

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 9, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 122 members present.
Rep. Johnson was excused on verified illness.
Reps. Davis and O'Neal were excused on legislative business.

Prayer by Chaplain Brubaker:

“God, be in *our* head . . . and in *our* understanding.
God, be in *our* eyes . . . and in *our* looking.
God, be in *our* mouth . . . and in *our* speaking.
God, be in *our* heart . . . and in *our* thinking.
(Book of Hours)
And for our military represented here today —
we are so thankful for their commitment
and service to our country.
Bless them and let them know of you
and Your love for them.
I pray this in Your Son's Name, Amen.

The Pledge of Allegiance was led by Rep. Slattery.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:
Energy and Utilities: **HB 2731**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Jack, **HR 6024**, by Rep. Jack, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6024—

A RESOLUTION expressing our appreciation to brave soldiers who were injured
in service to our country.

WHEREAS, The State of Kansas has a long and proud history of military service in time of peace and in time of war, having proudly given its sons and daughters into the service of the nation; and

WHEREAS, The State of Kansas is currently sending numerous guardsmen, reservists and active duty military personnel to support American operations overseas; and

WHEREAS, The activities of individuals and units based in the State of Kansas have brought national and international recognition to Kansas; and

WHEREAS, The Kansas Legislature is extremely appreciative and eternally grateful to the brave men and women in uniform who have sacrificed so much for our freedoms: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we are grateful for the brave service and extreme sacrifice that the following soldiers have made: Staff

Sergeant Oliver Thomason, Sergeant Christopher Mazander, Private First Class Marie Griffin, Specialist Aaron Rayner, Sergeant First Class Joseph Vigil, Sergeant Brandon Daggs, Staff Sergeant Nathan Baker, First Sergeant T.J. Inslee, Staff Sergeant Christopher Viera, Captain Randal Scott and Sergeant Joel Yates.

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

It is my distinct honor to introduce several genuine American heroes, some from Kansas and some drove all the way from Ft. Carson, Colorado.

Representatives, this is a resolution expressing our appreciation to brave soldiers who were injured in service to our country. The State of Kansas has a long and proud history of military service in time of peace and in time of war, having proudly given its sons and daughters into the service of the nation and is currently sending numerous guardsmen, reservists and active duty military personnel to support American operations overseas. The activities of individuals and units based in the State of Kansas have brought national and international recognition to Kansas.

The Kansas Legislature is extremely appreciative and eternally grateful to the brave men and women in uniform who have sacrificed so much for our freedoms, and we are grateful for the brave service and extreme sacrifice that the following soldiers have made: Staff Sergeant Oliver Thomason, Sergeant Christopher Mazander, Private First Class Marie Griffin, Specialist Aaron Rayner, Sergeant First Class Joseph Vigil, Sergeant Brandon Daggs, Staff Sergeant Nathan Baker, First Sergeant T.J. Inslee, Staff Sergeant Christopher Viera, Captain Randal Scott and Sergeant Joel Yates.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hayzlett, **HR 6022**, A resolution congratulating and commending Heartland Heroes Hunt, was adopted.

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

Thank you for allowing me a few minutes to bring before you a Resolution and recognize a very special group of Kansans.

There are two groups of Heroes here to be honored this morning but my Resolution deals with the local citizens.

MacKinzie Nix started the Heartland Heroes Hunt as a senior project at Garden City High School. With the help and support of MacKinzie's parents, Tim and Donna Telinde, the Brian Beavers family and the Communities of Garden City and Pierceville, Heartland Heroes Hunt has become a weekend of celebration and healing.

I was honored to be invited to help with the first hunt in 2008. I was what I thought a waterboy. I got to drive the four-wheeler around to shuttle passengers, deliver water and pick up harvested game — and it was one of the better days of my life.

More than 100 businesses donated to the Heartland Heroes Hunt and the event will grow in size in the future. The goal is to provide tuition scholarships for the wounded servicemens' children.

Participant's lodging was donated by the Comfort Inn. Meals were donated by multiple groups and individuals. Enough funds were donated to give each soldier a new shotgun to take home and keep as a token of appreciation. The families were also treated to a craft workshop by Home Depot, cookie decorating by the American Legion and spouses were treated to free massages, manicures and shopping with donated gift cards.

Please join me in welcoming all those we honor today.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hill, **HR 6023**, A resolution recognizing the Kansas Small Business Development Center's 2009 Businesses of the year, was adopted.

