

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 27, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 118 members present.
Rep. Donohoe was excused on verified illness.
Rep. C. Holmes was excused on legislative business.
Reps. Hill, Kuether, Landwehr, Peterson and Suellentrop were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. David C. Fulton, pastor, St. Paul's Lutheran Church, Wichita, and guest of Rep. Dillmore:

Holy God — you know Kansas. You know our greatness and you know our challenges. Let your presence move us toward the stars through difficulties. We Kansans share a robust heritage, including the passion of John Brown and Carry Nation, the brilliance of Karl Menninger and the leadership of Dwight Eisenhower; they inspire us to embrace the challenges of our day, the challenges of decreased revenues and increased calls for service, the challenges of violence and intolerance and the challenge of indifference to the public good.

Come O God, accompany us on our pioneer journey to the stars, come with us as we seek excellence in every aspect of our life together in our home on the range. There are those who would make it difficult for us to live in peace, in our communities and in our world. We thank thee for those in uniform who stand fast for safety and freedom. We thank you for law enforcement officers, in our cities and countries, we thank thee for our neighbors who wear the uniform of the United States military, for our national guard and for the active duty military members, from Ft. Riley, Leavenworth and McConnell, who live in Kansas and deploy worldwide for the values of America.

Through the stars through difficulties, it is our motto O God, our passion, our life together as Kansans — bless those who serve all of the state offices in this city and across Kansas, let it be well with them as they serve. O God we thank you for the blessings of America, the blessing of Kansas and the blessings of vital faith traditions serving in our state, it is from our traditions that we pray this day — in your most sacred name all God's people say — Amen — Let's Roll to the stars — AMEN!!

The Pledge of Allegiance was led by Rep. Lane.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Dillmore are spread upon the journal:

Today my friend Colonel David Fulton was our guest Chaplain. As you heard, Colonel Fulton is pastor of the Saint Paul's Lutheran Church in Wichita. However, what I would

like to point out today is that while Pastor Dave will be back as a guest pastor in the future, he will not be wearing the uniform he so proudly wore today.

After 23 years of distinguished service in the Air Reserve, he will be retiring at the end of March. During his tour, he has traveled 11,000 miles while in the central Command Area of Operations and served in Iraq, Afghanistan, Germany, France, Turkey and Korea.

He was deployed in support of Operation Iraqi Freedom serving as the group chaplain of the 458th Expeditionary Group. In 2006, he deployed with the Expeditionary Red Horse Squadron for six months in Iraq and Afghanistan. He spent eight years with the Kansas Air National Guard serving the 190th Air Refueling Wing at Forbes Field. Currently he is assigned to the command Chaplain's Office of the Air Force Reserve Command.

We could be here quite some time if I listed all of the volunteer positions he has served in making our state a better place to live, work, and worship. Suffice it to say he does not stay stationery very long.

Colonel Fulton, thank you for coming here today; and thank you for your honorable service to our country, our state, and the men and women of our armed forces.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2547. An act amending the vehicle dealers and manufacturers licensing act; amending K.S.A. 8-2410, 8-2413, 8-2414, 8-2415, 8-2416, 8-2417 and 8-2419 and repealing the existing sections, by Committee on Transportation.

HB 2548. An act concerning drainage district No. 2 of Finney county, Kansas; pertaining to the election of directors; amending K.S.A. 24-412 and K.S.A. 2009 Supp. 24-139a and 24-409 and repealing the existing sections, by Representative Powell.

HB 2549. An act concerning sales taxation; relating to imposition of tax on certain services; exemptions, repealed; fund-raising sales; amending K.S.A. 2009 Supp. 12-189a, 79-3602, 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

HB 2550. An act concerning income taxation; relating to certain credits; prohibiting future transferability thereof; repealing certain credits; amending K.S.A. 39-7,132 and 65-7107 and K.S.A. 2009 Supp. 74-5005, 74-50,201, 74-50,202, 74-50,203, 74-50,205, 74-8133, 79-32,199a, 79-32,199b, 79-32,211 and 79-32,261 and repealing the existing sections; also repealing K.S.A. 79-32,200 and K.S.A. 2009 Supp. 74-50,208, 79-32,197a, 79-32,204, 79-32,207 and 79-32,242, by Committee on Taxation.

HB 2551. An act concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds, by Committee on Economic Development and Tourism.

HB 2552. An act enacting the midwest interstate passenger rail compact, by Representatives Pottorff and McCray-Miller.

