

# Journal of the House

FIFTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, April 30, 2010, 10:00 a.m.

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

The roll was called with 122 members present.

Reps. Colloton, Hawk and Long were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve L. Vaughn, Senior Pastor, Fairlawn Nazarene Church, Topeka:

Father, thank you for being our Shepherd. Thank you for leading us, loving us, even giving up your life so that we might be restored to an intimate everlasting fellowship with you our creator.

Because you are our shepherd — our protector, our defender, we desire to share our needs with you. Please give guidance to the financial condition of our country and state. Assist us as we ask for your direction and wisdom to make good decisions for the future of Kansas and its people.

Help us in the growth process of our spirituality. Increase our own appreciation of who you are, how you love all of humankind, not just us or even those like us. Impress us that like you, we can love those who are very different from ourselves, those whose skin is a different color, those whose culture and even values are different from ours, those whose religious convictions are different from ours, and those whose economic level is far below or far above ours.

Because you love all, we ask you to help the oppressed — the victims of hunger and racial discrimination and those whose individual freedoms are prohibited by political forces which initiate great injustice.

Make us more sensitive to you and to one another — more conscious. Bring us to both humility and boldness. Lead us in our personal spiritual journey.

Give us the courage to be merciful, the endurance to be faithful to those in our care, just as you are with each of us.

Father, be with Jene Vickrey and his family as they mourn the loss of his mother.

It is in the name of the one true and everlasting God, Father, Son and Holy Spirit that I pray. Amen.

The Pledge of Allegiance was led by Rep. O'Brien.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ward, **HR 6041**, by Reps. Brunk, Ward, Barnes, DeGraaf, Dillmore, Finney, Flaharty, Garcia, Goico, Goyle, Huebert, Jack, Kerschen, Landwehr, Loganbill, Hermanson, McCray-Miller, McLeland, Myers, Pottorff, Suellentrop and Swenson, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6041—

A RESOLUTION congratulating and commending the National Merit Finalists of Unified School District 259.

WHEREAS, The National Merit program honors high school students who place high enough on the Preliminary Scholastic Aptitude Test (PSAT) their junior year, as well as completing an application that includes information about their grade point average, teacher recommendations, an essay and finally their Scholastic Aptitude Test (SAT) scores from their senior year; and

WHEREAS, The following students from USD 259 in Wichita have been named National Merit Finalists: John Camenzind, Divya Chivukula, Laura Combs, Antonia Davidson, Ruth Ebersole, Katherine Lavoie, Jonathan Lewallen, Kim Truong, Nivanthika Wimalasena and Sarah Yun, all from Wichita High School East. Adam Cameron from Wichita High School North was also named a finalist; and

WHEREAS, Each of these students scored in the top one-half of one percent in the state in order to qualify for this honor. Being named a finalist allows the students an opportunity to receive a variety of Merit Scholarships, as well as opening doors for other types of scholarship and grant money for college: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend the students of USD 259 who have been named National Merit Finalists. We recognize that the success of these students is due to their determination, hard work and discipline, as well as their academic aptitude. They are true role models for their peers and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to send 11 enrolled copies of this resolution to Representative Brunk, one for each recipient of the National Merit Finalist Award.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Kinzer, the House proceeded to reconsider **S. Sub. for HB 2115**, An act concerning abortion; amending K.S.A. 65-445, 65-6701, 65-6703 and K.S.A. 2009 Supp. 65- 2836 and repealing the existing sections; also repealing K.S.A. 65-6713.

The Governor's objection of **S. Sub. for HB 2115** having been read, (see HJ, page 1382) the question being, shall the bill be passed notwithstanding the Governor's veto?

Call of the House was demanded.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, Fund, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Suellentrop, D. Svaty, Swanson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Henderson, Hill, Johnson, Kinzer, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Quigley, Rardin, Roth, Ruiz, Sloan, Spalding, Swenson, Talia, Tietze, Trimmer, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: Colloton, Hawk, Long.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

#### EXPLANATION OF VOTE

MR. SPEAKER: I am voting no on **S. Sub. for HB 2115** so that I can move to reconsider and allow members absent today to vote on this important issue.—LANCE KINZER

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Hill, **HR 6038**, A resolution congratulating and commending the 2009-2010 Emporia State University women's basketball team, was adopted.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 54**, An act concerning the state capitol and grounds creating the capitol preservation committee; repealing K.S.A. 75-2266 and K.S.A. 2009 Supp. 75-36, 105 and 75-36, 106, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, 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: Faber, McLeland, Merrick.

