

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 14, 2011, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Fund, K. Wolf and Worley were excused on verified illness.

Reps. Aurand and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Norwood V. Brown, III, pastor, Rolling Hills Presbyterian Church, Overland Park, and guest of Rep. Bruchman:

This great body has had many preachers, chaplains, rabbis and other religious leaders pray over and pray for you. This morning I asked the children of Representative Bruchman's church to help lead us in prayer. These are the prayers from the children and confirmation class of the Rolling Hills Presbyterian Church in Overland Park.

Dear God, Thank you for people who help other people.

Dear God, Help us make the world a better place.

Help me not to put oil in the sea.

I'm thankful for going to school and learning. I also think we should not pollute.

I'm thankful for our teachers and my family. I feel very blessed.

I hope to get a day off school.

I'm very thankful that the government gives us good teachers. I hope that the government will help us not pollute; make more cars that run on electricity; make trash areas smaller and have more recycling.

I'm thankful for the police keeping the criminals in jail.

Thank you for keeping our state safe and putting crazy people in jail.

I am thankful for cross walks.

We are thankful for freedom of speech and freedom of religion.

Thank you for protecting our freedoms.

We are thankful for the opportunity to be educated and to live in an educated society. Thank you for valuing that.

Help us remember those who have less. Help us remember

people as people.

I conclude with pictures from our smallest children. I cannot interpret them; however, I appreciate their help.

Please keep Senator Les Donovan and his wife Sissy in our prayers.

Together we pray for the sake and welfare of our great state of Kansas. Amen.

The Pledge of Allegiance was led by Rep. Winn.

Kansas Trivia Question – The song “Home on the Range” was adopted by the Kansas Legislature as the official Kansas song in what year?

Answer: 1947

INTRODUCTION OF GUESTS

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

The Topeka Rotary Club is hosting a delegation of Russian policy makers from the Ivanovo region in Russia from February 9 to February 19. They are visiting the Kansas Capitol today in order to learn about democracy in the heartland. They arrived in Kansas last Friday for a home-stay with Rotary families and will spend this week learning about various levels of government in the Topeka area.

The Open World Leadership Center which sponsors their visit was founded to enable young Eurasian elected officials and civic leaders to observe the American democratic system firsthand. The Open World Leadership Center believes that principles of accountability, governance and the role of citizenry in government are most effectively illustrated through direct interaction between participants and their U.S. Professional counterparts and through hosted community and cultural activities.

Our visitors began last Thursday with an orientation in Washington, D.C., and with visits to the Congressional offices of Representative Lynn Jenkins and Senator Jerry Moran.

Open World has nearly 15,000 alumni and a network of over 5,300 U.S. host families. Program alumni hail from Russia and other Eurasian countries and include mayors, parliamentarians, judges, regional administrators, journalists, educators, non-profit directors and community activists.

It is my pleasure to introduce this year's delegation to the state of Kansas: Mr. Ilya Sergeyevech Berezkin, Mr. Nikolay Yuryevich Korchagin, Mr. Mikhail Aleksandrovich Ratmanov, Mr. Igor Nikolayevich Shipkov, Mr. Igor Yevgenyevich Volkov, and Mr. Denis Viktorovich Pryamonosov. They are accompanied by Mr. Ilya Papinako, their translator, and Joan Wagnon of Topeka.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2335, AN ACT concerning the Kansas act against discrimination; amending K.S.A. 44-1002 and 44-1006 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2336, AN ACT establishing the Kansas employment first initiative act and creating the Kansas employment first oversight commission, by Committee on Federal and State Affairs.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Davis, **HCR 5014**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. **5014** --

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Supreme Court.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 5:00 p.m. on February 15, 2011, for the purpose of hearing a message from the Supreme Court on the judicial branch of government.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long Term Care: **HB 2296, HB 2315.**

Agriculture and Natural Resources: **HB 2282, HB 2295, HB 2320.**

Appropriations: **HB 2298.**

Corrections and Juvenile Justice: **HB 2312, HB 2318, HB 2319, HB 2321, HB 2322, HB 2325, HB 2326, HB 2327, HB 2329, HB 2332, HB 2334.**

