

Journal of the House

THIRTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 29, 2012, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Dillmore, LeDoux and B. Wolf were excused on verified illness.

Reps. Aurand, Bollier, Mesa and Peterson were excused on excused absence by the Speaker.

Prayer by Rabbi Zalman Tiechtel, The Rohr Chabad Center for Jewish Life, Lawrence, guest of Rep. Gordon:

Almighty G-d, Master of the Universe.

The members of this honorable House of Representatives of the State of Kansas, gather here today to do the people's business in good faith and with selfless dedication. In doing so, they fulfill a fundamental precept, which, according to sacred Biblical tradition, You first issued to Adam at the time of his creation and to Noah after the Great Flood - the commandment to govern by just laws.

At mankind's beginning, You issued forth seven universal commandments for all humanity to heed, which came to be known as the "Seven Noahide Laws". The last of those precepts is that every society legislate for itself a system of law, order and social justice, based on the recognition and acknowledgment of You, Almighty God, as the Sovereign ruler of all men and of all nations.

Almighty God, you created us all in love. Teach us to love all that is good and beautiful in this world.

Teach us to honor the dignity of difference, recognizing that one that is not in our image is nonetheless in your image. Never forgetting that the people not like us, are still people, Like us.

At this fateful moment in the human story, bless us all, that we may be a blessing to others.

Guide the nations of the world to honor you by honoring one another. So that by reaching out in love, we may turn enemies into friends and become your family on earth as you are our parent in heaven.

Beloved g-d, bless the members of this House of Representatives and guide their deliberations, that they may govern this great state with wisdom and justice, grace and compassion, bringing honor to your name and your blessing to humankind.

May they contemplate and bear in mind, as they engage in the enactment of just and benevolent law and public policy, that in doing so, they are fulfilling Your Godly will. Amen.

The Pledge of Allegiance was led by Rep. Hedke.

Kansas Trivia Question – What is the smallest county by area in Kansas?

Answer: Wyandotte - which measures 151 square miles.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Ballard, Finney, McCray-Miller and Winn are spread upon the Journal:

We stand before you this morning to recognize four distinguished individuals on this last day of Black History Month. All of our history is important and each of us has a story to tell.

Rep. McCray-Miller introduced Colonel George M. Boyd and presented him with a framed House Certificate in recognition of his service with the United States Air Force in WWII, the Korean War, Vietnam and as a Tuskegee Airman. Rep. Finney also extended her welcome to him.

Rep. Winn, on behalf of Rep. Henderson, introduced Joe Jennings and Chester C. Owens, Jr. Mr. Jennings was recognized for his significant contribution to vocational education as a former AVTS instructor and for his community supported agriculture. He is the “Best Urban Farmer” in Kansas. Mr. Owens was recognized for outstanding leadership and contributions in advancing the cause of civil rights for all Kansans and for being the first African American in Kansas City, Kansas elected to city government in the 20th century. Mr. Jennings and Mr. Owens were presented with framed House Certificates.

Rep. Ballard introduced La Merle McCoy and presented her with a framed House certificate.

La Merle has volunteered hundreds of hours to community organizations in over 65 years of public service and community involvement. The Douglas County United Way presented “Mom” McCoy with the prestigious Wally Galluzzi Volunteer of the Year Award for helping to provide quality child care development, a food pantry for those in need, a site for meals on wheels and senior day care services.

Mom McCoy is 95 years old. Almost 10 years ago, Mom McCoy's daughter, Suneetta passed away and left two daughters, JaSu and Faith. “Grammy” raised her two grandchildren, and is the proud great-grandmother of two grandsons. Mom McCoy is dedicated to her church, Praise Temple Church of God In Christ. She is an Evangelist Missionary and Mother of the Church, and recently wrote a book, “Quips, Quotes and Clichés” to help raise money for her church. It is my honor to recognize Mom La Merle McCoy.

Our honorees have served their communities and continue to make a difference in the lives of others. In closing, I would like to share a quote from Shirley Chisholm, the first black woman elected to Congress from Brooklyn, New York. She wrote that "Service is the rent we pay for occupying space on earth." We believe our honorees have paid their rent for many, many years. Please join us in recognizing our honored guests this morning.

On motion of Rep. Siegfried, the House recessed until 11:50 a.m.

LATE MORNING SESSION

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 252**.

Energy and Utilities: **SB 374**.

Federal and State Affairs: **SB 313**.

Taxation: **HB 2767**.

Transportation: **SB 298, SB 334**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2498** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2634, HB 2645** from Committee on Appropriations and referral to Committee on Education Budget.

Also, the withdrawal of **HB 2674** from Committee on Appropriations and rereferral to Committee on Transportation and Public Safety Budget.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Moxley, **HR 6005**, A resolution recognizing the Commissioner of Forestry and the Kansas Forest Service, Kansas State University for providing 125 years of dedicated forestry services to the owners, managers and stewards of the state's forest, trees, natural resources and related industries, was adopted.

