

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 12, 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. Landwehr was excused on excused absence by the Speaker.

Prayer was offered by guest chaplain, Father Benjamin Shockey, St. Patrick's Church, Kingman, guest of Rep. McLeland.

The Pledge of Allegiance was led by Rep. Ruiz.

Kansas Trivia Question – This rock of Dakota Formation sandstone was a landmark on the Santa Fe Trail and was so named because Native Americans of the area often met at its summit. What is its name?

Answer: Pawnee Rock

INTRODUCTION OF GUESTS

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

Rep. Seiwert:

Good morning members of the House. Forty-seven years ago I graduated from St. Patrick's Catholic School in Kingman, Kansas. This morning I would like to recognize this same school in my district, 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 these subjects. This is the fourth consecutive year that St. Patrick's has received this award. They are hoping to make it five by the end of the school year.

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

St. Patrick's is represented today by its principal Mr. Robert Lyall; the Parish priest, Father Benjamin Shockey, who led our prayer this morning; lead teacher, Mrs. Ann Vaughn; three students, Cole Walters, Allison DeWeese, and Joshua Campbell; and a parent, Mrs. Jennifer Campbell.

Congratulations to all of you!

Rep. Hoffman:

It is my pleasure along with my fellow representative to acknowledge the accomplishments of St. Patrick's School in Kingman KS. It is because of the dedication of the parents, staff, and students that St. Patrick's that has earned the the Governor's Award of Achievement not only this last year but for the last four years. No other school in the state can make that statement, so it is my pleasure to present this certificate to them on behalf of the House of Representatives for this great accomplishment. Please help me recognize the students and teachers of St. Patrick's.

Rep Hoffman presented a framed House certificate to the students.

POINT OF PERSON PRIVILEGE

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

With tornado season arriving early this year, we are all very concerned and watchful of these devastating storms.

Probably the most famous tornado associated with Kansas happened at the movies years ago. Our state is known all over the world for the tornado that swept Dorothy Gale and her little dog, Toto, into the Land of Oz.

When you travel The Yellow Brick Road, also known as Highway 54 through Liberal, watch for a Visitor's Complex that includes Dorothy's House and a large Land of Oz exhibit, along with a Kansas Visitor's Center, the Coronado History Museum and gift shops featuring all kinds of Land of Oz collectibles and souvenirs.

Unfortunately, one large part of the complex is missing. You see, on May 15, 2003, three tornadoes touched down in Liberal. One barely missed hitting Dorothy's House for a second time, but it completely destroyed Uncle Henry's large Barn! Local supporters hope to raise enough private funds to rebuild the barn in the future. It will contain facilities for workshops, demonstrations and additional exhibits.

In Liberal, it is quite an honor for a young lady to be "Dorothy." These girls really work hard – giving tours of Dorothy's House and participating in most local events, welcoming visitors to our city. They will be in place to welcome our guests to Liberal when Liberal hosts the Kansas Sampler Festival, the first weekend in May of 2012 and 2013.

If you see a young lady in the Capitol today, dressed in a blue and white checkered dress and ruby red slippers, be sure to say "hello." She just might click her heels together and remind you that there's "No place like home!"

May I direct your attention to the visitor's gallery. Ten of Liberal's finest goodwill ambassadors have joined us today.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce and Economic Development: **SB 413, SB 438.**

Elections: **HB 2782.**

Energy and Utilities: **HR 6018.**

General Government Budget: **SB 353.**

Insurance: **SB 71, SB 250.**

Taxation: **HB 2783**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2775** from Committee on Federal and State Affairs and referral to Committee on Children and Families.

CONSENT CALENDAR

No objection was made to **SB 263**, **SB 265** appearing on the Consent Calendar for the first day.

No objection was made to **SB 374**, **SB 384**, **SB 406** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 374, AN ACT concerning utilities, relating to the Kansas corporation commission; rules and regulations; amending K.S.A. 66-1,150, 66-1,151 and 66-1,153 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, 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, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, Knox, Kuether, 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, 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: Grosserode.

Present but not voting: None.

Absent or not voting: Landwehr.

The bill passed.

SB 384, AN ACT concerning the Kansas 911 act; definitions; terms of council members; fees, distribution; amending K.S.A. 2011 Supp. 12-5363, 12-5364 and 12-5374 and repealing the existing sections, 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, Ballard, 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, 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, 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: Landwehr.

The bill passed.

SB 406, AN ACT concerning the Kansas storage tank act; relating to the underground storage tank fund; amending K.S.A. 65-34,123 and K.S.A. 2011 Supp. 65-34,102, 65-34,110, 65-34,117, 65-34,131, 65-34,132, 65-34,133 and 65-34,134 and repealing the existing sections, 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, Ballard, 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, 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, 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: Landwehr.

The bill passed.

HB 2353, AN ACT concerning the personal and family protection act; amending K.S.A. 2011 Supp. 21-6309 and 75-7c10 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 70; Nays 54; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Garber, Goico, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson,

Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Lane, LeDoux, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Seiwert, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, Wetta.

