

# Journal of the House

## THIRTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 26, 2012, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Kelley was excused on legislative business.

Reps. Donohoe and Suellentrop were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,  
 As a pastor I often say,  
 lost, broken, hurting people matter to God;  
 therefore they should matter to us.  
 When I put this statement in the context of this legislature,  
 whether people are  
 living in affluent neighborhoods of our large cities,  
 or under a bridge on the streets;  
 employers trying to make the business succeed,  
 or employees trying to hang on to their jobs;  
 individuals burning the candle at both ends to make ends meet,  
 or those with no initiative demanding handouts;  
 those who have the ability and means to gain an education,  
 or those who lack the means by which to better themselves;  
 those who obey the law,  
 or those who disobey the law;  
 those who want a say and vote in elections,  
 or those who want a say but don't vote—  
 all of these people matter to You,  
 and, therefore, should matter to us.  
 So grant wisdom, discernment,  
 understanding and common sense  
 in order to pass legislation that reflects  
 that all these Kansans matter to us.  
 In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. S. Gatewood.

Kansas Trivia Question – When Dwight D. Eisenhower was serving at Fort Leavenworth during World War I, he ordered one of his soldiers to spend less time on his writing. Who was the enlistee who would rather write than fight?

Answer : F. Scott Fitzgerald

### INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Hill, on behalf of Rep Mast, are spread upon the Journal:

Today I am pleased to be joined by Representative Mast and to have the opportunity to introduce the new Emporia State University President, Dr. Michael Shonrock. Dr. Shonrock who is a native of Illinois is actually coming back to Kansas. After graduating from Western Illinois Dr. Shonrock came to Pittsburg State University where he was a staff member and completed his Ed.S. degree. After receiving his degree at PSU Dr. Shonrock moved to Lawrence and KU where he received his PhD. Dr. Shonrock left KU and joined the administration at Texas Tech where he has served in a variety of positions with increasing responsibility for the last 20 years.

When the Presidency at Emporia State became vacant an extensive search was conducted and having had the opportunity to meet and interact with all four of the finalists, I know the pool of talent from which the Regents had to choose the new President was exceptional.

Dr. Shonrock assumed his duties at ESU on January 3 and he has already quite clearly demonstrated his intellect, his bias for action, his vision, his interest in community involvement and the depth of his experience in public higher education, as well as in university strategic planning and enrollment management.

Above all President Shonrock has exhibited his commitment to the students he serves and his infectious enthusiasm.

We have been delighted to welcome Dr. Shonrock and his lovely wife Karen to Emporia and I ask you now to join me in a warm Kansas House of Representatives welcome to new Emporia State University President, Michael Shonrock.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2546**, AN ACT concerning the Kansas military board; relating to the conveyance of certain property, by Representative Garber.

**HB 2547**, AN ACT concerning the promoting employment across Kansas act; pertaining to qualifications for benefits under the act; Kansas small businesses; amending K.S.A. 2011 Supp. 74-50,211 and 74-50,212 and repealing the existing sections, by Committee on Taxation.

**HB 2548**, AN ACT concerning personal property taxation; relating to delinquent taxes; partial payment of certain delinquent personal property taxes; poverty affidavits; amending K.S.A. 79-2024 and repealing the existing section; also repealing K.S.A. 79-2102, by Committee on Local Government.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills and resolution were referred to committees as indicated:

Aging and Long-term Care: **HB 2524.**

Appropriations: **HB 2527.**

Children and Families: **HB 2537, HB 2542.**

Commerce and Economic Development: **HB 2531, HB 2532, HB 2541.**

Corrections and Juvenile Justice: **HB 2529, HB 2534, HB 2535.**

Education: **HB 2543.**

Education Budget: **HR 6003.**

Energy and Utilities: **HB 2526, HB 2528.**

Health and Human Services: **HB 2525.**

Judiciary: **HB 2530, HB 2533, HB 2536, HB 2539, HB 2540.**

Local Government: **HB 2544.**

Pensions and Benefits: **HB 2545.**

Social Services Budget: **HB 2538.**

**CHANGE OF REFERENCE**

Speaker O'Neal announced the withdrawal of **HB 2324** from Committee on Federal and State Affairs and referral to Committee on Corrections and Juvenile Justice.

**COMMUNICATIONS FROM STATE OFFICERS**

From Members of the Kansas Employment First Oversight Commission, Annual Report, January 23, 2012.

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

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Siegfried, pursuant to House Rule 2307, the following bills were stricken from the Calendar:

**HB 2091, HB 2173; Sub. HB 2220; HB 2317, HB 2322, HB 2331, HB 2337, HB 2360, HB 2368, HB 2393; H. Sub. for SB 34.**

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2412**, AN ACT concerning cities; relating to dissolution, certain cities, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: 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, 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, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Donohoe, Kelley, Suellentrop.

The bill passed as amended.