HB 2553. An act concerning the department of commerce; relating to the Kansas enterprise zone act; amending K.S.A. 2009 Supp. 74-50,114, 74-50,131 and 79-201a and repealing the existing sections, by Committee on Economic Development and Tourism.

HB 2554. An act concerning the economic revitalization and reinvestment act; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2009 Supp. 74-50,136 and repealing the existing section, by Committee on Economic Development and Tourism.

HB 2555. An act designating part of K-14 highway, United State highway 160 and K-2 highway as the SFC David R. Berry/SGT WillSum M. Mock memorial highway, by Representative Maloney.

HOUSE CONCURRENT RESOLUTION No. 5028—

By Committee on Taxation

A CONCURRENT RESOLUTION establishing a three-year moratorium on the granting of new tax exemptions, tax credits or economic development incentive programs involving employer withholding taxes.

WHEREAS, State and local tax revenues of \$11.77 billion for FY 2009 were 3.63% less than state and local tax revenues of \$12.22 billion for FY 2008, and were also less than state and local tax revenues of \$11.81 billion for FY 2007; and

WHEREAS, The November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2010 is \$5.3 billion, which is 5.2% less than actual State General Fund receipts for FY 2009; and

WHEREAS, The November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2011 is \$5.18 billion, which is 2.3% less than the November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2010; and

WHEREAS, The number of new property tax exemptions, sales tax exemptions, tax credits, and economic incentive programs involving the use of employer withholding taxes enacted has escalated significantly within the past 15 years in both number and dollar amount; and

WHEREAS, The significant growth in such new exemptions, credits and programs must cease until the policies underlying such growth can be examined in depth; and

WHEREAS, During this time of unprecedented multi-year reductions in state and local tax revenues, the need is even more acute to halt such growth and review the current policies for granting new property tax and sales tax exemptions, tax credits and economic development incentive programs involving the use of employer withholding taxes; Now, therefore:

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That, for tax years 2010, 2011 and 2012, there shall be a moratorium on the granting of any new property tax exemptions, sales tax exemptions, tax credits or economic development incentive programs involving the use of employer withholding taxes by the Legislature of the State of Kansas; and

Be it further resolved: That any new property tax, sales tax exemption or tax credit granted thereafter shall include provisions for the sunset of such exemption within three years.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2544.**

Federal and State Affairs: **HB 2537, HB 2541.**

Government Efficiency and Fiscal Oversight: **HB 2540.**

Health and Human Services: **HB 2536.**

Insurance: **HB 2546.**

Judiciary: **HB 2545.**

Taxation: **HB 2538.**

Transportation: **HB 2542.**

Education Budget: **HB 2539, HB 2543.**

CHANGE OF REFERENCE

Speaker O'Neal announced that **HB 2424** and **HB 2427** having been referred jointly to Committees on Insurance and Vision 2020, are now referred separately to Committees on Insurance and Vision 2020.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Davis, **HR 6009**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6009—

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2010 regular session shall occupy the same seats assigned pursuant to 2010 House Resolution No. 6002 with the following exception: Meier, seat No. 92.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McCray-Miller, **HR 6010**, by Rep. McCray-Miller, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6010—

A RESOLUTION congratulating and commending The Research on Black Wichita Project: 1945-1958.

WHEREAS, Wichita, like most of this society, was a predominantly racially segregated environment for well over half of the twentieth century; and

WHEREAS, The Research on Black Wichita Project: 1945 — 1958 will provide a descriptive and critical analysis of importance to the Wichita Black community on the five topics: education, sociocultural activity, business and economic development, political activity, and religious institutions and spiritual foundations; and

WHEREAS, The Research on Black Wichita Project: 1945 — 1958 was conceived and originally implemented in 2003 with the assistance of a publication advisory committee (PAC) comprised of community leaders, volunteers, educators and retired or working professionals from the Wichita Black community; and

WHEREAS, The Research on Black Wichita Project: 1945 — 1958 proceeds under the eminently capable direction of Galyn A. Vesey, PhD, a native and lifelong resident of Wichita following his retirement from teaching at Alabama A & M University in 2004 and his applied research at Cornell University in 1998; and

WHEREAS, In addition to individual interviews, the Project will use formal documents, published reports and books, newspapers, media aids, anecdotal information, photographs and interviews with Wichita's Black pioneers in telling their own stories to fill the void in information and understanding of the history of Black Wichita; and

