

Journal of the House

TWENTY-THIRD DAY

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

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 120 members present.
Reps. Donohoe and Johnson were excused on verified illness.
Rep. Slattery was excused on legislative business.
Reps. Garcia and Grant were excused on excused absence by the Speaker.

Prayer by guest chaplain, Evangelist Dave Bycroft, Tyro Christian Church, Tyro, guest of Rep. Peck:

Our heavenly Father—
I am grateful that you are willing to hear our prayers. We have no reason to expect this, except for your grace and mercy and love.
I know you care deeply about the decisions of this body of representatives because it affects all of your children here in Kansas. So give these men and women an extra portion of your wisdom, so their decisions will aid, help and encourage the citizens of Kansas and not become a burden, either now or for future generations.
May their hearts be led more by what is true and right, and less and less by a political persuasion. Help these representatives of Kansas people to bring about the common good and enable the residents of this state to reach their highest potential by aiding them in initiative and work ethic.
We desire that you be honored and glorified by all that is done throughout this entire legislative session.
In Jesus' Names we ask these things!
So let it be.

The Pledge of Allegiance was led by Rep. Mah.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2684, An act enacting the rural risk bank loan guarantee program, by Committee on Federal and State Affairs.

HB 2685, An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Health and Human Services: **HB 2683**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HCR 5033** from Committee on Calendar and Printing and referral to Committee on Aging and Long Term Care.

COMMUNICATIONS FROM STATE OFFICERS

From Dr. Andrew Allison, Ph.D., Acting Executive Director, Kansas Health Policy Authority, as required by K.S.A. 75-7405, 2010 Annual Legislative Report. The report is also available online at <http://www.khpa.ks.gov/news/publicatons.html>.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 368, SB 376, SB 380, SB 410, SB 449, SB 451.**

Announcing passage of **HB 2125.**

Announcing passage of **HB 2414**, as amended.

Announcing adoption of **SCR 1625.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 368, SB 376, SB 380, SB 410, SB 449, SB 451; SCR 1625.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Prescott, **HR 6016**, by Reps. Prescott and Brookens, DeGraaf, D. Gatewood, George, Grange, Henderson, C. Holmes, M. Holmes, Lane, Maloney, McLeland, Merrick, O'Neal, Ruiz, Talia and Vickrey, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6016—

A RESOLUTION honoring the Boy Scouts of America's Contributions to Society and Vision for the Future.

WHEREAS, The Boy Scouts of America was established in 1910 to teach patriotism, courage, self-reliance and kindred values; and

WHEREAS, The Boy Scouts of America today is the largest youth service organization in America, with nearly 3 million members learning responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs and career-oriented programs in partnership with community organizations; and

WHEREAS, The Boy Scouts of America will celebrate its 100th Anniversary on February 8, 2010; and

WHEREAS, A core value of the Boy Scouts of America is service to others; and

WHEREAS, The Boy Scouts of America is celebrating Scouting's 100th anniversary with the theme "Celebrating the Adventure, Continuing the Journey;" and

WHEREAS, Membership in the Boy Scouts of America has been shown to improve a Scout's likelihood for success as an adult and enhance the quality of life in the community where he resides: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do hereby recognize the impact of this great organization and the importance of its 100 years of service to the citizens of this community and communities across America, by proclaiming February 8, 2010 as Boy Scouts of America 100 Years of Scouting Day; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Jeffrey R. Moe, Scout Executive, Jayhawk Area Council, 1020 S.E. Monroe Street, Topeka, KS 66612; Timothy C. Bugg, Scout Executive, Heart of America Council, 10210 Holmes Rd., Kansas City, MO 64131; Mike Johnson, Scout Executive, Quivira Council, 1555 E. 2nd St., Wichita, KS 67214; Stacy Huff, Scout Executive, Coronado Area Council, 644 S. Ohio, PO Box 912, Salina, KS 67402; John Hogg, Scout Executive, Santa Fe Trail Council, 1513.5 Fulton Terrace, Garden City, KS 67846; Alan Franks, Scout Executive, Pony Express Council, 1704 Buckingham St., St. Joseph, MO; Dean Ertel, Scout Executive, Ozark Trails Council, 1616 S. Eastgate, Springfield, MO 65809.

The following remarks were made on Monday, February 8, 2010, and are reprinted here:

The Boy Scouts of America is one of the nation's largest and most prominent values-based youth development organizations. The Boy Scouts of America provides a program for young people that builds character, trains them in the responsibilities of participating citizenship and develops personal fitness.

For a century, the BSA has helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes, and through a century of experience know, that helping youth is a key to building a more conscientious, responsible and productive society.

The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law.

The Boy Scouts were incorporated February 8, 1910, one hundred years ago today. They grew quickly adding the Cub Scouts in 1930, Webelos in 1941, Explorers in 1949, Tiger Cubs in 1982 and Venture Scouts in 1998. Adults stay involved as Scout mentors, where men and women volunteer thousands of hours annually.

For the past century, Scouting has been steadfast. Our 100th Anniversary provides a unique opportunity to celebrate this heritage and lay the foundation for the next 100 years.

CONSENT CALENDAR

No objection was made to **HB 2490** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S. Sub. HB 2222, An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 7; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, 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, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seivert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Goico, Kiegerl, Knox, Landwehr, Otto.

Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Grant, Johnson, Slattery.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **S. Sub. for HB 2222**. First it does not balance the budget and relies on Santa or someone to bring in more money. Second it throws our most vulnerable citizens under the bus, and third it continues our practice of making someone else make the tough choices.—BILL OTTO

MR. SPEAKER: I cannot vote to have my constituents suffer the unintended consequence of legislative action. The 10 percent cut to Medicaid has resulted in severe underfunding of social services and payment cuts to Medicaid providers such as doctors, nursing homes, hospitals, home and community based services, community mental health centers and substance abuse clinics. A funding shift within the SRS budget to draw down federal funds and

help some programs for those with developmental disabilities is not enough. We have a responsibility to provide services to the disabled, the frail elderly and to nursing home patients. I vote no on **S. Sub. for HB 2222**.— MARIO GOICO, S. MIKE KIEGERL

HB 2454, An act concerning crimes, punishment and criminal procedure; relating to unlawful use of ballistic resistant material; amending K.S.A. 2009 Supp. 21-4704 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, 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, Garcia, Grant, Johnson, Slattery.

The bill passed.

HB 2469, An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, 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, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, 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, Garcia, Grant, Johnson, Slattery.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2353**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2353, as follows:

On page 10, in line 1, by striking "of either .25%, .5%, .75% or 1%" and inserting "not to exceed 1% and shall be fixed in increments of .25%, and";

On page 1, in the title, in line 10, before "amending" by inserting "certain rate limitations;";

And your committee on conference recommends the adoption of this report.

LES DONOVAN
DEREK SCHMIDT
TOM HOLLAND
Conferees on part of Senate

RICHARD CARLSON
JEFF KING
JULIE MENGHINI
Conferees on part of House

On motion of Rep. King, the conference committee report on **S. Sub. for HB 2353** was adopted.

On roll call, the vote was: Yeas 111; Nays 9; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, 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, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurland, A. Brown, DeGraaf, Huebert, Kinzer, Olson, Patton, Rhoades, Siegfried. Present but not voting: None.

Absent or not voting: Donohoe, Garcia, Grant, Johnson, Slattery.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2434**, **HB 2492** be passed over and retain a place on the calendar.

Committee report to **HB 2554** be adopted; and the bill be passed as amended.

Committee report to **HB 2491** be adopted; and the bill be passed as amended.

Committee report to **HB 2445** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2566** be passed.

Committee on **Financial Institutions** recommends **HB 2608** be passed.

Committee on **Financial Institutions** recommends **HB 2473** 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 **Financial Institutions** recommends **HB 2609** be amended on page 3, in line 42, by striking all after "a"; in line 43, by striking "tered"; also in line 43, after "bank" where it appears for the first time by inserting "organized under the laws of the United States, this state, or any other state,";

On page 5, in line 15, before "federal" by inserting "issued by the office of the comptroller of the currency, the board of governors of the federal reserve system, the federal deposit insurance corporation and the office of the thrift supervision on December 7, 2004; and set out in the respective agencies' issuances, including the"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2467** be passed.

Committee on **Judiciary** recommends **HB 2557** be amended on page 1, in lines 20 and 21, by striking “79-15,119” and inserting “79-15,125 and K.S.A. 79-15,127 through 79-15,145”; in line 31, by striking “2010” and inserting “2020”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2483** be passed.

Committee on **Transportation** recommends **HB 2485** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 2686, An act concerning income taxation; relating to credits; certain expenses related to living donor organ donations, by Committee on Taxation.

HB 2687, An act concerning income taxation; relating to refunds; penalties; amending K.S.A. 2009 Supp. 79-3228 and repealing the existing section, by Committee on Taxation.

HB 2688, An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2689, An act concerning sales taxation; relating to countywide retailers’ sales tax; Kingman county; amending K.S.A. 12-197 and K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2690, An act concerning the department of administration; concerning competitive bids; preferring bids from within the state; amending K.S.A. 2009 Supp. 75-3740 and repealing the existing section, by Committee on Appropriations.

HB 2691, An act concerning budget estimates of state agencies; relating to biennial estimates for certain state agencies; Kansas home inspectors registration board; amending K.S.A. 2009 Supp. 75-3717 and repealing the existing section, by Committee on Appropriations.

HB 2692, An act concerning the governmental ethics commission; fixing certain fees; amending K.S.A. 2009 Supp. 25-4119f, 25-4145 and 46-265 and repealing the existing sections, by Committee on Appropriations.

HB 2693, An act concerning the statehouse restoration capital improvement project; stopping work on such project and prohibiting certain expenditures therefor; prohibiting the issuance of bonds for such project and the use of public funds for a visitors center in the statehouse, by Committee on Appropriations.

HB 2694, An act concerning retirement and pensions; relating to the Kansas public employees retirement act of 2009; providing permanent annual cost-of-living adjustment for certain retirants; member contributions; amending K.S.A. 2009 Supp. 74-49,210 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Merrick, the House recessed until 3:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O’Neal in the chair.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **S. Sub. for HB 2222**, requests a conference and has appointed Senators Emler, McGinn and Kelly as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **S. Sub. for HB 2222**.

Speaker O'Neal thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2222 reported correctly engrossed February 11, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Friday, February 12, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

