

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 26, 2012, 10:00 a.m.

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

The roll was called with 119 members present.

Rep. LeDoux was excused on verified illness.

Reps. Johnson, Kelley, Peterson, Slattery and Weber were excused on excused absence by the Speaker.

Prayer by guest chaplain, Mr. Nathan Boldt, Associate Minister, Tyro Christian Church, and guest of Rep. Peck:

Dear Heavenly Father,

We exalt You as our Perfect Sovereign God. We thank you for the way you have blessed our nation in the past, we give you the credit for the freedoms we have today, and we ask for continued blessings in the future. But we understand that is a silly request when/if we “okay” sin and immorality. Therefore, at this time, we want to say sorry for sometimes thinking of more ways to pad our pockets than thinking of the poor and sick. But most of all, we say sorry for every individual in this room, including myself, who has not lived and surrendered 100% of our lives to your Son Jesus Christ. Our prayer is that these men/women make decisions today that would honor you and be pleasing to You. Give the leaders of our state direction and compassion in their voting and their living. We pray for help in developing a state that upholds with reverence Your Word and looks to You for guidance.

Today, we thank you for literally sacrificing Your Son to ravaging wolves here on this planet. For all the blood that was shed that covers our sins, we thank you eternally. Can't wait to be home with You, Father. In Christ Your Son Jesus' name we pray, and all God's people said, “Amen.”

The Pledge of Allegiance was led by Rep. Feuerborn.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Bollier are spread upon the

Journal:

As we stand in the Kansas House of Representatives today, I believe it is appropriate for all of us to reflect upon the money used to support this team that has earned its way to a state championship. Honestly, how does participation in a sports team in high school benefit a Kansas student's education?

For me as a former swimmer at Shawnee Mission East, it is clear that the journey a team takes on its way to a state championship title is built upon certain educational foundations. Hard work...self-sacrifice...time management...commitment: these are values that must be present to succeed as a team. We in the legislature believe in you as you excel in both the classroom and the pool, and we put the state's money behind that belief. You, the young people of Kansas, are privileged to have the opportunity to learn these values in your high school, and our hope is that you will extend those lessons learned into your adult lives. A state championship does not come easily, and each member of the team must reach his maximum potential at just the right time. We are proud of you!

It is an honor and privilege for me to recognize today the Shawnee Mission East Boy's High School 2012 Swim and Dive Team State Champions. Your team captains will now be presented with a certificate to place in your school. I would also like to officially congratulate your coach, Wiley Wright, who has dedicated 27 years to the success of this swim and dive program. I would also like to recognize the one young woman who helped your team along the way, your manager. Congratulations to all of you!

Rep. Bollier presented a framed House certificate to the team.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Redistricting: **HB 2791**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 314** from the Calendar under the heading General Orders and referral to Committee on Redistricting.

MESSAGE FROM THE GOVERNOR

April 23, 2012

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

Enclosed herewith is Executive Order No. 12-05 for your information.

EXECUTIVE ORDER 12-05 FOR REGIONAL EMERGENCIES
Concerning Conditional and Temporary Relief
from Motor Carrier Rules and Regulations

SAM BROWNBACK
Governor

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

COMMUNICATIONS FROM STATE OFFICERS

From Karen Z. Schutter, Executive Director, Interstate Insurance Product Regulation Commission (IIPRC), 2011 Annual Report.

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

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report on **SB 134**.

The Senate adopts the Conference Committee report on **S Sub for HB 2454**.

The Senate adopts the Conference Committee report on **HB 2471**.

The Senate adopts the Conference Committee report on **HB 2502**.

The Senate adopts the Conference Committee report on **HB 2503**.

The Senate adopts the Conference Committee report on **HB 2568**.

The Senate adopts the Conference Committee report on **HB 2655**.

The Senate adopts the Conference Committee report on **S Sub for HB 2730**.

The Senate accedes to the request of the House for a conference on **HB 2562** and has appointed Senators **Owens, King** and **Haley** as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. S. Gatewood, **HR 6028**, by Representatives S. Gatewood, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. 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, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, 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, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6028**—

A RESOLUTION honoring Bob Wootton.