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

Today we are celebrating the 125th Anniversary of the Kansas Forest Service. The Forest Service was established in 1887 for the purpose of promoting the science of forestry.

Kansas Forest Resources: Five million acres, native, community, riparian, windbreak, shelterbelt, and fence row trees and forests.

Customers: 101,000 private forest landowners; 636 incorporated communities; 593 volunteer fire districts; forest product processors; timber buyers; Christmas tree growers; arborists; conservation tree customers.

Kansas forests are critical to public health and well-being, filtering air and water; stabilizing stream banks and providing wildlife habitat.

Kansas forests are under threat and in need of protection from Thousand Cankers disease of black walnut, Emerald Ash Borer and Pine Wilt disease.

Kansas forests support 2400 forest industry jobs associated with a \$355 million forest products industry, 240 certified arborists associated with a \$60 million arboriculture industry and the Kansas Forest Service supports 13,500 volunteer fire fighters contributing over \$60 million of service time value.

Notably the Kansas Forestry Service Fire Program supports 593 fire districts, 13,500 Volunteer Fire Fighters Wildfire Training, education and equipment services.

Rep. Moxley introduced Bob Atchison who is in charge of the Rural Forestry Program and Tim McDonald who is in charge of the Community Forestry Program. They were presented with a framed House Certificate.

MESSAGE FROM THE GOVERNOR

February 24, 2012

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

Enclosed herewith is Executive Order No. 12-02 for your information.

EXECUTIVE ORDER 12-02 FOR REGIONAL EMERGENCIES
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.

MESSAGES FROM THE GOVERNOR

HB 2428, HB 2490 approved on February 29, 2012.

MESSAGES FROM THE SENATE

Announcing passage of **SB 310, SB 330, SB 367, SB 394, SB 416, SB 417.**

Announcing **HCR 5007** was not adopted.

Also, announcing passage of **SB 69; Sub SB 148; SB 262, SB 269, SB 276, SB 277, SB 288, SB 301, SB 302, SB 342, SB 345, SB 358, SB 384, SB 387; Sub SB 393; SB 419.**

Also, announcing passage of **Sub SB 39; Sub SB 64; SB 273; Sub SB 282; Sub SB 283; SB 287, SB 315, SB 326, SB 366, SB 372, SB 375, SB 407, SB 422.**

Also, announcing passage of **SB 304, SB 322, SB 357, SB 406, SB 424, SB 425.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

Sub SB 39; Sub SB 64; SB 69; Sub SB 148; SB 262, SB 269, SB 273, SB 276, SB

277; Sub SB 282; Sub SB 283; SB 287, SB 288, SB 301, SB 302, SB 304, SB 310, SB 315, SB 322, SB 326, SB 330, SB 342, SB 345, SB 357, SB 358, SB 366, SB 367, SB 372, SB 375, SB 384, SB 387; Sub SB 393; SB 394, SB 406, SB 407, SB 416, SB 417, SB 419, SB 422, SB 424, SB 425.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side in the passage of **HB 2212** under that order of business, Emergency Final Action (see House Journal, page 1954), Rep. Carlson moved that the House of Representatives reconsider its action. The motion prevailed and the bill was returned to that order of business, Emergency Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2212, AN ACT concerning property taxation; relating to revenues produced by property tax levies; mill levy adjustments; resolutions, publication requirements; amending K.S.A. 2010 Supp. 79-2925b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 83; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Davis, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Nays: Alford, Arpke, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, Knox, Mast, McLeland, Meigs, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, K. Wolf.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Dillmore, LeDoux, Mesa, Peterson, Sloan, B. Wolf.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2212** because of the lack of candor from the carrier of the amendment during debate last week. While I originally voted yea because I support lowering property taxes for Kansans, accountability and transparency are important in the legislative process. My no vote today is about requiring honesty throughout the legislative process and in the future I will continue to fight for property tax relief. – REPS. SCHWARTZ, MAST, SEIWERT, HINEMAN, ARPKE, KELLY, HEDKE, SUELLENTROP, PRESCOTT, GOICO, GARBER, WEBER, SCHWAB, SMITH, KIEGERL, TYSON, HOWELL, GREGORY, HUEBERT, OSTERMAN, FAWCETT, GROSSERODE, MEIGS, HILDABRAND, DENNING

REPORT ON ENGROSSED BILLS

Sub HB 2106; Sub HB 2159; HB 2212, HB 2313, HB 2558, HB 2627, HB 2629, HB 2638, HB 2646, HB 2650, HB 2655, HB 2675, HB 2706, HB 2715 reported correctly engrossed February 28, 2012.

REPORT ON ENROLLED BILLS

HB 2428, HB 2451, HB 2490 reported correctly enrolled, properly signed and presented to the Governor on February 24, 2012.

REPORT ON ENROLLED RESOLUTIONS

HCR 5017 reported correctly enrolled and properly signed on February 29, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Thursday, March 1, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

