

Journal of the House

SIXTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 6, 2010, 8:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 119 members present.
Rep. Fund was excused on verified illness.
Reps. Hawk, Kiegerl, Landwehr, Rhoades and Schwab were excused on excused absence by the Speaker.
Present later: Reps. Fund, Kiegerl, Landwehr and Schwab.
Rep Vickrey was excused later in the day on excused absence by the Speaker.
Prayer by Chaplain Brubaker:

Our Heavenly Father,
The good thing about starting this early
is that so far today
everything has gone well.
We've been friendly, courteous, and patient (well, sort of) —
we haven't felt stressed, upset or pressured.
But, here in a few moments
our work day will begin,
and we need all the help we can get.
So, thank you for meeting with us today —
and for Your strength and faithfulness
in guiding our words, actions and deeds.
In Your Son's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Proehl.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:
Appropriations: **HB 2750**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2733** from Committee on Elections and referral to Committee on Judiciary.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 306**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as HOUSE Substitute for SENATE Bill No. 306, as follows:

On page 2, in line 36, by striking "subsections (a)(10) and" and inserting "subsection";
On page 3, in line 3, by striking "and" and inserting "or"; in line 5, by striking "and" where it appears for the first time and inserting "or"; in line 6, by striking "and" where it appears for the first time and inserting "or";

On page 7, in line 13, by striking "\$125" and inserting "\$132.50"; in line 15, by striking "consist" and inserting "be in the form of two cashier's checks, personal checks or money orders"; in line 16, by striking "\$25" and inserting "\$32.50";

On page 8, in line 41, by striking "\$100" and inserting "\$75"; in line 42, by striking "\$40" and inserting "\$25"; in line 43, by striking "\$60" and inserting "\$50";

On page 10, in line 17, before "act" by inserting "Kansas judicial review"; also in line 17, by striking "for"; in line 18, by striking all before "shall"; in line 22, by striking "arrested" and inserting "charged";

On page 15, by striking all in line 32; in line 33, by striking all before the period and inserting "shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense";

On page 18, in line 30, by striking "(e)" and inserting "(c)"; after line 31, by inserting the following:

"(k) The provisions of K.S.A. 8-1023 and 8-1024, and amendments thereto, shall be applicable and followed during any administration or enforcement of this section.

"Sec. 11. K.S.A. 2009 Supp. 75-7c13 is hereby amended to read as follows: 75-7c13. (a) All moneys received by the attorney general pursuant to this act shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit it to the concealed ~~weapon~~ handgun licensure fund, which is hereby created in the state treasury.

(b) Moneys in the concealed ~~weapon~~ handgun licensure fund shall be used only for: (1) Payment of the expenses of administration of the personal and family protection act; and (2) transfers to the county law enforcement equipment fund and to the forensic laboratory and materials fee fund as provided by subsection (e).

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the concealed ~~weapon~~ handgun licensure fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to moneys in the concealed ~~weapon~~ handgun licensure fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the concealed ~~weapon~~ handgun licensure fund for the preceding month; and (2) the net earnings for the pooled money investment portfolio for the preceding month.

(d) All expenditures from the concealed ~~weapon~~ handgun licensure fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general for the purposes set forth in this section.

(e) The attorney general shall certify to the director of accounts and reports on each July 1 and January 1 after moneys are first credited to the concealed ~~weapons~~ handgun licensure fund the amount of moneys in such fund needed to administer this act. On or before the 15th day of each month after moneys are first credited to the concealed ~~weapons~~ handgun licensure fund, the director of accounts and reports shall transfer moneys in the concealed ~~weapons~~ handgun licensure fund as follows: (1) Of the amount in excess of the amount certified by the attorney general, 20% shall be credited to the county law enforcement equipment fund; and (2) the remaining 80% shall be credited to a separate account in the forensic laboratory and materials fee fund cited in K.S.A. 28-176, and amendments thereto, to be used solely to assist city and county law enforcement agencies to obtain prompt laboratory services from the bureau. Moneys credited to the forensic laboratory and materials fee fund as provided by this subsection shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the attorney general.