**HB 2436**, AN ACT concerning public utilities; relating to the issuance of a certificate of public convenience; amending K.S.A. 66-131 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: 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, 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, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Donohoe, Kelley, Suellentrop

The bill passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-term Care** recommends **HB 2424** be amended on page 2, in line 5, after "individuals" by inserting ", except that this restriction shall not apply to individuals determined seriously emotionally disturbed by a licensed community mental health center"; in line 15, before "its" by inserting "July 1, 2013, and"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2451** be passed.

Committee on **Health and Human Services** recommends **HB 2428**, **HB 2490** be passed.

Committee on **Taxation** recommends **HB 2403** be amended on page 1, in line 6, by striking "2010"; and inserting "2011"; in line 25, by striking "five"; and inserting "ten"; in line 28, by striking ", and includes structures"; by striking all in lines 29 and 30; in

line 31, by striking "home is located";

On page 2, in line 40, by striking "2010"; and inserting "2011";

On page 1, in the title, in line 2, by striking "2010"; and inserting "2011"; 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 were introduced and read by title:

**HB 2549**, AN ACT concerning preservation of public records; relating to electronic records; amending K.S.A. 45-402, 45-403, 45-404, 45-405, 45-408 and 75-104 and repealing the existing sections, by Committee on Judiciary.

**HB 2550**, AN ACT concerning alcoholic beverages; amending K.S.A. 41-2640 and 41-2722 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2551**, AN ACT concerning wildlife, parks and tourism; relating to vessel fees; amending K.S.A. 2011 Supp. 32-1172 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2552**, AN ACT concerning schools; relating to superintendents; amending K.S.A. 72-8202b and repealing the existing section, by Representatives LeDoux, Boman, DeGraaf, Garber, Goodman, Gordon, Grange, Hayzlett, Hedke, Howell, McLeland, O'Hara, Peck, Powell, Seiwert and Vickrey.

**HB 2553**, AN ACT concerning representation by the attorney general, by Committee on Appropriations.

**HB 2554**, AN ACT enacting the Kansas roofing contractor registration act, by Committee on Insurance.

**HB 2555**, AN ACT concerning certain recreation commissions, by Representative O'Neal.

**HB 2556**, AN ACT concerning traffic regulation; designating certain highway segments as safety corridors; establishing the traffic safety corridor fund; amending K.S.A. 2011 Supp. 8-2118 and 74-7336 and repealing the existing sections, by Committee on Transportation.

**HB 2557**, AN ACT concerning commercial vehicles; requiring an annual commercial vehicle fee; amending K.S.A. 79-306d and K.S.A. 2011 Supp. 8-1,152, 79-6a01, 79-6a02, 79-6a03, 79-6a04, 79-1439, 79-3425i and 79-5101 and repealing the existing sections, by Committee on Transportation.

**HB 2558**, AN ACT concerning workers compensation; pertaining to the administration of the state workers compensation self-insurance fund; pertaining to the state workplace health and safety program; pertaining to certain time limitation on filing; pertaining to duties of the secretary of labor; amending K.S.A. 44-512, 44-557, 44-578 and 74-712 and K.S.A. 2011 Supp. 2-224a, 44-523, 44-575 and 44-577 and repealing the existing sections, by Committee on Commerce and Economic Development.

**HB 2559**, AN ACT concerning public school safety; amending K.S.A. 72-89b03 and 72-89b04 and repealing the existing sections, by Representatives Smith, Cassidy, Meigs, Mesa, Montgomery and Rubin.

**HB 2560**, AN ACT concerning taxation; relating to income tax, rate for individuals, credits, deductions and income determination; sales tax rate and distribution of revenue; severance tax, exemptions; homestead property tax refunds; food sales tax refund; amending K.S.A. 39-7,132, 65-7107, 74-8206, 74-8304, 79-32,118, 79-32,128, 79-32,177, 79-32,190 and 79-32,200 and K.S.A. 2011 Supp. 40-2246, 74-50,173, 74-50,208, 74-8316, 74-8401, 79-32,110, 79-32,111, 79-32,117, 79-32,119, 79-32,138, 79-32,143, 79-32,143a, 79-32,182b, 79-32,196, 79-32,197, 79-32,197a, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,211, 79-32,212, 79-32,222, 79-3603, 79-3620, 79-3703, 79-3710, 79-4217, 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections; also repealing K.S.A. 79-32,176, 79-32,182, 79-3634, 79-3636 and 79-3638 and K.S.A. 2011 Supp. 74-8131, 74-8132, 74-8133, 74-8134, 74-8135, 74-8136, 74-8137, 79-32,111a, 79-32,120, 79-32,202, 79-32,205, 79-32,213, 79-32,242, 79-3633, 79-3635, 79-3637 and 79-3639, by Committee on Taxation.

**HB 2561**, AN ACT concerning economic development; concerning the STAR bonds financing act; relating to the provisions regarding STAR bond projects; extending the sunset date; amending K.S.A. 2011 Supp. 12-17,179 and repealing the existing section, by Committee on Taxation.

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

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

