middle schools in Kansas, St. Joseph's was one of forty three schools to achieve this honor. For this I commend the students, teaching staff, and the principal of St. Joseph's Catholic School Ost.

St Joseph's is represented today by its principal Eva Harmon and four students, Mackenzie Puetz, Chip Dockers, Chloe Allmond, and Allie Frasher. The students are also serving today as pages.

Reps. Seiwert and Kerschen presented a framed House certificate to the school.

### **INTRODUCTION OF GUESTS**

There being no objection, the following remarks of Reps. Calloway and Grant are spread upon the Journal:

Remarks by Rep. Calloway:

With a record of 13-1, the Pittsburg State University Gorilla's are the 2011 NCAA Division II National Champions. The 2011 National Championship is the fourth in the history of the university. Twelve Gorillas earned All-MIAA honors, 12 Gorillas earned All-Super Region Four honors and nine Gorillas captured NCAA Division II All-American recognition.

We are extremely proud of this team's accomplishments on the field, but we are also proud of their accomplishments in the classroom. In addition to bringing home a national championship, this team also earned a cumulative 3.0 GPA in the classroom. It is an indication of the focus Pittsburg State places on its academics.

Coach Tim Beck was selected as the 2011 Liberty Mutual NCAA Division II Coach of the Year, the 2011 FieldTurf NCAA Division II Coach of the Year, and the 2011 Don Hansen NCAA Division II Coach of Year.

Remarks by Rep. Grant:

It is with great GORILLA PRIDE, I stand before you today and tell you how proud southeast Kansas and the state of Kansas is of the 2011 NCAA Division II National Champion Pittsburg State University Gorillas. These coaches and team members ended

the 2010 season with a win but also a 6-6 season.

To watch them come together and grow as a winning team was a sight to see. They will remember this championship for the rest of their lives.

Gentlemen, thank you for the thrill, the memories and most of all for the fourth national championship for Pittsburg State and I am sure it will not be the last.

The Gorillas are in the house.

Coach Beck was presented with framed House certificates for his selection as coach of the year and one for the team's national championship.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2750**, AN ACT concerning oil and gas; relating to responsibility for maintenance of a well; amending K.S.A. 55-179 and repealing the existing section, by Committee on Appropriations.

**HB 2751**, AN ACT concerning certain recreational areas; relating to use of property, by Committee on Federal and State Affairs.

**HB 2752**, AN ACT concerning elections; requiring candidates for state and federal office to provide proof of citizenship, by Committee on Federal and State Affairs.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Appropriations: **HB 2745**, **HB 2746**.

Corrections and Juvenile Justice: **HB 2748**.

Education: **HR 6012**.

Taxation: **HB 2747**.

Transportation: **HB 2749**.

### **CHANGE OF REFERENCE**

Speaker O'Neal announced the withdrawal of **HB 2741**, **HB 2742** from Committee on Judiciary and referral to Committee on Appropriations.

### **MESSAGE FROM THE GOVERNOR**

**Sub HB 2178** approved on February 14, 2012.

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

On motion of Rep. Loganbill, **HR 6004**, A resolution proclaiming and celebrating the 125<sup>th</sup> anniversary of the founding of Bethel College, North Newton, Kansas, was adopted.

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

One hundred twenty-five years ago Bethel College was just an ambitious dream. Bethel College would serve Mennonites throughout North America and offer seminary training for ministers and missionaries and also offer a complete liberal arts education.

Today that dream still holds true for the students who come to Bethel. Higher education, with an emphasis on service, is a hallmark of one's Bethel College experience. Bethel graduates continue to serve the wider community all over the world. Bethel graduates have become missionaries, ministers, professors, teachers, inventors, artists, doctors, authors, museum directors, scientists, farmers, and legislators. Service was and is a core value of a Bethel College education. Today the Kansas House of Representatives is honoring that core value.

We have with us today the president, Dr. Perry White and two past presidents: Dr. Douglas Penner was president from 1995 to 2002 and LaVerne Epp was president from 2002 to 2005.

Mr. Speaker, I would be remiss if I did not mention the Bethel College – KU connection. The late basketball coach Otto Unruh, attended Bethel but transferred to KU where he played for Coach Phog Allen. Coach Unruh returned to Bethel to coach. In the fall of 1941 he invited Coach Allen and the KU Jayhawks to Bethel to help open Memorial Hall. Unfortunately, the Threshers lost to the Jayhawks 61 – 28. There is also a story of a “kidnapping” of a Newton High School basketball player from the 1948 Newton High School “Dream Team” by an overzealous KU alum. That basketball player went on to play for Bethel. Coach Allen is said to have remarked “Bethel? Bethel? What in the world do you want to go to Bethel for?”

Please join me in recognizing Bethel College as it celebrates its 125<sup>th</sup> anniversary.

#### CONSENT CALENDAR

Objection was made to **HB 2480, HB 2537** appearing on the Consent Calendar; the bills were placed on the Calendar under the heading General Orders.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub HB 2207**, AN ACT concerning limited liability companies; relating to series limited liability companies; amending K.S.A. 17-7663 and 17-7682 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 35; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Landwehr, LeDoux, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tietze, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Bethell, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Knox, Kuether, Lane, Loganbill, Mah, Moxley, Pauls, Peterson, Phelps, Roth, Ruiz, Slattery, Sloan, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Ballard.  
The substitute bill passed.

