

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 9, 2011, 11:00 a.m.

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

The roll was called with 119 members present.

Rep. Fund was excused on verified illness.

Reps. Alford, Donohoe, Hoffinan, Lane and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Father God,
thank you for these leaders
who have been chosen to lead us.
Help them to call upon You for
unlimited possibilities
which can lead them in action.
For those who feel powerless,
please give them strength.
For those who feel incapable,
give them encouragement and support.
For those who might be cynical or doubtful,
give them cause to trust.
For those who feel overwhelmed with complexity
show them the next steps to take.
In Your Son's Name I pray these things,
Amen.

The Pledge of Allegiance was led by Rep. Meier.

Kansas Trivia Question – What 1972 movie, filmed in Kansas, was directed by Robert Benton and starred Jeff Bridges and Barry Brown as men who drift into a life of crime on the frontier?

Answer: Bad Company

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2238, AN ACT concerning the state budget; state general fund and special

revenue fund expenditures, transfers and ending balance requirements; reduction and allotment procedures; economic impact statements and fiscal note updates for legislation, by Committee on Taxation.

HB 2239, AN ACT concerning roads; relating to the board of county commissioners; relating to vacating roads; proceedings for damages; amending K.S.A. 68-102a, 68-106 and 68-107 and K.S.A. 2010 Supp. 68-101 and repealing the existing sections, by Committee on Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, concurrent resolutions and EROs were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2205, HB 2231; ERO 39**
 Commerce and Economic Development: **HB 2211, HB 2222.**
 Corrections and Juvenile Justice: **HB 2199, HB 2213, HB 2217, HB 2227, HB 2232.**
 Education: **HB 2197, HB 2200, HB 2201, HB 2202, HB 2233; HCR 5010.**
 Education Budget: **HB 2198, HB 2203, HB 2204, HB 2234, HB 2236.**
 Elections: **HB 2224.**
 Federal and State Affairs: **HB 2223, HB 2229; SB 25.**
 Financial Institutions: **HB 2235.**
 General Government Budget: **HB 2214; ERO 39.**
 Government Efficiency: **HB 2221, HB 2230.**
 Insurance: **HB 2208, HB 2216, HB 2228.**
 Judiciary: **HB 2196, HB 2207, HB 2215, HB 2218, HB 2219, HB 2237.**
 Local Government: **HB 2209.**
 Taxation: **HB 2206, HB 2212, HB 2220, HB 2226; HCR 5011.**
 Transportation: **HB 2225.**
 Veterans, Military and Homeland Security: **HB 2210.**

CONSENT CALENDAR

No objection was made to **HB 2082** appearing on the Consent Calendar for the first day.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Davis, the House concurred in Senate amendments to **HCR 5003**, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2011-2012 biennium.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley,

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

Nays: Aurand, Feuerborn, Peck.

Present but not voting: None.

Absent or not voting: Alford, Donohoe, Fund, Hoffman, Lane, Peterson.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole with Rep. Grange in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2028** be adopted; and the bill be passed as amended.

Committee report to **HB 2023** be adopted; and the bill be passed as amended.

Committee report to **HB 2030** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2009** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2008** be amended on page 1, in line 21, by striking "8" and inserting "9"; in line 25, by striking "8" and inserting "9"; 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 and concurrent resolution were thereupon introduced and read by title:

HB 2240, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324, by Committee on Local Government.

HB 2241, AN ACT concerning the Kansas dental practices act; relating to proprietor arrangements with licensees of dentistry; amending K.S.A. 65-1424 and K.S.A. 2010 Supp. 65-1435 and 65-1436 and repealing the existing sections. , by Committee on Health and Human Services.

HB 2242, AN ACT concerning use of vital statistics; relating to death and stillbirth

certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections, by Committee on Health and Human Services.

HB 2243, AN ACT concerning the wage payment act; pertaining to remedies for employees whose employers repeatedly fail to pay wages; amending K.S.A. 2010 Supp. 44-313 and repealing the existing section, by Representatives Dillmore, Burroughs, Carlin, Davis, Finney, Frownfelter, S. Gatewood, Henderson, Kuether, Lane, McCray-Miller, Pauls, Ruiz, Trimmer, Victors, Wetta, Winn and K. Wolf.

HB 2244, AN ACT concerning continuing education for certain licensed contractors; amending K.S.A. 2010 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing sections, by Committee on Commerce and Economic Development.

