

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 28, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 115 members present.
Reps. Donohoe and Kuether were excused on verified illness.
Reps. C. Holmes, Kerschen, Slattery and Sloan were excused on legislative business.
Reps. Aurand, Hill, Landwehr and Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Lloyd W. Houk, pastor, 3 Rusty Nails Ministry, ACTF Baptist Convention, Moran, and guest of Rep. Otto:

Almighty God,

As we have gathered this day to represent the many that have placed us in this position, we remember our veterans both at home and abroad. We seek your strength and your guidance as we prepare to do the will of the people.

Help us as we discuss the needs of the people for this great state of Kansas, and cause our decisions to be for the good of all people.

Draw us closer not only as individuals, but as a state, a nation and the world.

Keep us in your care and cause us to be all that we profess to be.

Help us to remember the foundations that have been in place since the beginning of this great nation . . . knowing that those who have gone before us knew the value of considering each other and every situation, allowing you to always be our guide.

In a world with so much uncertainty, cause us to look always to you with our every need. Cause us to return to a strength in God that this nation has always possessed.

Help us to always remember when we make decisions without considering God first, there will always be a chance of failure. Help us to always understand the value of God and country.

And as the song says:

God bless America, land that I love.

Stand beside her, and guide her
through the night, with a light from above.

From the mountains, to the prairies,
to the oceans, white with foam

God bless America, my home sweet home.

God bless America, my home sweet home.

The Pledge of Allegiance was led by Rep. Rhoades.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2561, An act regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 8-1517 and repealing the existing section, by Committee on Transportation.

HB 2562, An act concerning certain legal notice publications; amending K.S.A. 10-120, 19-547, 25-204, 25-209, 25-2702, 79-2001 and 79-2303 and K.S.A. 2009 Supp. 79-2804 and repealing the existing sections, by Committee on Local Government.

HB 2563, An act concerning insurance; related to the use of credit information; amending K.S.A. 2009 Supp. 40-5103 and 40-5104 and repealing the existing sections, by Committee on Insurance.

HB 2564, An act concerning insurance; excluding coverage for certain abortions; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

HB 2565, An act concerning water rights; relating to abandonment and termination; creating a water conservation exception; amending K.S.A. 2009 Supp. 82a-718 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2566, An act concerning the food, drug and cosmetic act, relating to the secretary of agriculture; authorizing the secretary of agriculture to perform certain duties; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-683, 65-684, 65-685 and 65-686 and K.S.A. 2009 Supp. 65-657 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2567, An act concerning appropriation of water, regarding notices; amending K.S.A. 2009 Supp. 82a-714 and 82a-718 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2568, An act concerning the Kansas power of attorney act; relating to durable powers of attorney; amending K.S.A. 58-651 and 58-663 and K.S.A. 2009 Supp. 58-652, 58-654 and 58-656 and repealing the existing sections, by Committee on Judiciary.

HB 2569, An act concerning the Kansas cigarette and tobacco products act; violations of act; amending K.S.A. 79-3304, 79-3309, 79-3371 and 79-3378 and K.S.A. 2009 Supp. 79-3301, 79-3302, 79-3303, 79-3310, 79-3311, 79-3312, 79-3316 and 79-3321 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 79-3310c, by Committee on Taxation.

HB 2570, An act concerning property taxation; relating to exemptions; newly constructed building or other structure on residential property; procedures; duties of county or district appraiser, by Committee on Taxation.

HB 2571, An act concerning wildlife and parks; relating to hunting licenses; exempting prisoners of war from paying hunting license fees; amending K.S.A. 2009 Supp. 32-988 and repealing the existing section, by Representative Ward.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2548**.

Commerce and Labor: **HB 2560**.

Economic Development and Tourism: **HB 2551**, **HB 2553**, **HB 2554**.

Energy and Utilities: **HB 2558**.

Judiciary: **HB 2557**.

Taxation: **HB 2549**, **HB 2550**; **HCR 5028**.

Transportation: **HB 2547**, **HB 2552**, **HB 2555**, **HB 2556**.

Education Budget: **HB 2559**.

MESSAGE FROM THE GOVERNOR

January 26, 2010

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2010-01 for your information.

