

# Journal of the House

## FORTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 8, 2012, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Kelley, LeDoux and Ruiz were excused on verified illness.

Rep. Colloton was excused on legislative business.

Prayer by guest chaplain, Father Bill Brunning, Mother Teresa of Calcutta Catholic Church, Topeka, and guest of Rep. O'Neal:

Almighty God,

We give you thanks for the blessings you have bestowed upon our Nation and upon the Great State of Kansas. You have blessed us with fertile soils and bountiful harvests. You have blessed us with the sublime beauty of the prairie and rolling hills. You have blessed us with a rich heritage and a legacy of sacrifice for the freedom of all people. Pour out your wisdom and guidance on all members of the Kansas House of Representatives. Fill them with your spirit of Truth, and give them courage to defend our liberty, and protect the most vulnerable. Give our representatives hearts of compassion, and may they be good stewards of the legacy entrusted to them. May our Great State of Kansas have a future full of hope, peace, life and liberty for generations to come.

We ask this in the name of God Almighty.... Amen

The Pledge of Allegiance was led by Rep. Swanson.

Kansas Trivia Question – It's doubtful that the man for whom this site is named ever saw it, but there is a beautiful stone structure there built by the WPA that offers a great view of the countryside. What is the site's name?

Answer: Coronado Heights

### INTRODUCTION OF GUESTS

There being no objection the following remarks of Rep. Rubin are spread upon the Journal:

The Kansas Foundation for Agriculture in the Classroom, in conjunction with the

Kansas Department of Agriculture and Kansas State University Department of Agriculture, has named Lucas Shivers, a sixth grade teacher at Bluejacket-Flint Elementary in Shawnee, as the 2012 Janet Sims Memorial Teacher of the Year. Mr. Shivers presents agriculture and environmental lessons reflecting his childhood on a traditional Kansas family farm. In his student-centered classroom, he integrates agricultural concepts within daily curriculum objectives.

Mr. Shivers brings ag-literacy to the forefront of his classroom by allowing students to understand the influence of agriculture in America's future of security, personal health and economic revival.

Integrating agriculture with hands-on activities, Mr. Shiver's students learn to think critically, exercise inquiry, solve complex problems and advance our society with projects like:

- engineering food and energy sources with Future City;
- achieving zero-waste classrooms with recycling and composting through Green Team;
- seeing agriculture's impacts in different parts of the world with Electronic Field Trips;
- designing ag-focused exhibits for Science City through Battle of the Brains competitions; and
- funding agricultural businesses through international micro-finance loans with KIVA.

Mr. Shivers seeks to grow students into an agriculturally-aware citizenry which also understands the foundation of agriculture in the history and economy of Kansas, in American democracy, the scope of agriculture in our global markets and the depth of agriculture in our personal lives.

Please join me in recognizing and congratulating Lucas Shivers as the recipient of the Kansas Foundation for Agriculture in the Classroom's 2012 Janet Sims Memorial Teacher of the Year Award.

Rep. Rubin presented Mr. Lucas with a framed House certificate.

## **INTRODUCTION OF GUESTS**

There being no objection, the following remarks of Rep. Kuether are spread upon the Journal:

It is my pleasure to introduce you to the 2012 Mrs. Kansas, Bobbie Padgett. She is married to high school sweetheart, Barry, and together they have five children ages 16-1. Their youngest is adopted. They are outspoken advocates for adoption and foster care. She is here today as part of the KMEA (Kansas Music Educators Association) to speak about the importance of music education as part of the ARTS Day at the Capitol. Other members of the delegation with her today are Mike Quilloing, past president of KMEA, Fred Burrack and Avian Bear.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2781**, AN ACT creating the task force on obesity prevention and management,

by Committee on Appropriations.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2779.**

Education Budget: **HB 2777.**

Elections: **HB 2780.**

Local Government: **HB 2776.**

Taxation: **HB 2778.**

### CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2084** from Committee on Appropriations and rereferral to Committee on Local Government.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Meier, **HR 6014**, A resolution designating the Honor and Remember Flag as the State of Kansas' emblem of the service and sacrifice by those in the United States Armed Forces who have given their lives in the line of duty, was adopted.

There being no objection, the following remarks of Rep. Meier are spread upon the Journal:

After joining the ranks of the Families of the Fallen with the death of his son in Fallujah, Iraq, George Lutz realized that there was no universally recognized symbol to acknowledge American service members who have fallen while in service to their nation.

He felt that all members of the military who volunteered their lives and made the ultimate sacrifice for their country and the defense of their fellow Americans, deserved to be honored and remembered.

After much deliberation, he came upon an idea of how to not only honor and remember each lost service member, but to educate the American people and millions who do not feel the burden of America's defense each day. He designed the Honor and Remember flag and started travelling the United States presenting personalized flags to families and educating all those he came in contact with along the way.