WHEREAS, We believe that the story of the Wichita Monrovia, a highly successful all-Black professional baseball team named for the capital city of Monrovia, Liberia on the continent of Western Africa, the First Kansas Colored Infantry and other important self-initiated and strength perspectives such as these could have useful educational, sociocultural, economic, political and spiritual implications for this investigation; and

WHEREAS, Under the supervision of Wichita social scientist Galyn A. Vesey, an adjunct instructor at Bethel, students at Bethel College will contribute to the Research on Black Wichita project, by collecting data through document searches and other research methods; and

WHEREAS, Dr. Galyn A. Vesey hopes to bring recognition to the many unsung heroes and heroines of Black Wichita history; and

WHEREAS, The results of this project will include a manuscript and are aimed at the general public as well as high school youth and should go a long way in filling the void in information and understanding of the history of Black Wichita; and

WHEREAS, The Research on Black Wichita Project: 1945-1958 is a living project that explores the climate of Black Wichita during the 1940's and 1950's with a goal of bringing to life the areas in the city where most Black businesses and organizations thrived: Now, Therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Dr. Galyn A. Vesey and all the people involved in the Research on Black Wichita: 1945—1958 Project Kansas for their outstanding work in making this important event happen and for gaining national recognition for the State of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send an enrolled copy of this resolution to Dr. Galyn A. Vesey.

There being no objection, the following remarks by Reps. McCray-Miller and Finney are spread upon the journal:

Remarks by Rep. McCray-Miller:

The Research on Black Wichita Project: 1945-1958 will provide a descriptive and critical analysis of importance to the Wichita Black community on the five topics: education, sociocultural activity, business and economic development, political activity, and religious institution and spiritual foundations. It was conceived and originally implemented in 2003

with the assistance of a publication advisory committee (PAC) comprised of community leaders, volunteers, educators and retired or working professionals from the Wichita Black community.

Remarks by Rep. Finney:

The Research on Black Wichita Project proceeds under the eminently capable direction of Galyn A Vesey, PhD, a native and lifelong resident of Wichita following his retirement from teaching at Alabama A & M University in 2004 and his applied research at Cornell University in 1998.

CONSENT CALENDAR

No objection was made to **HB 2414** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2414. An act authorizing the state board of regents to convey certain real estate, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hineman, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Donohoe, Hill, C. Holmes, Kuether, Landwehr, Peterson, Suellentrop.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2475** be not passed.

Rep Ward rose on a point of order and requested a ruling as to whether a bill could be reported out of committee as be not passed. The Rules Chair ruled that committees have three options of reporting bills out of committee: be passed (be passed as amended), be not passed; or be reported without recommendation. The report was thus ruled in order.

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 2556. An act regulating traffic; restricting the use of certain wireless communication devices while operating a moving motor vehicle; amending K.S.A. 2009 Supp. 8-2118 and repealing the existing section, by Commerce and Labor.

HB 2557. An act concerning the inheritance tax; applicability of provisions; limitations thereon; repealing references to the inheritance tax; amending K.S.A. 12-195, 12-8,101, 12-1746, 12-3418, 12-5248, 13-3114, 17-49a07, 19-2129, 19-4622, 32-882, 40-441, 59-212, 59-1410, 59-1413, 59-2249, 59-2251, 59-2286, 59-3204, 59-3302, 65-163q, 68-2309, 74-8908, 76-6a22, 76-823, 79-3122, 79-3425g, 80-2531 and 82a-1365 and K.S.A. 2009 Supp. 12-195b,

12-1774, 12-17,149, 12-17,169, 28-115, 59-2287, 74-2426, 76-783 and 82a-2209 and repealing the existing sections, by Committee on Judiciary.

HB 2558, An act concerning charitable contribution solicitations; relating to consumer telephone calls; amending K.S.A. 17-1766 and 50-670 and repealing the existing sections, by Committee on Judiciary.

HB 2559, An act concerning school districts; relating to certain expenditures; amending K.S.A. 2009 Supp. 72-6760 and repealing the existing section, by Committee on Appropriations.

HB 2560, An act concerning real estate salespersons and brokers; relating to licensure; technical amendments; amending K.S.A. 58-3037, 58-3038, 58-3041, 58-3042, 58-3044, 58-3060, 58-3061, 58-30,101, 58-30,102 and 58-30,103 and K.S.A. 2009 Supp. 58-3035, 58-3043, 58-3062, 58-3063 and 58-3068 and repealing the existing sections, by Committee on Commerce and Labor.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January 28, 2010.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