HB 2245, AN ACT concerning schools; relating to pupils; reading state assessments; amending K.S.A. 2010 Supp. 72-9921 and repealing the existing section, by Committee on Education.

HB 2246, AN ACT concerning children; relating to paternity thereof, by Representative McCray-Miller.

HB 2247, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the masonic lodge license plate, by Committee on Transportation.

HB 2248, AN ACT concerning postsecondary education; relating to the costs of remedial courses; amending K.S.A. 2010 Supp. 72-6438 and repealing the existing section, by Committee on Education Budget.

HB 2249, AN ACT concerning controlled substances; relating to cathinones; amending K.S.A. 2010 Supp. 65-4105 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2250, AN ACT concerning crimes, criminal procedure and punishment; relating to drug crimes; amending K.S.A. 2010 Supp. 21-36a01, 21-36a05, 21-36a09, 21-36a10, 21-36a13 and 21-36a14 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2251, AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and K.S.A. 2010 Supp. 72-6407 and repealing the existing sections, by Committee on Education.

HB 2252, AN ACT concerning divorce; relating to restoration of former name; amending K.S.A. 2010 Supp. 60-1610 and repealing the existing section, by Committee on Judiciary.

HB 2253, AN ACT concerning civil procedure; relating to private rights of action; certain restrictions, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. **HCR 5012**—

By Committee on Energy and Utilities

A CONCURRENT RESOLUTION establishing policy goals for energy development, consumption and costs.

WHEREAS, Federal energy policy discussions have focused public attention on climate issues and alternative energy futures; and

WHEREAS, Federal energy policy discussions and ultimate actions will impact each state differently; and

WHEREAS, Energy sources to meet state needs will continue to reflect their existing and potential generation resources; and

WHEREAS, The cost and availability of energy to consumers, businesses and industries will determine quality of life and economic opportunities in each state; and

WHEREAS, Direct and indirect energy costs and their impacts on individual consumers and consumer sectors have not been widely discussed at the federal level, but are of great concern to state policymakers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we believe that Kansas' public, elected policymakers and executive agency personnel should have specific targets for energy development, consumption and cost containment; and

Be it further resolved: That the Kansas Corporation Commission is directed to convene forums and working groups to identify logical policy paths and objectives for energy development, consumption and cost containment and to identify appropriate technologies, research and employment opportunities to ensure Kansans have abundant, reliable, affordable and responsible energy. To achieve these objectives, the commission shall:

Examine ways to increase the state's use of renewable resources, including capture of escaping methane from Title V landfills and use of motor fuels containing ethanol from cellulosic processing; and

Investigate the potential for energy storage and coordinate with Kansas electric utilities and the Southwest Power Pool to study and implement energy storage projects to address transmission line constraint relief, distributive generation reliability, electric distribution system reliability and to firm renewable energy generation; and

Study different conservation and efficiency measures to reduce the anticipated rate of growth in demand for electricity without causing a degradation in the quality of life for Kansans; and

Examine methods to develop Kansas' renewable energy generation potential to increase energy exports beyond state borders, provide a more robust transmission system resulting in increased energy reliability and lower cost electricity to high cost service areas; and

Work with the Kansas Board of Regents and the Kansas Department of Commerce to develop strategies to encourage energy research in Kansas by private and public persons and institutions and with the Kansas Development Finance Authority and the Kansas Bio-Science Authority to develop enhanced grant, loan and loan assurance programs that better enable energy researchers to secure federal and private sector funding to research, develop, commercialize and market energy-related products and services. Such loan assurance programs are not to increase state debt obligations, but to demonstrate to investors that the State of Kansas believes investing in such companies and research is a prudent investment in our nation's future; and

Work with Kansas electric utilities to increase "smart grid compliance" for distribution line segments and appurtenances as well as the deployment of electric meters by each public utility; and

Develop strategies for existing coal-fired generation units, including both electric public and nonpublic utilities, to reduce the rate of their greenhouse gas releases; and

Work with the Kansas Department of Commerce and the Board of Regents to enhance workforce development, recruitment and training programs that lead to an employment growth rate in energy production, conservation and efficiency, research and related sectors; and

Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the Kansas Corporation Commission, the Board of Regents, the Kansas Bio-Science Authority, the Kansas Department of Health and Environment, the Kansas Development Finance Authority and the Governor.

On motion of Rep. Siegfried, the House recessed until 4:30 p.m.

