

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 2, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 121 members present.
Reps. Donohoe, Johnson and Siegfried were excused on verified illness.
Rep. Loganbill was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father,
Today I give thanks for our representatives.
We appreciate their willingness to put
life and jobs on hold,
to come and work tirelessly on issues.
Many times they have to make tough decisions
not always understood by the citizens.
Pour out Your Spirit upon them
and make Your Word known to them.
Help them to be men and women of
integrity and obedience to Your way.
Put Your wisdom and knowledge in their hearts,
and may they practice discretion and understanding.
Again, I pray for Representative Dan Johnson
who is now in the hospital.
Please give wisdom and discernment
to the medical staff who treat him.
Along with their skills and Your divine touch,
we ask for healing to occur soon.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Furtado.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2596, An act concerning the secretary of health and environment; related to rules and regulations regarding lead-based paint removal, repair and painting; amending K.S.A. 65-1,202 and repealing the existing section, by Committee on Commerce and Labor.

HB 2597, An act concerning tattoo artists; licensure by endorsement; amending K.S.A. 2009 Supp. 65-1943 and repealing the existing section, by Representative Swenson.

HB 2598, An act concerning the consumer protection act; making any adverse effect on a consumer's credit caused by a health care provider's reporting of a consumer's failure to pay for services provided an unconscionable act, by Representative Swenson.

HB 2599, An act concerning the liquor control act; amending K.S.A. 2009 Supp. 41-311 and repealing the existing section, by Representative Trimmer.

HB 2600, An act concerning school districts; relating to reimbursements for the cost of providing special education and related services; amending K.S.A. 2009 Supp. 72-978 and

repealing the existing section; also repealing K.S.A. 2009 Supp. 72-998, by Committee on Education.

HB 2601. An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6407 and 72-6455 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 72-6459, by Committee on Education.

HB 2602. An act designating plaza 033 on interstate highway 35 as the Rep. Ted Powers memorial exit, by Representatives DeGraaf, Aurand, Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleebe, Knox, Kuether, Landwehr, 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, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder.

HB 2603. An act concerning juvenile records; relating to expungement; amending K.S.A. 2009 Supp. 38-2312 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2604. An act concerning crimes, criminal procedure and punishment; relating to sentencing upon the conviction of a crime; relating to work release programs; amending K.S.A. 2009 Supp. 21-4603d and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2605. An act concerning court fees; relating to fees for investigations conducted by the Kansas bureau of investigation and other forensic and scientific laboratories; amending K.S.A. 2009 Supp. 28-176 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2606. An act concerning wildlife and parks; relating to the Tuttle Creek state park, by Committee on Agriculture and Natural Resources.

HOUSE CONCURRENT RESOLUTION No. 5029—

By Committee on Veterans, Military and Homeland Security

A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas, relating to the reapportionment of senatorial and representative districts.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 1. Reapportionment of senatorial and representative districts. (a) ~~At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992 2012, and at its regular session every tenth year thereafter, the legislature shall, by law, shall~~ reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude ~~nonresident military personnel stationed within the state and~~ nonresident students attending colleges and universities within the state; and (2) to include ~~military personnel stationed within the state who~~

are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to eliminate the adjustment of the census taken by the United States bureau of the census regarding the exclusion of nonresident military personnel when reapportioning the Kansas senate and house of representatives.

"A vote for this amendment would eliminate the adjustment of the census taken by the United States bureau of the census regarding the exclusion of nonresident military personnel when reapportioning the Kansas senate and house of representatives.

"A vote against this amendment would continue in effect the requirement for the adjustment of the census taken by the United States bureau of the census regarding the exclusion of nonresident military personnel when reapportioning the Kansas senate and house of representatives."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **HB 2586.**

Education: **HB 2595.**

Health and Human Services: **HB 2584, HB 2589, HB 2590.**

Insurance: **HB 2592.**

Judiciary: **HB 2585, HB 2588.**

Taxation: **HB 2593.**

Education Budget: **HB 2587, HB 2591, HB 2594.**

COMMUNICATIONS FROM STATE OFFICERS

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Annual Report to the 2010 Kansas Legislature concerning changes in rates and schedules. The report can be viewed at http://kcc.ks.gov/10_legis_rpt.pdf and is also available on a compact disc.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 2008 Supp. 66-2005 as amended by SB 350 and HB 2637, Report on Price Deregulation.

From Sandy Praeger, Commission of Insurance, pursuant to K.S.A. 44-566(a), 2009 Fiscal Year End Report for the Kansas Workers' Compensation Fund.

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

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2353** and has appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6013—

By Representative S. Gatewood

A RESOLUTION recognizing Commodore Jackson J. Gumb for receiving the Coast Guard Auxiliary Meritorious Service Medal.