WHEREAS, Bob Wootton, 86, of Topeka, died August 22, 2011. He served in the Kansas house of representatives from 1992 to 1994; and

WHEREAS, Mr. Wootton was born on January 7, 1925, in Lamar, Missouri to Tom and Essie Wootton; and

WHEREAS, Mr. Wootton joined the army during World War II. Two days before

being shipped overseas, he married Wanda Thomas on February 20, 1944. During the war, he served in the U.S. army medical corps in New Guinea, the Philippines and Japan; and

WHEREAS, After his tour of duty, Mr. Wootton returned home to Missouri where he was hired as a teacher at Hard Scrabble High School. After one year, he moved to Milford, Missouri and continued to teach. However, Mr. Wootton did not have a teaching degree, so while at Milford, he decided that if he was going to continue to teach, he should get a degree; and

WHEREAS, Mr. Wootton and his family moved to Pittsburg, Kansas so he could attend Pittsburg State University. Mr. Wootton earned both a bachelor's and master's degree in education. After graduating in 1953, he began teaching English at Shawnee Mission High School; and

WHEREAS, In 1968, Mr. Wootton became the chief lobbyist and political director of the Kansas national education association. During his tenure, he started the KNEA political action committee, which assisted political candidates running for office. He also started the "Check the Record" publication that reported the voting record of legislators; and

WHEREAS, In 1980, Mr. Wootton left KNEA and joined Governor John Carlin's staff as a policy staff member and legislative liaison. He served on the governor's staff for eight years; and

WHEREAS, Mr. Wootton then served on the staff of both speaker of the house Marvin Barkis and senate minority leader Jerry Karr. In 1992, he replaced George Gomez as a member of the Kansas house of representatives for the 57th district. He served in the Kansas legislature until 1994 when he chose not to run for reelection; and

WHEREAS, Mr. Wootton was diagnosed with a brain tumor in 2006. He is survived by his wife of 62 years, Wanda; daughter Karen Harmon; son Mark Wootton and his wife Rochelle Vigurs; daughter Kate Wootton and her husband Arthur Short Bull; and son Stephen Wootton and his wife Mary Lou Emery. Also surviving Mr. Wootton are two grandchildren, Ann Wootton and Claire Emery-Wootton: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Bob Wootton for his great work and dedication to the state of Kansas and extend our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative S. Gatewood.

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

I am here today to honor someone that has given their entire life to bettering his country, state and community. Bob Wootton started his public service in World War II, and one of the last things he did was serve in this body. When Bob passed this country and state lost a tireless advocate. Today I have with me, Wanda Wootton. We all know how much our families sacrifice so that we can do this job, and Wanda has been doing it since before the Second World War I think we owe her a big thank you.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**HOUSE RESOLUTION No. HR 6029—**

By Representatives Finney, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, 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, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, 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, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION in memory of Representative Jonathan Wells.

WHEREAS, Representative Jonathan "Joe" Wells, of Wichita, died January 30, 2012. A Kansas legislator, he was elected to the House of Representatives in 1992 and served until 2002; and

WHEREAS, Representative Wells was born April 13, 1928, in Taft, Oklahoma. He received a bachelor of science degree at Langston University in 1950, and a master of science degree from Emporia State University in 1969; and

WHEREAS, Representative Wells was both a teacher and a school administrator for the Wichita public school system for 32 years. His years as an administrator include a principalship at Wichita East High School, Metro-Meridian Alternative High School, Allison Junior High School and Alcott Alternative Middle School. He was the first black senior high principal in the Wichita Public Schools; and

WHEREAS, After he retired from the Wichita Public Schools in July 1992, Representative Wells was elected to the House of Representatives, representing the Kansas 84th district; and

