

Journal of the House

THIRTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 1, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker in the chair.
The roll was called with 118 members present.
Reps. Goico and Johnson were excused on verified illness.
Reps. Ballard, Hawk, Jack, Pottorff and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dr. Ira DeSpain, University Minister, Baker University, Baldwin City, and guest of Rep. T. Brown:

Almighty and Gracious God,
From St. Francis to Galena, from White Cloud to Elkhart, elected officials in this room are called to a ministry of Stewardship to the citizens of the land we call Kansas, the land that you call Yours.

With great humility, they assume legislative responsibility for a land and a people of great diversity, great skills, and great needs.

Help these, our legislators, today. Give them a sense of common purpose, common interest, common good will. Help them be good stewards of your people and your land today.

When this day has ended, may they reflect on jobs well done, decisions well made, problems well solved, divisions well healed, and time well spent.

On that day when they transfer the care of your land to others, may they hear those words, "well done, good and faithful servants."

We have that hope, that hope for this day that gave us the energy to get out of bed and come here. May that hope sustain us in all our deliberations. In your Worthy and Mighty name we pray, Amen.

The Pledge of Allegiance was led by Rep. Williams.

PERSONAL PRIVILEGE

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

This morning I would like you to meet the doctor of the day, Dr. Libby Hineman from Scott City. Libby is my daughter-in-law and obviously I am very proud of her. But family pride is not the reason I have brought her before you today. From the time Libby was a young teenager growing up in Iola, her dream was to become a family practice physician. That dream became a reality through the Kansas Medical Student loan program. This program provides partial forgiveness of student loans for medical students willing to practice in underserved areas of the state. In addition, Libby spent two years of her medical training at the Wichita Graduate Medical Education facility, also known as WGME. These two programs were critically important in turning dreams into reality for Libby and many other young physicians like her. Libby thanks you, her family thanks you, and the community of Scott City thanks you.

With Libby today are her husband (my son) Andy and their children, Kalo and Maggie. Kalo is named after his great grandfather, who served in this body from 1974 to 1981.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2717, An act concerning the department of corrections; relating to the prison-made goods act; limiting prices for goods and services; amending K.S.A. 75-5280 and repealing the existing section, by Committee on Appropriations.

HB 2718, An act concerning the office of legislative counsel; relating to the powers and duties thereof; amending K.S.A. 2009 Supp. 46-1222a and 72-64b02 and repealing the existing sections, by Committee on Appropriations.

HB 2719, An act concerning school districts; relating to school finance; authorizing a levy for the budget equity fund, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **Sub. SB 513**.

Federal and State Affairs: **SB 532**.

Judiciary: **SB 460**.

Select Committee on KPERS: **HB 2716**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6020—

By Representative Bethell

A RESOLUTION commemorating March as professional social work month and honoring the hundreds of students who are currently studying to become social workers and will join the more than six thousand social workers practicing in Kansas.

WHEREAS, Social workers are dedicated to the successful functioning of American society; and

WHEREAS, Social workers are the largest provider of mental health services across the state and the country; and

WHEREAS, Social workers stand up to make sure everyone has access to the same basic rights, protections and opportunities; and

WHEREAS, Social workers help resolve systemic issues that negatively affect community life; and

WHEREAS, Social workers believe there are no limits to human potential; and

WHEREAS, Social workers work through community based agencies and organizations, hospitals, the military, government, private practice and educational institutions to provide resources and guidance all of which support social functioning; and

WHEREAS, Social workers are on the front lines of responding to such human needs as homelessness, poverty, family break-up, mental illness, physical and mental disability, substance abuse, domestic violence and many other issues; and

WHEREAS, Social workers have the right education and experience to guide individuals, families, and communities through complex issues and choices; and

WHEREAS, Social workers are educated in all of the nine recognized and accredited university social work programs in this state; and

WHEREAS, Social workers are licensed professionals at the Baccalaureate, Masters and Clinical levels of practice; and

WHEREAS, Social workers risk their lives for the well-being of others; and

WHEREAS, Social workers increase their skills and knowledge through regular continuing education, including establishing a safe working environment for clients wherever they are served; and

WHEREAS, Social workers find professional satisfaction in the achievement and progress made by their clients; and

WHEREAS, Social workers make a wide range of social contributions throughout their careers; and

WHEREAS, A social work career is one filled with purpose and possibilities; and

WHEREAS, Social workers help thousands of Kansans lead more rewarding lives: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That March is professional social work month and student social workers are commended and appreciated for their dedication and commitment to better the lives of others; and the Legislature recognizes the skills, knowledge, ethics and supervision necessary to be an outstanding social worker; and the Legislature supports the long and successful careers of social work students.

CONSENT CALENDAR

Objection was made to **HB 2649** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 463** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2538, 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, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 34; Present but not voting: 0; Absent or not voting: 7.

Yeas: Barnes, Benlon, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, Finney, Fund, Furtado, D. Gatewood, George, Gordon, Goyle, Grange, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Tafanelli, Talia, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Donohoe, Feuerborn, Flaharty, Frownfelter, Garcia, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Peterson, Phelps, Ruiz, Swenson, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Goico, Hawk, Jack, Johnson, Pottorff, Schwab.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: **Sub. HB 2538** is *fiscally irresponsible*. The state is \$400 million dollars in debt; we can't afford to spend another \$95 million dollars in tax breaks.

