

# Journal of the House

TWENTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 12, 2010, 10:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.  
The roll was called with 113 members present.  
Reps. Bollier, Donohoe and Johnson were excused on verified illness.  
Reps. Aurand, Burroughs, Garcia, Gordon, Grant, Hayzlett, Kiegerl, O'Neal and Powell were excused on excused absence by the Speaker.  
Present later: Rep. Kiegerl.

Prayer by guest chaplain, the Rev. Robert E. Giffin, Fairlawn Church of the Nazarene, Topeka:

Heavenly Father, thank you for today. Thank you for giving us the breath of life for another day. Thank you for allowing us to put our feet on the floor one more day. In as much as you created the days, and you know all the days marked out for us, you're certainly aware that this is Friday. For many here this morning, it has been a long week. Many of your servants here this morning are flat out tired. Some haven't had a good night's rest in a long while. Most have been isolated from their loved ones and away from home for far too long. So father, I pray that you will, today, renew their strength. Encourage their hearts. Take each one of them and hold them up by your strong right hand. King David, a man after your own heart, when he was tired and weary, said: "*I lift up my eyes to the hills—where does my help come from? My help comes for the LORD, the Maker of heaven and earth.*" (Psalm 121:1-2) Be our helper today, Father. Give our leaders all they need to accomplish what you've called them here to do today. And, when the day is done, give them some much needed rest. I pray this in the name of Jesus. Amen.

The Pledge of Allegiance was led by Rep. Feuerborn.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2695**, An act concerning property taxation; relating to delinquent taxes and special assessments; period of redemption; certain vacant land; amending K.S.A. 2009 Supp. 79-2401a and repealing the existing section, by Committee on Taxation.

**HB 2696**, An act regulating traffic; concerning suspension of driving privileges for failure to stop or report certain accidents; amending K.S.A. 8-254 and K.S.A. 2009 Supp. 8-1602, 8-1603, 8-1605 and 8-1606 and repealing the existing sections, by Committee on Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 380**.

Appropriations: **HB 2693**.

Federal and State Affairs: **HB 2685**, **HB 2692**.

Financial Institutions: **HB 2684**, **HB 2688**.

Health and Human Services: **SB 449**.  
 Judiciary: **SB 368, SB 376**.  
 Local Government: **SB 451**.  
 Taxation: **HB 2686, HB 2687, HB 2689**.  
 General Government Budget: **HB 2690, HB 2691; SB 410**.  
 Transportation and Public Safety Budget: **SCR 1625**.  
 Select Committee on KPERS: **HB 2694**.

#### CHANGE OF REFERENCE

Speaker pro tem Siegfried announced the withdrawal of **HB 2682** from Committee on Health and Human Services and referral to Committee on Taxation.

#### COMMUNICATIONS FROM STATE OFFICERS

From Joan Wagon, Secretary of Revenue, pursuant to K.S.A. 79-32,262(b)(3), Annual Report, Declared Disaster Capital Investment Tax Credit.

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

#### CONSENT CALENDAR

Objection was made to **HB 2490** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2473, HB 2485** appearing on the Consent Calendar for the first day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2445**. An act concerning land use; relating to military installations and adjacent areas, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 15; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, King, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Brien, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Faber, Huebert, Kelley, Kerschen, Kinzer, Knox, McLeland, Merrick, Neufeld, Olson, Peck, Rhoades, Schwab, Siegfried.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Burroughs, Donohoe, Garcia, Gordon, Grant, Hayzlett, Johnson, Kiegerl, O'Neal, Powell.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2445**. This bill had the collaboration of both the military installations and local community citizens and elected officials. It formalizes the current important and effective communication and collaboration process between our military installations and our local units of governments in the State of Kansas. In order to be clearer about the legislative intent of this bill, a phrase in the supplemental note for **HB 2445** should have the last sentence in bullet point three, page 2, changed to read: "The commander's approval of the change would be presumed upon no response being issued to the municipality."—TOM HAWK

**HB 2491**, An act concerning insurance; relating to health insurance and creditable coverage plans; amending K.S.A. 2009 Supp. 40-2118 and repealing the existing section., was considered on final action.

On roll call, the vote was: Yeas 108; Nays 5; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Faber, Kelley, Kinzer, Patton.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Burroughs, Donohoe, Garcia, Gordon, Grant, Hayzlett, Johnson, Kiegerl, O'Neal, Powell.

The bill passed, as amended.

**HB 2554**, An act concerning the economic revitalization and reinvestment act; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2009 Supp. 74-50,136 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 15; Present but not voting: 0; Absent or not voting: 12.

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

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Burroughs, Donohoe, Garcia, Gordon, Grant, Hayzlett, Johnson, Kiegerl, O'Neal, Powell.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2551**, **HB 2468**, **HB 2435**, **HB 2484** be passed.

**HB 2548** be passed over and retain a place on the calendar.

Committee report to **HB 2226** be adopted; and the bill be passed as amended.

On motion of Rep. C. Holmes, **HB 2530** be referred to Committee on Appropriations.