George's mission has grown into a Nationally Recognized organization that is embraced and officially endorsed by other National service organizations such as: the Vietnam Veterans of America, the Air Force Association, the Association of the US Army, the Association of the US Navy, the Military Officers Association of America, the American Gold Star Mothers, Inc., Bugles Across America, The Retired Enlisted Association, Sons of the American Revolution National Society, and many more.

As George's mission brought him to Kansas, his message touched our own Gold Star families from Kansas, the Vietnam Veterans of America and various posts of the Veterans of Foreign War and the American Legion. They joined him and sponsored his visit to Kansas. In July 2010, I was invited to my own VFW Post 56 in Leavenworth, along with the director of the Governor's Military Council to meet George Lutz, learn

of his mission and add our signatures to his petition of States' support.

I am very proud today, that all 125 of my fellow Representatives in the Kansas House, have co-sponsored this Resolution to recognize the Honor and Remember flag as Kansas' emblem of service and sacrifice of those who have given their lives in the line of duty for their country.

I am very honored today to have Mr. George Lutz, Gold Star father of Corporal George Anthony Lutz II, and founder of Honor and Remember, Inc. here with us today to witness this Resolution.

We are joined by members of the MOKAN GOLD STAR families. These are some of the families who helped to promote awareness and assisted in supporting the recognition of the Honor and Remember flag for the state of Kansas. There are many in the gallery and joining me here at the well are: Dennis and Betty Wright, Gold Star Parents of Private Shawn Wright, Diana Pitts and Kathie Echols, Gold Star mother and grandmother of Corporal David Unger, Sun Rodgers, Gold Star Mother of Sergeant Ricky Rodgers, Amber Mena, wife of Sergeant Ralph Mena, Anita Dixon, Gold Star mother of Sergeant Evan Parker, and Belinda Paauwe, Gold Star mother of Sergeant Michael Paauwe.

We are also honored to have two veterans with us, who supported Mr. Lutz and the Honor and Remember tour when it came to Kansas in July of 2010 and continue their strong support today: Lieutenant Colonel (Retired) Jim Bertsch, of the American Legion Riders Post #370 in Overland Park KS and Colonel (Retired) Lynn Rolf Jr., of the VFW Riders Post #56 in Leavenworth KS.

And in the gallery, we have some very special guests: members of the Patriot Guard. They are the heroes that line our streets to welcome home our returning service members and to escort those who are making their final journey to their resting place. Our humble thanks go to these dedicated Americans.

Rep. Meier presented a framed House certificate to Mr. Lutz.

### CONSENT CALENDAR

No objection was made to **SB 374, SB 384, SB 406** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2674; SB 264, SB 266** appearing on the Consent Calendar for the second day.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2422**, AN ACT concerning the personal and family protection act; amending K.S.A. 2011 Supp. 75-7c05 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Trimmer.

Present but not voting: None.

Absent or not voting: Colloton, Kelley, LeDoux, Ruiz.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: While I favor the exemption of corrections officers from taking the safety training if they have been issued a certificate of firearms training, I oppose charging these individuals more than other law enforcement officers for the permit. When we are looking at a \$400 million surplus, surely we can afford a few more dollars to allow these hard working individuals the right to purchase a conceal-carry permit at a reduced cost. I vote no on **HB 2422**. — ED TRIMMER

**HB 2481**, AN ACT concerning mineral severance tax; relating to taxation of helium and other gases; prohibiting certain refunds related thereto; amending K.S.A. 79-4226 and K.S.A. 2011 Supp. 79-4216 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Kuether, Landwehr, Patton, Tietze.

Present but not voting: None.

Absent or not voting: Colloton, Kelley, LeDoux, Ruiz.

The bill passed, as amended.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Huebert in the chair.

**COMMITTEE OF THE WHOLE**

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

Recommended that **SB 249, SB 270** be passed.

Committee report to **HB 2697** be adopted; and the bill be passed as amended.

Committee report to **HB 2758** be adopted; and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **SB 310** be amended on page 2, in line 7, after the period by inserting "The cost of the initial public hearing and any subsequent hearings may be paid by the groundwater management district.";

On page 4, in line 11, after the period "by inserting "The cost of public review hearings under this subsection may be paid by the groundwater management district."; and the bill be passed as amended.

**Education Budget Committee** recommends **SB 261** be amended on page 3, after line 38, by inserting the following:

"(g) The provisions of this section shall expire on June 30, 2017."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2769** be passed.

**REPORT ON ENGROSSED BILLS**

**HB 2422, HB 2481** reported correctly engrossed March 7, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Friday, March 9, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