JANUARY 28, 2010

843

EXECUTIVE ORDER No. 2010-01
Concerning Standards of Care Provided at Parsons State Hospital
and Kansas Neurological Institute

MARK PARKINSON
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

January 26, 2010

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2010-02 for your information.

EXECUTIVE ORDER No. 2010-02
Establishing the Kansas Advisory Committee
for the Blind and Visually Impaired

MARK PARKINSON
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Stephen R. Weatherford, President, Kansas Housing Resource Corporation, Financial Statements for the Years ended June 30, 2009 and 2008 and Independent Auditors' Report.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5025**.

Also, announcing passage of **SB 360, SB 371**.

Announcing passage of **HB 2222**, as amended by **S. Sub. for HB 2222; HB 2353**, as amended by **S. Sub. for HB 2353**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 360, SB 371.

Speaker O'Neal announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2222** do materially change its subject and **S. Sub. for HB 2222** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2222 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred **S. Sub. for HB 2222** to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6011—

By Representatives Trimmer, Carlin, Crow, Fuerborn, D. Gatewood, Hawk, Lukert,
Maloney, Meier, Palmer, Pauls, Phelps, Svaty, Wetta and Williams

A RESOLUTION supporting an exemption from air emissions requirements for
cattle producers and prairie maintenance.

WHEREAS, Cattle production is not only an historically important business to Kansas but is also an extremely important contemporary industry throughout the Midwest; and

WHEREAS, Range burning recreates a natural process of rejuvenation of the tall grass prairie in a controlled manner; and

WHEREAS, Beef production is an essential component to overall food production and nutrition to consumers worldwide; and

WHEREAS, Inclusion of the cattle production industry in a federal emissions trading law would not only be an economic burden to cattle producers but would also ultimately raise the price of beef in the United States; and

WHEREAS, Cattle production is a very small contributor to overall carbon dioxide production or atmospheric methane levels; and

WHEREAS, The Tall Grass Prairie is one of the most unique ecosystems in the world; is a source of environmental benefits including clean air and water; and prescribed burning is a vital tool to maintaining the health of the ecosystem: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Legislature of the State of Kansas appeals to the President of the United States of America, the Environmental Protection Agency, the Congress of the United States of America, and the Kansas Congressional Delegation to exclude cattle production and prairie maintenance from future air emissions regulations and legislation.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President of the United States of America, the Environmental Protection Agency and the Kansas Congressional Delegation.

REPORTS OF STANDING COMMITTEES

The Committee on **Corrections and Juvenile Justice** recommends **HB 2440** be amended on page 1, in line 16, after “shall” by inserting “, as soon as practicable.”; in line 17, by striking “and” and inserting a comma; also in line 18, before “and” where it appears for the first time, by inserting “22-3430, 22-3431 and 22-3727.”; in line 21, by striking “who is alive and”; in line 22, by striking “or, if the victim is deceased, to the victim’s family if” and inserting “, and the victim’s family, if so requested and”; also in line 22, by striking “address”; in line 23, by striking “is” and inserting “addresses are”; also in line 23, after the period, by inserting “The secretary shall also provide such notice to the family of the defendant if requested and such addresses are known to the secretary.”; in line 24, by striking “to the victim or the victim’s family”; in line 28, by striking “victim’s”; in line 39, after “victim” by inserting “and family”;

On page 2, in line 42, after “victim” by inserting “and family”;

On page 3, in line 16, after “victim” by inserting “and family”; in line 27, after “victim” by inserting “and family”; in line 37, after “victim” by inserting “and family”;

On page 4, in line 8, after “victim” by inserting “and family”; in line 22, after “victim” by inserting “and family”; in line 36, after “victim” by inserting “and family”;

On page 5, in line 22, after “victim” by inserting “and family”;

On page 6, in line 13, after “victim” by inserting “and family”; in line 21, after “victim” by inserting “and family”;

On page 7, in line 19, after “victim” by inserting “and family”;

On page 8, in line 32, after “victim” by inserting “and family”;

On page 9, in line 22, after “victim” by inserting “and family”; in line 43, after “victim” by inserting “and family”;

On page 10, in line 29, after “victim” by inserting “and family”; in line 40, after “victim” by inserting “and family”;

In the title, in line 10, by striking “the” where it appears for the first time; also in line 10, after “of” where it appears for the first time, by inserting “family and”; and the bill be passed as amended.