Present but not voting: Landwehr.

Absent or not voting: Colloton, Hawk, Long.

The bill passed, as amended.

**SCR 1622**, A PROPOSITION to amend section 2 of article 5 of the constitution of the state of Kansas, relating to qualification of voters, 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: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, 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: None.

Present but not voting: None.

Absent or not voting: Colloton, Hawk, Long.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

**REPORT OF STANDING COMMITTEE**

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

**Request No. 149**, by Representative Olson, congratulating Michael Burstein, Guardian 8 Corporation, in recognition of development of the Innovative Personal Security Device;

**Request No. 150**, by Representative Worley, congratulating Raymond E. Worley on his 100th birthday;

**Request No. 151**, by Representative Ruiz, congratulating Eric Torres on achieving the rank of Eagle Scout;

**Request No. 152**, by Representative Yoder, congratulating Christopher Grady Cusick on achieving the rank of Eagle Scout;

**Request No. 153**, by Representative Peck, congratulating James H. Grey on his 100th birthday;

**Request No. 154**, by Representatives Henderson and Winn, congratulating Myrtle E. Thatcher on her 100th birthday;

**Request No. 155**, by Representative Mast, congratulating Bryan James Harkrader on achieving the rank of Eagle Scout;

**Request No. 156**, by Representative O'Neal, congratulating Douglas R. Huddleston on achieving the rank of Eagle Scout;

**Request No. 157**, by Representative O'Neal, congratulating Adam P. Smith on achieving the rank of Eagle Scout;

**Request No. 158**, by Representatives Henderson and Winn, congratulating Reverend Charles Kennybrew on being installed as the Pastor of Antioch Baptist Church;

**Request No. 159**, by Representative Grange, congratulating Benjamin Helferich on receiving the rank of Eagle Scout;

**Request No. 160**, by Representative Grange, congratulating Jesse Waugh on receiving the rank of Eagle Scout;

**Request No. 161**, by Representative Grange, congratulating James Wilkinson on receiving the rank of Eagle Scout;

**Request No. 162**, by Representative Seiwert, commending Farmers Co-op of Nickerson on their leadership in Reno County for the 1st E-85 blend station in Hutchinson, Kansas;

**Request No. 163**, by Representative Worley, congratulating Kansas Cold War Veterans Association in recognition of Cold War Victory Day, May 1, 2010;

**Request No. 164**, by Representative Hermanson, congratulating Keller Williams Home Town Partners in recognition of "Red Day", May 13, 2010;

**Request No. 165**, by Representative Olson, commending John Loeffelbein in recognition for J & J Operating Company, Oil and Gas Development, Douglas County;

**Request No. 166**, by Representative Olson, commending Carl and Ron Olson in recognition of their dedication to family farming in Neosho, County;

**Request No. 167**, by Representative Otto and Feuerborn, congratulating Chase Brown on winning the 2010 Kansas Regional Spelling Bee;

**Request No. 168**, by Representative Patton, congratulating Dana Noakes in recognition for 13 years of dedicated service to the Kansas Legislature and the State of Kansas;

**Request No. 169**, by Representative Tafanelli, congratulating Ethan Mumaw on his undefeated wrestling season; winning in his weight class, giving Jefferson West High School its first Class 4A State Wrestling Championship;

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.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Kuether moved that the House reconsider its action in not passing **S. Sub. for HB 2115** notwithstanding the Governor's veto (see previous action, this session).

Rep. Kinzer then moved that the House adjourn until Monday, May 3, 2010, at 11:00 a.m.

Roll call was demanded.

On roll call, the vote was: Yeas 84; Nays 36; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Frownfelter, Fund, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr,

Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Henderson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Peterson, Pottorff, Quigley, Rardin, Ruiz, Slattery, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Hawk, Hill, Light, Long.

The motion prevailed and the House adjourned until 11:00 a.m., Monday, May 3, 2010.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