WHEREAS, Despite significant organizational and physical challenges, including a shoulder replacement due to an accident, Commodore Gumb provided outstanding leadership to 1,300 auxiliary members and adept stewardship to over 321 auxiliary facilities; and

WHEREAS, The dedication of Commodore Gumb and his unit provided over 462,000 volunteer hours, which resulted in 25 lives saved, 682 assists, 1,448 persons assisted and \$7,434,000 of property protected in the heartland; and

WHEREAS, In support of the Eighth District Prevention Mission, the Western Rivers Auxiliary Region executed 19,526 vessel exams, 13,071 marine dealer visits, 2,806 public education classes and impacted over two million people through public affairs outreach programs; and

WHEREAS, Commodore Gumb spearheaded the region's Name Change Plan, which was chosen by the National Auxiliary as a model for others to follow; and

WHEREAS, Commodore Gumb participated and assisted in two successful District Search and Rescue events, including the first all District Eight competition that produced the D8 All-Star Team that placed second in the 2007 International Search and Rescue event in Canada; and

WHEREAS, Commodore Gumb has provided a notable example of leadership while maintaining his operational qualifications and working over 40 hours each week with the Director of Auxiliary office despite the heavy demands of his full-time job with the State of Kansas and his side job of running a tree cutting and removal business: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we proudly recognize and commend Commodore Jackson J. Gumb for receiving the Coast Guard Auxiliary Meritorious Service Medal at the Spring 2009 Conference of the Eighth District Western Rivers Region.

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Sean Gatewood.

CONSENT CALENDAR

No objection was made to **HB 2500, HB 2503** appearing on the Consent Calendar for the second day.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Rhoades in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Rhoades, Committee of the Whole report, as follows, was adopted:
 Recommended that committee report recommending a substitute bill to **H. Sub. for Sub. SB 48** be adopted; and the substitute bill be passed.
 Committee report to **HB 2411** be adopted; and the bill be passed as amended.
 Committee report to **SB 298** be adopted; and the bill be passed as amended.
 Committee report recommending a substitute bill to **H. Sub. for SB 324** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

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 2607, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6410, 72-6412, 72-6413, 72-6414, 72-6455 and 72-6459 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 72-6442b, by Representative Aurand.

HB 2608, An act relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2009 Supp. 9-1703 and repealing the existing section, by Committee on Financial Institutions.

HB 2609, An act relating to banks and banking; concerning general powers; amending K.S.A. 2009 Supp. 9-1101 and repealing the existing section, by Committee on Financial Institutions.

HB 2610, An act enacting the medical marijuana act; providing for the legal use of marijuana for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; providing for administration of the act by the department of health and environment, by Committee on Health and Human Services.

HB 2611, An act concerning hunting; relating to disabled hunters; amending K.S.A. 2009 Supp. 32-933 and repealing the existing section, by Committee on Judiciary.

HB 2612, An act concerning drivers' licenses and restrictions; relating to judgments of restitution; amending K.S.A. 2009 Supp. 8-255 and repealing the existing section, by Committee on Judiciary.

HB 2613, An act concerning civil procedure; relating to joinder of persons; amending K.S.A. 60-219 and repealing the existing section, by Committee on Judiciary.

HB 2614, An act concerning employment security law; relating to benefits and employer contributions; amending K.S.A. 2009 Supp. 44-703, 44-704c, 44-705, 44-706 and 44-712 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 44-760, 44-761, 44-762, 44-763 and 44-764, by Representative Brunk.

HB 2615, An act relating to motor vehicles; providing for a Boy Scouts of America license plate, by Representatives DeGraaf, Ballard, Brunk, Burgess, Davis, Faber, Goico, Grange, Hermanson, Jack, Knox, Maloney, McLeland, Merrick, O'Neal, Olson, Otto, Patton, Pauls, Quigley, Rhoades, Ruiz, Schroeder, Suellentrop and Whitham.

HB 2616, An act concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2009 Supp. 74-50,181, 74-50,182, 74-50,186, 74-50,187, 74-50,188, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, by Committee on Appropriations.

HB 2617, An act relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5063, 75-5064, 75-5160, 79-3408c, 79-3491a, 79-3492b, 79-34,118, 79-34,141 and 79-34,142

and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Transportation.

HB 2618, An act relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5063, 75-5064, 75-5160, 79-3408c, 79-3491a, 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-3606 and 79-3620 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Transportation.

HB 2619, An act concerning registered nurse anesthetists; duties; amending K.S.A. 65-1158 and repealing the existing section, by Committee on Health and Human Services.

HB 2620, An act enacting the Kansas firearms freedom act, by Representatives Merrick, Carlson, DeGraaf, Gordon, Hayzlett, Huebert, Jack, Morrison, O'Brien, Olson, Otto, Powell, Rhoades and Siegfried.

REPORT ON ENROLLED RESOLUTIONS

HR 6009 reported correctly enrolled and properly signed on February 1, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 3, 2010.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