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

Today we have the opportunity to recognize Kansas Small Business Development Center's emerging and existing 2009 businesses of the year. These fifteen businesses represent economic vitality and human vibrancy in the communities they serve. These businesses have

achieved major accomplishments: established growing businesses, demonstrated vision, problem solving and exemplary corporate citizenship. Entrepreneurship is one of the most powerful drivers of growth and prosperity in our Kansas economy. It is the primary source of job creation and economic competitiveness. Challenging economic times have proven to be good times to launch a new business. In 2009 there were 2,400 businesses in Kansas that received KSBDC services including our honorees today. It is the priority of KSBDC to reach as many potential entrepreneurs as possible and provide tools and services for Kansans in all parts of the state. The entrepreneurial spirit and energy represented by those we recognize today and provide a source of encouragement and optimism as we face these difficult and uncertain economic times.

CHANGE OF CONFEREES

Speaker pro tem Siegfried announced the appointment of Rep. Merrick as a member of the conference committee on **SB 30** to replace former Rep. Watkins.

CONSENT CALENDAR

No objection was made to **HB 2691**; **SB 451** appearing on the Consent Calendar for the first day.

No objection was made to **SB 489** 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

Speaker pro tem Siegfried announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until tomorrow.

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

COMMITTEE OF THE WHOLE

On motion of Rep. M. Holmes, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2678**; **SB 398** be passed.

H. Sub. for SB 345 be passed over and retain a place on the calendar.

Committee report to **HB 2704** be adopted; also, on motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Light, **HB 2704** be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 14;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 25, by striking "72-6412 and 72-8701 are" and inserting "72-8701 is";

In the title, in line 10, by striking "relating to school finance;"; in line 11, by striking "72-6412 and"; in line 12, by striking "sections" and inserting "section"; and **HB 2704** be passed as amended.

Committee report to **HB 2560** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2345** be adopted; also, on motion of Rep. Peck be amended on page 1, in line 13, after "K.S.A." by inserting "2009 Supp.";

On page 3, in line 10, after "K.S.A." by inserting "2009 Supp.";

In the title, in line 10, after "K.S.A." by inserting "2009 Supp."; and **Sub. HB 2345** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 396** 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 **Agriculture and Natural Resources** recommends **SB 497** be amended on page 1, in line 23, by striking "a" and inserting "an ordinary"; in line 33, by striking "or

other folding”; also in line 33, by striking “pocket knife”; in line 34, by striking “specifically exempted under subsection (a) (1).”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **SB 54** be amended by adoption of the amendments recommended by Committee on Federal and State Affairs on March 19, 2009, as reported on page 342 of the Journal of the House and the bill, as printed with amendments by House Committee, be further amended on page 1, after line 31, by inserting the following:

“(3) the executive director of the Kansas arts commission;”;

And by redesignating paragraphs accordingly;

Also on page 1, in line 32, by striking “for two-year terms”; in line 34, by striking “three” and inserting “two”; also in line 34, by striking “for two-year terms”; in line 35, after “senate” by inserting “and one member appointed by the minority leader of the senate”; in line 36, by striking “three” and inserting “two”; also in line 36, by striking “for two-year terms”; in line 37, after “representatives” by inserting “and one member appointed by the minority leader of the house of representatives”; in line 40, after “chairperson” by inserting “, but no more than four meetings shall be called in any year”; after line 40, by inserting the following:

“(b) Of the members first appointed to the committee, the following term lengths shall apply:

(1) Two members appointed by the governor shall serve two-year terms, and one member appointed by the governor shall serve a one-year term;

(2) the members appointed by the minority leaders of the senate and the house of representatives shall each serve two-year terms; and

(3) the members appointed by the president of the senate and the speaker of the house of representatives shall each serve one-year terms.

Successors to such members shall serve two-year terms.”;

And by redesignating subsections accordingly;

Also on page 1, in line 42, by striking “Approve” and inserting “On or after January 1, 2013, approve”; also in line 42, by striking “or reconstruction”;

On page 2, in line 5, by striking “and” where it appears for the last time; in line 7, by striking the period and inserting: “; and

(5) oversee the reconfiguration or redecoration of committee rooms within the statehouse.

Implementation of the recommendations of the committee shall be the responsibility of the division of legislative administrative services.”;

Also on page 2, by striking all in lines 12 through 43;

On page 3, by striking all in lines 1 through 8 and inserting the following:

“(e) The capitol preservation committee shall annually submit to the governor and the legislature a report of its activities and recommendations.