Committee report to **HB 2364** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2528** be adopted; also, on motion of Rep. Pauls be amended on page 1, in line 20, after the period by inserting "An appearance bond is revoked by the execution of a warrant for a defendant's arrest for a

violation of a bond condition.”; in line 27, after “default” by inserting “by providing to the court a written statement, signed by the surety under penalty of perjury, setting forth details of such incarceration,”; and **Sub. HB 2528** be passed as amended.

Committee report to **HB 2482** be adopted; and the bill be passed as amended.

Committee report to **HB 2518** be adopted; also, on motion of Rep. Brookens be amended on page 73, in line 16, by striking “Subject to” and inserting “Notwithstanding”.

Also, on motion to recommend **HB 2518** favorably for passage, the motion did not prevail.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2507** be amended on page 8, in line 23, by striking “(2)”; after line 27, by inserting:

“(2) to the extent practicable, may order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

Also on page 8, in line 28, before “may” by inserting “(3)”; in line 32, by striking “(3)” and inserting “(4)”; in line 36, by striking “(4)” and inserting “(5)”;:

On page 9, in line 6, by striking “(5) the board” and inserting “(6)”; and the bill be passed as amended.

Committee on **Education Budget** recommends **HB 2415** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Education Budget** recommends **HB 2446** be amended on page 3, in line 13, by striking “endowment”; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 357** be passed.

Committee on **Taxation** recommends **HB 2521** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2521,” as follows:

“Substitute for HOUSE BILL No. 2521

By Committee on Taxation

“AN ACT concerning taxation; relating to electronic filing of returns, reports or other documents; intangibles tax, filing procedure; amending K.S.A. 12-1,104 and K.S.A. 2009 Supp. 79-3298 and 79-3607 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2521** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2538** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2538,” as follows:

“Substitute for HOUSE BILL No. 2538

By Committee on Taxation

“AN ACT concerning the promoting employment across Kansas act; relating to qualifications for benefits under the act; amending K.S.A. 2009 Supp. 74-50,210, 74-50,211, 74-50,212 and 74-50,213 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2538** was thereupon introduced and read by title.)

#### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 25**, by Representative Jack, congratulating Ronald and Mildred Stevens on their 50th Wedding Anniversary;

**Request No. 26**, by Representative Mast, congratulating David Allegre on achieving the rank of Eagle Scout;

**Request No. 27**, by Representative Mast, congratulating Justyn Schroeder on achieving the rank of Eagle Scout;

**Request No. 28**, by Representative Wetta, honoring Ernie Barrett - “Mr. K-State”, for over six decades of service and dedication as student-athlete, coach and administrator;

**Request No. 29**, by Representative O'Brien, congratulating Jimmy Bormolini on achieving the rank of Eagle Scout;

**Request No. 30**, by Representative O'Brien, congratulating Jacob J. Chapman on achieving the rank of Eagle Scout;

**Request No. 31**, by Representative T. Brown, congratulating Rebecca Jo Brown on her 50th birthday;

**Request No. 32**, by Representative Furtado, congratulating the League of Women Voters in recognition of their 90th anniversary celebration on "Making Democracy Work" Day in Kansas, February 17, 2010;

**Request No. 33**, by Representative Olson, congratulating Jim Loeffebbein in recognition for his leadership in startup business in Kansas;

**Request No. 34**, by Representative Proehl, congratulating Alvin Hostetler on his 90th birthday;

**Request No. 35**, by Representative Vickrey, congratulating Edith Elliott on her 80th birthday;

**Request No. 36**, by Representative Bowers, congratulating Colten Uhl on winning the 2010 "If I Were Mayor" Essay Contest;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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 thereupon introduced and read by title:

**HB 2697**, An act concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-308 and 41-713 and K.S.A. 2009 Supp. 41-102, 41-311, 41-313 and 41-710 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, by Committee on Federal and State Affairs.

**HB 2698**, An act authorizing the secretary of state to grant an easement to the city of Ogden in Riley county, Kansas, by Committee on Taxation.

**HB 2699**, An act concerning school districts; relating to teachers; amending K.S.A. 2009 Supp. 72-5445 and repealing the existing section, by Committee on Appropriations.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. McLeland, the House concurred in Senate amendments to **HB 2414**, An act authorizing the state board of regents to convey certain real estate.

On roll call, the vote was: Yeas 101; Nays 0; Present but not voting: 0; Absent or not voting: 24.

Yeas: Ballard, Barnes, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crow, Crum, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaherty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, Goico, Goyle, Grange, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Bollier, Burroughs, Carlin, Davis, Donohoe, Garcia, George, Gordon, Grant, Hayzlett, Johnson, Kleeb, Landwehr, Light, Neufeld, O'Neal, Peterson, Powell, Whitham, B. Wolf, K. Wolf, Yoder.

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 342, SB 387, SB 446, SB 452, SB 463, SB 479.**  
Announcing adoption of **SCR 1615.**

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 342, SB 387, SB 446, SB 452, SB 463, SB 479; SCR 1615.**

**REPORT ON ENGROSSED BILLS**

**HB 2353, HB 2445, HB 2491, HB 2554** reported correctly engrossed February 11, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 15, 2010.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