Sec. 12. K.S.A. 2009 Supp. 75-7c15 is hereby amended to read as follows: 75-7c15. The committee on surety bonds and insurance, within the limitations of appropriations made therefor, shall purchase such liability insurance as it deems necessary for the protection of persons engaged in conducting an approved ~~weapons~~ handgun safety and training course against any liability for injuries or damages arising from the conducting of such course of instruction by such persons.

Sec. 13. K.S.A. 2009 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed ~~weapons~~ *handguns* for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed ~~weapons~~ *handguns* for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed ~~weapons~~ *handguns* by persons licensed under this act except as provided in ~~subsections (a)(1) and (a)(2) of K.S.A. 2009 Supp. 75-7c11~~ *subsection (b) of K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, and amendments thereto.* Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed ~~weapons~~ *handguns* by persons licensed under this act except as provided in ~~subsections (a)(1) and (a)(2) of K.S.A. 2009 Supp. 75-7c11~~ *subsection (b) of K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, and amendments thereto,* shall be null and void.

(b) Prosecution of any person licensed under the personal and family protection act, and amendments thereto, for violating any restrictions on licensees will be done through the district court.

(c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.

(d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.”;

And by renumbering the remaining sections accordingly;

On page 19, in line 7, before the semicolon, by inserting “. This subsection shall not prohibit any ordinary pocket knife which has a spring, detent or other device which creates a bias towards closure of the blade and which requires hand pressure applied to such spring, detent or device through the blade of the knife to overcome the bias towards closure to assist in the opening of the knife”;

On page 21, in line 39, by striking “or” and inserting a comma; in line 40, before “or” by inserting “or any violation of any provision of the uniform controlled substances act prior to July 1, 2009,”;

On page 22, in line 1, by striking “or” and inserting a comma; in line 2, after the comma, by inserting “or any violation of any provision of the uniform controlled substances act prior to July 1, 2009,”; in line 17, by striking all after “Supp.” and inserting “21-36a03, 21-3a05, 21-36a06, 21-36a07 or 21-36a09, and amendments thereto; K.S.A. 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to such section's repeal; an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of any such felony”;

On page 26, in line 3, by striking “21-4204,” and inserting “21-4201, as amended by section 1 of 2010 Senate Bill No. 497, 21-4204, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4204, as amended by section 6 of 2010 Senate Bill No. 586,”; in line 4, after “75-7c04,” by inserting “75-7c04, as amended by section 16 of 2010 House Bill No. 2661,”; also in line 4, after “75-7c07,” by inserting “75-7c07, as amended by section 193 of 2010 Senate Bill No. 376,”; in line 5, after “75-7c12” by inserting “, 75-7c13, 75-7c15, 75-7c17”;

In the title, in line 11, after “75-7c12” by inserting “, 75-7c13, 75-7c15, 75-7c17”; in line 13, after “Supp.” by inserting “21-4201, as amended by section 1 of 2010 Senate Bill No. 497, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4204, as amended by section 6 of 2010 Senate Bill No. 586, 75-7c04, as amended by section 16 of 2010 House Bill No. 2661, 75-7c07, as amended by section 193 of 2010 Senate Bill No. 376 and”;

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

MELVIN J. NEUFELD
S. MIKE KIEGERL
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
OLETHA FAUST-GOUDEAU
Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **H. Sub. for SB 306** was adopted.