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 2572, An act concerning state government; relating to the consolidation of information technology, by Committee on Government Efficiency and Fiscal Oversight.

HB 2573, An act concerning sales taxation; relating to exemptions; capitol restoration; amending K.S.A. 2009 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

HB 2574, An act concerning certain vaccinations; requiring disclosure of possible hazards of the vaccine and consent to the administration of the vaccine; amending K.S.A. 72-5209 and repealing the existing section, by Committee on Health and Human Services.

HB 2575, An act concerning naturopathic doctors; licensure; prescription of testosterone; amending K.S.A. 17-2707, 65-7201, 65-7202, 65-7203, 65-7204, 65-7205, 65-7206, 65-7207, 65-7211, 65-7212, 65-7216 and 72-5214 and K.S.A. 2009 Supp. 65-2913, 65-4101, 65-7208 and 65-7209 and repealing the existing sections, by Committee on Health and Human Services.

HB 2576, An act concerning durable medical equipment; relating to sales of oxygen; amending K.S.A. 2009 Supp. 65-1643 and repealing the existing section; also repealing K.S.A. 2009 Supp. 65-1643c, by Committee on Health and Human Services.

HB 2577, An act enacting the additions counselor licensure act; amending K.S.A. 74-7501 and K.S.A. 2009 Supp. 74-7507 and repealing the existing section; also repealing K.S.A. 65-6601, 65-6602, 65-6603, 65-6604, 65-6605 and 65-6606, by Committee on Health and Human Services.

HB 2578, An act concerning property taxation; relating to refunds of taxes paid under protest; loans to counties by pooled money investment board, terms; amending K.S.A. 2009 Supp. 79-2005 and repealing the existing section, by Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6012—

By Representative Long

A RESOLUTION supporting federal legislation to regulate the loud volume of television commercials.

WHEREAS, Sudden spikes in volume as a television program goes to a commercial break are startling and annoying to viewers. Many viewers find the disparity between the volume of the commercial and the volume of the programming disruptive and intrusive; and

WHEREAS, One of the top consumer grievances filed with the Federal Communications Commission regarding radio and television broadcasting is abrupt changes in volume during transition from regular programming to commercials; and

WHEREAS, The Federal Communications Commission currently does not regulate the volume of commercial advertisements; and

WHEREAS, Other countries including Australia, Brazil, France, Israel, Russia, and the United Kingdom have passed legislation or instituted regulations concerning the volume of commercials; and

WHEREAS, Broadcasters are required to have equipment that limits the peak power they can use to send out audio and video signals, which means the loudest commercial will not be louder than the loudest part of a television program. However, many commercials are engineered to provide a sustained level of loud audio, in contrast to programs which have a mix of audio level; and

WHEREAS, Broadcasters in the United States are aware of the problem, and an industry standards-setting body, the Advanced Television Systems Committee (ATSC), has developed technical standards necessary to control variations in commercial loudness; and

WHEREAS, The U.S. House of Representatives passed the Commercial Advertisement Loudness Mitigation (CALM) Act in December 2009, which requires the Federal Communications Commission to prescribe a regulation that incorporates by reference the ATSC-recommended techniques on establishing and maintaining audio loudness for digital television; and

WHEREAS, the CALM Act would allow no more than two years to implement the standard and would allow the Federal Communications Commission to grant compliance waivers upon a showing of financial hardship; and

WHEREAS, The CALM Act is currently assigned to the U.S. Senate Committee on Commerce, Science, and Transportation: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we express our support for efforts to control the nuisance of unnecessarily loud commercials and strongly support the passage of such regulatory legislation.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Representative Margaret Long, U.S. Representative from California Anne G. Eshoo, and each member of the Kansas delegation in the United States Senate and House of Representatives.

REPORT ON ENROLLED RESOLUTIONS

HR 6007 reported correctly enrolled and properly signed on January 28, 2010.

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, January 29, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