Education: **HB 2301, HB 2302.**

Elections: **HB 2308, HB 2309.**

Energy and Utilities: **HB 2303, HB 2304.**

Federal and State Affairs: **HB 2300, HB 2323, HB 2324.**

General Government Budget: **HB 2306.**

Health and Human Services: **HB 2330.**

Insurance: **HB 2307.**

Judiciary: **HB 2297, HB 2305, HB 2313.**

Local Government: **HB 2299, HB 2314.**

Pensions and Benefits: **HB 2310, HB 2311, HB 2328, HB 2333.**

Taxation: **HB 2316, HB 2317, HB 2331.**

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2008, AN ACT concerning crimes and punishment; relating to identity theft; amending Section 177 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not

voting: 5.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Klee, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore.

Nays: Kuether, Swanson.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Schwab, K. Wolf, Worley.

The bill passed, as amended.

HB 2070, AN ACT concerning eminent domain; relating to appraisers' award, notification and restrictions; amending K.S.A. 2010 Supp. 26-507, 26-508 and 26-510 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 38; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Billinger, Bollier, Boman, Bowers, 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, Kelly, Kerschen, Klee, Knox, Kuether, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf.

Nays: Ballard, Bethell, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kelley, Kiegerl, Kinzer, Lane, Loganbill, Mah, McCray-Miller, Meier, Patton, Pauls, Peterson, Phelps, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Aurand, Fund, Schwab, K. Wolf, Worley.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2133** be passed.

Committee on **Commerce and Economic Development** recommends **HB 2134** be

amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2134," as follows:

"Substitute for HOUSE BILL NO. 2134

By Committee on Commerce and Economic Development

"AN ACT concerning workers compensation; amending K.S.A. 44-503a, 44-510c, 44-510d, 44-510e, 44-510f, 44-515, 44-516, 44-520, 44-525, 44-528, 44-531, 44-532a, 44-534a, 44-536 and 44-5a01 and K.S.A. 2010 Supp. 44-501, 44-508, 44-510b, 44-510h, 44-510k, 44-511, 44-523 and 44-552 and repealing the existing sections; also repealing K.S.A. 44-510a and 44-520a and K.S.A. 2010 Supp. 44-596."; and the substitute bill be passed.

(**Sub. HB 2134** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2035** be amended on page 7, following line 27, by inserting "(i) Nothing in this section shall be construed to restrict the authority of the board of healing arts to engage in a disciplinary action."; in line 34, by striking "(i)" and inserting "(j)"; in line 38, by striking "(j)" and inserting "(k)"; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2157** be passed.

Committee on **Transportation** recommends **HB 2093** be amended on page 1, in line 21, by striking "Except as provided under subsection (g)."; also in line 21 by striking "\$15" and inserting "\$20"; in line 22, by striking "\$15" and inserting "\$20";

On page 2, in line 4, by striking "Except as provided under"; in line 5, by striking "subsection (g)."; also in line 5, by striking "\$15" and inserting "\$20"; in line 6, by striking "\$15" and inserting "\$20";

On page 3, by striking all in lines 12 through 14; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2060** be amended on page 1, by striking all in lines 9 through 15;

And by redesignating subsections and paragraphs accordingly;

On page 2, following in line 2, by inserting "(b) If the decedent died during active military service, as provided in 10 U.S.C. § 1481(a)(1) through (8), in any branch of the United States armed forces, United States reserve forces or national guard, the person authorized by the decedent to direct disposition pursuant to public law 109-163, § 564, as listed on the decedent's United States department of defense record of emergency data, DD Form 93, or its successor form, shall take priority over all other persons described in subsection (a)."; by striking "(b)" and inserting "(c)"; 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 bill was thereupon introduced and read by title:

HB 2337, AN ACT concerning abortion; relating to licensure of abortion clinics, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2088 reported correctly engrossed February 10, 2011.

Also, **HB 2008, HB 2054, HB 2070** reported correctly engrossed February 14, 2011.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5007 reported correctly engrossed February 11, 2011.

On motion of Rep. Siegfried the House adjourned until until 11:00 a.m., Tuesday, February 15, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