On roll call, the vote was: Yeas 103; Nays 15; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Barnes, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, King, Kinzer, Kleeb, Knox, Lane, Light, Long, Lukert, Mah, Maloney, Mast, 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, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Carlin, Colloton, Crow, Davis, Flaharty, Garcia, Henderson, Kuether, Loganbill, McCray-Miller, Tietze, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Hineman, Kiegerl, Landwehr, Rhoades, Schwab.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2226**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to **S. Sub. for HB 2226**, An act concerning district court fines, penalties and forfeitures; relating to traffic fines; relating to funding of the alcohol and drug abuse treatment fund; creating the criminal justice information system line fund; amending K.S.A. 2009 Supp. 8-2118 and 74-7336 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 104; Nays 16; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, 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: Brunk, Burgess, Carlson, Gordon, Goyle, Hayzlett, Huebert, King, Knox, Light, McLeland, Merrick, Peck, Powell, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Kiegerl, Landwehr, Rhoades.

On motion of Rep. Merrick, the House recessed until 11:00 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

COMMUNICATIONS FROM STATE OFFICERS

From Jim Garner, Secretary, Kansas Department of Labor, Workers compensation 35th Annual Statistical Report, 2009 Kansas Economic Report, 2010 Workplace Safety Annual Report; Unemployment Insurance Reference Guide, Kansas Department of Labor 2009 Annual Report.

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

MESSAGE FROM THE GOVERNOR

May 5, 2010

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

Enclosed herewith is Executive Order No. 10-03 for your information.

EXECUTIVE ORDER No. 10-03

Offer of Reward

MARK PARKINSON
Governor

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

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 306**.

The Senate not adopts the conference committee report on **SB 368**, requests a new conference committee be appointed and has appointed Senators Owens, Vratil and Kelly as third conferees on the part of the Senate.

The Senate adopts conference committee report on **HB 2482**.

The Senate adopts conference committee report on **HB 2486**.

The Senate adopts conference committee report on **HB 2554**.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Merrick, in accordance with subsection (a) of House Rule 1503, that the order on General Orders of **H. Sub. for SB 572** be changed to the first measure of business to be considered on General Orders today.

Roll call was demanded on motion of Rep. Aurand to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, on page 127, in line 14, by adding \$85,949,000 to the dollar amount and by adjusting the dollar amount in line 14 accordingly;

On roll call, the vote was: Yeas 55; Nays 62; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, DeGraaf, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Whitham, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goyle, Grant, Henderson, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Fund, Garcia, George, Hawk, Henry, Rhoades, Swenson, Vickrey. The motion of Rep. Aurand did not prevail.

Also, roll call was demanded on further motion of Rep. Aurand to amend **H. Sub. for SB 572** as amended by House Committee of the Whole, on page 127, in line 18, by adding \$24,000,000 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Tafanelli, Whitham, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, George, Goyle, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Peterson, Phelps, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Fund, Garcia, Hawk, Rhoades, Vickrey.

The motion of Rep. Aurand did not prevail.

Also, on motion of Rep. Feuerborn to amend **H. Sub. for SB 572**, Rep. Kinzer requested the question be divided. The question was divided.

On Part A of the motion of Rep. Feuerborn to amend **H. Sub. for SB 572**, Rep. Merrick offered a motion to rise and report progress. The motion prevailed.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 368**.

Speaker O'Neal thereupon appointed Reps. Kinzer, Whitham and Pauls as third conferees on the part of the House.

MESSAGES FROM THE SENATE

Announcing adoption of **SCR 1631**.

Announcing passage of **HB 2595**, as amended; **HB 2631**, as amended by **S. Sub. for HB 2631**.

The Senate adopts conference committee report on **SB 434**.

The Senate accedes to the request of the House for a conference on **SB 452** and has appointed Senators Brungardt, Reitz and Faust-Goudeau as second conferees on the part of the Senate.

Also, the President announced the appointment of Senator Haley as a member of the conference committee on **SB 368** to replace Senator Kelly.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was thereupon introduced and read by title:

SCR 1631.

REPORT ON ENROLLED RESOLUTIONS

HR 6039, HR 6042, HR 6044, HR 6045, HR 6046 reported correctly enrolled and properly signed on May 6, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, May 7, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