Nays: Ballard, Bethell, Bollier, Brookens, Burroughs, Carlin, Cassidy, Colloton, Crum, Davis, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Loganbill, Mah, McCray-Miller, Moxley, Peterson, Phelps, Phillips, Pottorff, Proehl, Roth, Ruiz, Schroeder, Schwartz, Shultz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Landwehr.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: I vote no on **HB 2353**. This bill seems to have pitted an ideological view of gun owner's rights with the ability for cities, counties and school districts to take reasonable and common sense approaches to occupant safety. But regardless of how this is weighed, it is just another supplanting of local authority, local judgment and local knowledge and expertise with a legislative mandate that will either cost the entity significantly or not result in any true increase in security.—CHARLIE ROTH

MR SPEAKER: We require public buildings to have a plan for a fire, yet when do we ever have anyone die in a public building due to fire, almost never, because we require a plan. Just in the last month this nation has had several die from shootings in public buildings. I had hopes that **HB 2353** would require the same thing for armed intruders, but what we did was just exempt most public building from the bill. I support the right of citizens to defend themselves, but this bill (as it is now amended) does nothing to make our citizens safer. I vote yes on **HB 2353** only because of the Smith amendment.—BILL OTTO

MR SPEAKER: **HB 2353** allows the concealed carry of a handgun by licensed individuals in publicly owned buildings that do not provide adequate security. This bill offers liability protections for those buildings – both public and private – that allow self protection. Buildings not providing adequate security, yet prohibiting an individual's right to self protection, are not provided liability protection in the bill. I vote YES on **HB 2353**.—FORREST J. KNOX, GREG SMITH, REYNALDO R. MESA, BRETT HILDABRAND, VIRGIL PECK JR., DENNIS HEDKE, RANDY GARBER, CHARLOTTE O'HARA, TERRILOIS GREGORY, OWEN DONOHOE, JIM HOWELL, AMANDA GROSSERODE, TOM ARPKE, JOSEPH SCAPA, CONNIE O'BRIEN, JANA GOODMAN, JOHN J. RUBIN, STEVE HUEBERT, TERRY CALLOWAY, BENNY L. BOMAN, WILLIE PRESCOTT, ARLEN H. SIEGFREID, PETE DEGRAAF, RICHARD CARLSON, MARVIN KLEEB, KASHA KELLEY, STEVEN R. BRUNK, S. MIKE KIEGERL

MR SPEAKER: As a gun owner since age 12, I am a strong supporter of our 2nd Amendment rights. I supported our current conceal carry law that provides local governments the ability to best determine the security needs within their public buildings. I vote no on **HB 2353**.—DAVE CRUM

HB 2609, AN ACT concerning property tax; transferring moneys to the local ad valorem tax reduction fund; relating to revenues produced by property tax levies; mill levy adjustments; resolutions, publication requirements; amending K.S.A. 2011 Supp. 79-2925b and 79-2959 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 101; Nays 23; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Ballard, Billinger, Boman, Brookens, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Lane, LeDoux, Loganbill, Mast, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ruiz, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Smith, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Bethell, Bollier, Bowers, Burgess, Carlin, Colloton, Flaharty, Gonzalez, Hill, Johnson, Mah, McCray-Miller, Mesa, Moxley, Roth, Ryckman, Schroeder, Shultz, Sloan, Spalding, Swanson, K. Wolf.

Present but not voting: None.

Absent or not voting: Landwehr.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: I vote yes on **HB 2609** because it restores (in a very modest amount) the local ad valorem tax reduction fund. I do not see the rest of the bill doing much other than the legislature (the Wizard) telling Dorothy of Kansas to not look behind the curtain to see who has been the true cause of property taxes going up.— BILL OTTO

MR. SPEAKER: I vote no on **HB 2609**. Although I support the part of the bill that restores LAVTR transfers to counties to reduce property taxes, I could not support the other part of the bill. It will create significant cost and complication by adding a new tax calculation requiring local governments to adjust the mill levy rate every year. Also, in some cases the cost of the public notice would exceed the tax dollars raised by a mill levy increase. I applaud the effort of working toward transparency in government and to reduce property taxes, but at the implementation level this bill creates more mud than transparency. — MIKE BURGESS

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2769** be passed.

Committee report to **HB 2729** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2689** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2634** be amended as recommended by the House Committee on Education as reported in the Journal of the House on February 22, 2012, and the bill be further amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2634," as follows:

"Substitute for HOUSE BILL NO. 2634

By Committee on Education

"AN ACT concerning schools; relating to school employees; performance and evaluation; professional development; amending K.S.A. 72-1412, 72-9004 and 72-9005 and K.S.A. 2011 Supp. 72-5413, 72-9002, 72-9003 and 72-9608 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2634** was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2353, HB 2609 reported correctly engrossed March 12, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, March 13, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