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2254, AN ACT concerning marriage; relating to covenant marriage; amending K.S.A. 23-105, 23-109, 60-1601 and 60-1627 and K.S.A. 2010 Supp. 23-106 and repealing the existing sections, by Representatives Howell, Arpke, Boman, Brown, Brunk, Calloway, Collins, DeGraaf, Garber, Goico, Gonzalez, Goodman, Gregory, Hedke, Hermanson, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Mast, McLeland, Meier, Mesa, Montgomery, O'Hara, Osterman, Otto, Patton, Peck, Rhoades, Ryckman, Scapa, Seiwert, Siegfried, Vickrey and Weber.

HB 2255, AN ACT creating the task force on obesity prevention and management, by Representative Ballard.

HB 2256, AN ACT concerning contracts with minority businesses, by Committee on Commerce and Economic Development.

HB 2257, AN ACT concerning school districts; relating to supplemental general state aid; statewide levy for public schools, exemption therefrom; income tax checkoff for school district contributions; voluntary wage withholding for school district contributions, requirements and procedures; amending K.S.A. 2010 Supp. 72-6407, 72-6431, 72-6433d, 72-6434, 74-4939a and 79-201x and repealing the existing sections, by Representative Otto.

HB 2258, AN ACT authorizing the secretary of social and rehabilitation services to convey certain real estate to the evangelical lutheran good samaritan society in Ellsworth county, Kansas, by Representative Johnson.

HB 2259, AN ACT concerning criminal procedure; relating to appearance bonds; amending K.S.A. 2010 Supp. 22-2802 and repealing the existing section, by Committee on Judiciary.

HB 2260, AN ACT concerning civil procedure; relating to exercise of religion, by Committee on Judiciary.

HB 2261, AN ACT enacting the revised uniform limited liability company act; amending K.S.A. 65-1522 and 65-1524 and K.S.A. 2010 Supp. 45-229 and repealing the existing sections; also repealing K.S.A. 17-7662, 17-7663, 17-7664, 17-7665, 17-7666, 17-7667, 17-7668, 17-7669, 17-7670, 17-7671, 17-7672, 17-7673, 17-7674, 17-7676, 17-7677, 17-7679, 17-7680, 17-7682, 17-7683, 17-7686, 17-7687, 17-7688, 17-7689, 17-7690, 17-7691, 17-7692, 17-7693, 17-7694, 17-7695, 17-7696, 17-7697, 17-7698, 17-7699, 17-76,100, 17-76,101, 17-76,102, 17-76,103, 17-76,104, 17-76,105, 17-76,106, 17-76,107, 17-76,108, 17-76,109, 17-76,110, 17-76,111, 17-76,112, 17-76,113, 17-76,114, 17-76,115, 17-76,116, 17-76,117, 17-76,118, 17-76,119, 17-76,120, 17-

76,121, 17-76,122, 17-76,123, 17-76,124, 17-76,125, 17-76,126, 17-76,127, 17-76,128, 17-76,129, 17-76,130, 17-76,131, 17-76,132, 17-76,133, 17-76,134, 17-76,135, 17-76,136, 17-76,137, 17-76,138, 17-76,139, 17-76,140, 17-76,141, and 17-76,142, K.S.A. 2010 Supp. 17-7675, 17-7678 and 17-7681, by Representative Kinzer.

HB 2262, AN ACT concerning the Hiram Price Dillon house; authorizing the secretary of administration to convey certain real property to a not-for-profit corporation established to support, coordinate, foster and develop the arts of their practice within the state of Kansas; prescribing certain requirements and limitations relating thereto, by Representatives Arpke, Brown, Calloway, Cassidy, Fawcett, Goodman, Gregory, Henderson, Howell, Huebert, Johnson, Kelley, Kelly, Kuether, Loganbill, O'Brien, Proehl, Vickrey, Winn and B. Wolf.

HB 2263, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; retirement benefits; employee contributions, increase; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Representative Burgess.

MESSAGE FROM THE SENATE

Announcing passage of **SB 11, SB 21, SB 35, SB 38**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 11, SB 21, SB 35, SB 38.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2004** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. HB 2004," as follows:

"Substitute for HOUSE BILL NO. HB 2004

By Committee on Education

"AN ACT concerning school districts; relating to certain pupils; amending K.S.A. 2010 Supp. 72-1046b and repealing the existing section."; and the substitute bill be passed.

(**Sub. HB 2004** was thereupon introduced and read by title.)

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Thursday, February 10, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