(f) Members of the committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto, however full-time state employees serving on the committee shall not receive such compensation.

(g) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(h) Committee members may engage in or encourage fund raising activities for the limited purpose of funding committee responsibilities as described in subsection (c).

(i) No member of the committee shall hold a fiduciary interest, either directly or indirectly, in any contract relating to the committee responsibilities as described in subsection (c).

Sec. 3. K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,106 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 11, before the period, by inserting “; creating the capitol preservation committee; repealing K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36,105 and 75-36,106”; and the bill be passed as amended.

General Government Budget Committee recommends **SB 326** be amended on page 1, in line 14, by striking “2008” and inserting “2009”; in line 15, by striking “2009” and inserting “2010”; in line 20, by striking “2008” and inserting “2009”;

Also on page 1, in the title, in line 11, by striking “2008” and inserting “2009”; and the bill be passed as amended.

General Government Budget Committee recommends **SB 461** be amended on page 1, in line 41, by striking all after the comma; in line 42, by striking all before “for”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 376, SB 440** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Social Services Budget Committee recommends **SB 200** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 200,” as follows:

“HOUSE Substitute for SENATE BILL No. 200

By Social Services Budget Committee

“AN ACT concerning insurance; relating to privilege fees for health maintenance organizations; amending K.S.A. 2009 Supp. 40-3213 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 200** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2578** be amended on page 4, in line 19, preceding “pays” by inserting “appeals to the court of tax appeals pursuant to the provisions of K.S.A. 79-1609, and amendments thereto, or”; in line 22, following “protest” by inserting “or a refund made pursuant to the provisions of K.S.A. 79-1609, and amendments thereto”; in line 26, by striking “paid under protest”; in line 29, by striking “Such”; in line 30, by striking all preceding the period and inserting “Each loan shall bear interest at a rate equal to the net earnings rate of the pooled money investment portfolio at the time of the making of such loan. The total aggregate amount of loans under this program shall not exceed \$50,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto”; in line 39, by striking “five” and inserting “four”; in line 40, by striking “five” and inserting “four”;

On page 5, by striking all in line 13 and inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a)

The director of investments may invest and reinvest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the ~~lesser~~ greater of 10% or \$140,000,000 of the state moneys shall be invested.

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a period of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2009 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2009 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years.

(h) Investments in securities under paragraph (1) of subsection (a) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, "derivatives" means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under paragraph (3) of subsection (a), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

Sec. 3. K.S.A. 2009 Supp. 75-4209 and 79-2005 are hereby repealed.;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, by striking "paid"; in line 10, by striking "under protest"; in line 11, following "terms" by inserting "and limitations"; also in line 11, following "Supp." by inserting "75-4209 and"; in line 12, by striking "section" and inserting "sections"; 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 and concurrent resolution were thereupon introduced and read by title:

HB 2732, An act concerning the Kansas sentencing commission; relating to personnel and accounting services; amending K.S.A. 74-9105 and repealing the existing section, by Committee on Appropriations.

HB 2733, An act concerning campaign finance; relating to electioneering communication; establishing certain reporting requirements, by Committee on Federal and State Affairs.

HB 2734, An act concerning taxation; relating to tax clearance program, procedure; requirements of secretary of revenue, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5035—

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION urging the United States Congress to adopt the Parental Rights Amendment, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

WHEREAS, The right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of Kansas; and

WHEREAS, Our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, The interests of children are best served when parents are free to make child rearing decisions about education, religion and other areas of a child's life without state interference; and

WHEREAS, The United States Supreme Court in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), has held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition"; and

WHEREAS, The United States Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000), however, produced six different opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

WHEREAS, This decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several States; and

WHEREAS, Senator James DeMint of the State of South Carolina and Representative Peter Hoekstra of the State of Michigan have introduced Senate Joint Resolution 16 and House Joint Resolution 42 in the United States Congress, proposing an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, which reads as follows:

"Section 1. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section 2. Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the child involved is of the highest order and not otherwise served.

Section 3. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article."; and

WHEREAS, This amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

WHEREAS, Such enumeration of these rights in the text of the Constitution of the United States will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Congress of the United States is urged to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States proposed by Senator James DeMint and Representative Peter Hoekstra in Senate Joint Resolution 16 and House Joint Resolution 42; and

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Be it further resolved: That a copy of this resolution be distributed to the President and members of the United States Senate, the Speaker and members of the United States House of Representatives, and the Speaker of the House and the President of the Senate of each state's legislature of the United States of America.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 10, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