**HB 2486**, AN ACT concerning insurance; relating to examination of organizations and providers; amending K.S.A. 40-3211 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 19; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Finney, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, 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, Landwehr, LeDoux, Loganbill, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Dillmore, Feuerborn, Flaharty, S. Gatewood, Henderson, Kuether, Lane, Mah, Meier, Peterson, Phelps, Ruiz, Tietze, Trimmer, Victors, Ward, Williams, Winn.

Present but not voting: None.  
Absent or not voting: Ballard.  
The bill passed.

**HB 2489**, AN ACT concerning certain natural gas public utilities cooperatives; deregulation, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, 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, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. 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, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.  
Present but not voting: None.  
Absent or not voting: Ballard.

The bill passed.

**HB 2505**, AN ACT concerning limitations on loans and borrowing; relating to derivative transactions; amending K.S.A. 9-1104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, 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, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. 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, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard.

The bill passed.

**HB 2510**, AN ACT concerning the prison-made goods act; prohibiting the manufacture or production of manufactured homes or modular homes, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 37; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Aurand, Billinger, Boman, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meigs, Mesa, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, T. Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Suellentrop, Swanson, Tietze, Tyson, Vickrey, Victors, Ward, Weber.

Nays: Arpke, Bethell, Bollier, Bowers, Burroughs, Carlin, Colloton, Davis, Feuerborn, Finney, S. Gatewood, Gregory, Henderson, Hill, Johnson, Kiegerl, Kuether, LeDoux, McCray-Miller, Meier, Montgomery, Moxley, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Spalding, Trimmer, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Ballard.

The bill passed, as amended.

**HB 2526**, AN ACT concerning oil and gas; relating to regulation of hydraulic fracturing; amending K.S.A. 55-152 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, 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, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. 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, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 272** be adopted; and the bill be passed as amended.

Committee report to **HB 2516** be adopted; and the bill be passed as amended.

Committee report to **HB 2253** be adopted; and the bill be passed as amended.

Committee report to **HB 2121** be adopted; and the bill be passed as amended.

Committee report to **HB 2546** be adopted; and the bill be passed as amended.

Committee report to **HB 2535** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Calendar and Printing** recommends **SB 118** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 118," as follows:

"HOUSE Substitute for SENATE BILL NO. 118

By Committee on Calendar and Printing

"AN ACT concerning the legislature; relating to legislative pages; amending K.S.A. 46-

158 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 118** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2600** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Corrections and Juvenile Justice** recommends **HCR 5032** be adopted.

**Education Budget Committee** recommends **HB 2435** be amended on page 2, in line 30, by striking "(a)"; in line 32, by striking "(1)" and inserting "(a)"; also in line 32, by striking "(A)" and inserting "(1)"; in line 39, by striking "(B)" and inserting "(2)";

On page 3, in line 2, after "scholarship;" by inserting "and"; in line 3, by striking "(2)" and inserting "(b)"; in line 14 by striking the semicolon and inserting a period; and the bill be passed as amended.

**Education Budget Committee** recommends **HB 2439** be amended on page 1, in line 7, after "section" by inserting a colon; in line 8, by striking the comma and inserting "(1)"; following line 18, by inserting "(2) "School year" means school years 2009-2010 through 2016-2017."; following line 23, by inserting:

"(3) determine the number of military pupils enrolled in each district on September 20, who were not enrolled on the succeeding February 20; and

(4) subtract the number determined under paragraph (3) from the number determined under paragraph (2).";

Also on page 1, in line 24, by striking "number obtained under (b)(2)" and inserting "difference obtained under paragraph (b)(4)"; in line 25, by striking "the number obtained under (b)(2)" and inserting "such difference"; in line 26, after "under" by inserting "paragraph"; in line 27, by striking "number obtained under (b)(2)" and inserting "difference obtained under paragraph (b)(4)"; in line 28, after "under" by inserting "paragraph"; also in line 28, by striking "number obtained under"; in line 29, by striking "(b)(2)" and inserting "difference obtained under paragraph (b)(4)"; also in line 29, after "under" by inserting "paragraph"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2593** be amended on page 3, in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2484** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Local Government** recommends **HB 2166** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2166," as follows:

"Substitute for HOUSE BILL NO. 2166

By Committee on Local Government

"AN ACT concerning cities; relating to the publication of certain ordinances; amending K.S.A. 12-3001 and 12-3007 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2166** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2591** be amended on page 2, in line 5, by striking "carryforward" and inserting "carryforward"; in line 6, by striking "subsectoin" and inserting "subsection"; in line 21, after the comma by inserting "within 36 months



of the date of the agreement with the secretary of commerce,"; in line 23, after the period by inserting "A corporation that has entered into a separate agreement with the secretary of commerce shall have 54 months to comply with the capital investment and job creation requirements set forth in subsection (b) of K.S.A. 79-32,141, and amendments thereto.";

On page 5, in line 6, by striking "and"; in line 7, by striking all before "any"; by striking all in lines 22 through 34; in line 35, by striking all before "The"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2432, HB 2612** be passed.

#### **COMMITTEE ASSIGNMENT CHANGE**

Speaker O'Neal announced the appointment of Rep. Landwehr to replace Rep. McLeland on Committee on Appropriations February 16-22.

#### **REPORT ON ENGROSSED BILLS**

**HB 2510** reported correctly engrossed February 14, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Thursday, February 16, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