WHEREAS, Representative Wells is remembered for his commitment to his constituency from House district number 84. He served as a member of the committee on education, committee on environment, committee on health and human services, committee on higher education and legislative educational planning committee. He also ensured that his constituents remained informed about the issues being decided in Topeka, by seeking their advice through mass mailings and asking their views on welfare reform, chain gangs, concealed weapons and the state's tax structure. He would send out 800 copies of his newsletter, outlining the issues, and since the state only paid for 150 of those newsletters, he would pay the postage for the remaining 650 or deliver them himself; and

WHEREAS, Representative Wells proudly served his community as a member of both the St. Paul AME Church and Tabernacle Bible Church in Wichita, Kansas, president of the First Black Historical Society Museum, a member of the Kansas and National Black Caucus, a member of the McAdams Golden Age Association and a member of both Phi Beta Sigma and Phi Delta Kappa fraternities. Representative Wells

also won numerous civic awards, including Sigma Gamma Rho's Golden Eagle Award; he was nominated as one of President George Bush's 1,000 Points of Light awards; and he was a recipient of the Dr. Martin Luther King, Jr. Award in Wichita; and

WHEREAS, Representative Wells was preceded in death by his wife of over 50 years, Justina. Representative Wells leaves three daughters and five grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family and friends of Jonathan Wells and thank him for the years of public service he gave to his state and community.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Shultz, the House nonconcurred in Senate amendments to **S Sub for HB 2077** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Suellentrop, Kleeb and Slattery as conferees on the part of the House.

Upon unanimous consent, the House referred back to the regular business Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2792, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 2011 Supp. 16-1602, 21-5428, 21-6811, 22-3437, 22-4705, 44-703, 44-706, 59-2132, 65-516, as amended by section 5 of 2012 House Bill No. 2660, 65-4915, as amended by section 51 of 2012 Substitute for Senate Bill No. 397, 65-6805, as amended by section 54 of 2012 Substitute for Senate Bill No. 397, 68-1051, as amended by section 2 of 2012 House Bill No. 2441, 72-1397, 72-5445, 74-5602, as amended by section 2 of 2012 House Bill No. 2496, 75-2935, as amended by section 115 of 2012 Senate Bill No. 316, 75-37,121, as amended by section 117 of 2012 Senate Bill No. 316, 76-11a13, 77-421, as amended by section 38 of 2012 House Bill No. 2535, 79-201a, as amended by section 1 of 2012 House Bill No. 2769 and 79-3234, as amended by section 127 of 2012 Senate Bill No. 316 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-5428a, 21-6811a, 22-3437b, 22-4705a, 32-1049a, as amended by section 64 of 2012 Senate Bill No. 316, 44-703a, 44-706b, 65-1436a, 65-4915, as amended by section 1 of 2012 House Bill No. 2428, 65-6805, as amended by section 28 of 2012 House Bill No. 2416, 68-1051, as amended by section 2 of 2012 House Bill No. 2509, 72-5445a, 74-4911f, as amended by section 95 of 2012 Senate Bill No. 316, 74-5089, as amended by section 6 of 2012 Senate Bill No. 417, 74-5602, as amended by section 105 of 2012 Senate Bill No. 316, 74-5602, as amended by section 2 of 2012 Senate Bill No. 424, 75-2935, as amended by section 28 of 2012 Senate Bill No. 417, 75-3372, 75-37,121, as amended by section 33 of 2012 House Bill No. 2416, 77-415, as amended by section 1 of 2012 Senate Bill No. 252, 77-421, as amended by section 123 of 2012 Senate Bill No. 316, 77-421, as amended by section 55 of 2012 House Bill No. 2416, 77-421, as amended by section 2 of 2012 Senate Bill No. 252, 79-201a, as amended by section 124 of 2012 Senate Bill No. 316 and 79-3234b, as amended by section 128 of 2012 Senate Bill No. 316.

CHANGE OF REFERENCE

Speaker O'Neal announced withdrawal of **SB 393** from Committee on Appropriations and referral to Committee on Education Budget.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 390** be passed.

Committee on **Veterans, Military and Homeland Security** recommends **HR 6025** be adopted.

REPORT ON ENGROSSED BILLS

HB 2505 reported correctly engrossed April 2, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:30 a.m., Thursday, April 27, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