Sub. HB 2538 spends money on a *poverty economy* of part-time and low wage jobs, no benefits, no accountability and no assurance Kansans will be hired.

Sub. HB 2538 promotes the *wrong values*. We have closed four prisons, laid off hundreds of teachers, denied health care to sick children and left thousands of disabled Kansans waiting for basic services, yet we find \$95 million dollars for more tax breaks. Not me, I vote no on **Sub. HB 2538**.—JIM WARD, EBER PHELPS

MR. SPEAKER: I vote no on **Sub. HB 2538**. Like the federal stimulus package, this bill could allow large business owners and CEO's to pay themselves a large salary and 95% of the taxes we should be collecting will go back in this business. Also, this could be a tool for corporate raiders to buy out Kansas companies and get a tax benefit for doing so. I vote no.—DALE SWENSON

MR. SPEAKER: Current economic incentive plans have attracted thousands of new, good paying jobs to Kansas in the past year. **Sub. HB 2538** lowers wages and benefits for Kansas workers. The bill does not even guarantee that Kansas tax dollars will benefit Kansas workers. The bill does not provide the "win-win" package we need so that both employers and employees prosper in our state. I vote no.—ANN MAH, VALDENIA WINN

MR. SPEAKER: When the legislative session began, I knew we would be faced with tough choices. Should we cut more in education or services to the frail and elderly? Will we be able to maintain funding for the disabled and health care for poor children? Where will we get the \$400 million we are in the hole?

Nowhere in the equation did it occur to me that we would cut 10% to Medicaid, cut bedbug inspections and then give businesses a \$95 million tax cut!

Mr. Speaker, I vote no to fiscal irresponsibility and a “let them eat cake” value system. I vote no on **Sub. HB 2538**.—NILE DILLMORE, SYDNEY CARLIN

MR. SPEAKER: I vote no on **Sub. HB 2538**. An employees’ income tax withholding belongs to them and the government should have no right to give it to their employer and call it economic development.—MARTI CROW

MR. SPEAKER: Friday I voted to pass **Sub. HB 2538** to final action. Over the weekend I thought long and hard about that vote.

I came to the conclusion that yes, this does help businesses in hard economic times but it does it on the backs of good Kansas workers.

It is our job to pass legislation that is fair and equitable to Kansas businesses and Kansas workers. This bill does not do that. Therefore, I must vote No on **Sub. HB 2538**.—BOB GRANT

MR. SPEAKER: I vote no on **Sub. HB 2538**. With our growing revenue shortfall, \$70 million more than previously expected, it is irresponsible to pass this legislation at this time.

In addition, we have already discovered the first unintended consequence of this legislation before we even completed final action. Every insurance industry job domiciled in Kansas receives a 15% credit on that job’s salary in perpetuity. If we are fortunate enough to get the 2700 more jobs in the insurance industry that we expect this year, they will also, on top of the 15%, get 95% of the employees withholding tax.—JULIE MENGHINI

MR. SPEAKER: I vote yes on **Sub. HB 2538** because unemployed Kansas families are hurting. With 100,000 of our citizens unemployed, PEAK will help cultivate a wide range of jobs in every corner of the state. We create new jobs that would not have located in Kansas, and help retain jobs that would have left. Any assertion of income tax loss is more than compensated for by increased state and local sales, gasoline and property taxes through the economic impact of these new jobs—in fact, \$35 million more. This is common sense legislation at a time we need it most.—MARVIN KLEEB

MR. SPEAKER: I vote yes on **Sub. HB 2538**. PEAK represents a unique opportunity to cultivate new jobs—and sustain those we have with virtually no waste. We rarely craft self-funding legislation, but this bill ultimately does that. Because no money is spent unless jobs are created or saved, we benefit not only from jobs that would otherwise not have chosen Kansas; but also their families who relocate with them. In an increasingly complex budget year, we must continue to foster the growth of our only organic revenue generators—businesses. This bill accomplishes that, and represents our single best tool for economic development in Kansas.—ARLEN SIEGFREID, VIRGIL PECK

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 2720, An act concerning school districts; enacting the temporary education economic recovery act, by Committee on Appropriations.

HB 2721, An act concerning workers compensation; relating to caps on benefits, by Committee on Appropriations.

HB 2722, An act providing for consolidation of certain administrative operations of the Kansas board of barbering and the Kansas state board of cosmetology; amending K.S.A. 65-1809, 65-1826, 65-1907, 74-1805a, 74-1805b, 74-1806, 74-1807, 74-2701, 74-2702 and 74-2704 and K.S.A. 2009 Supp. 65-1908 and repealing the existing sections, by Committee on Appropriations.

HB 2723, An act concerning insurance; relating to privilege fees for health maintenance organizations; amending K.S.A. 2009 Supp. 40-3213 and repealing the existing section, by Committee on Appropriations.

HB 2724, An act concerning financial institutions; relating to the creation of the department of banks and credit unions, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2221 reported correctly re-engrossed February 26, 2010.

Also, **Sub. HB 2538** reported correctly engrossed March 1, 2010.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, March 2, 2010.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

