

# Journal of the House

TWENTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 21, 2011, 11:00 a.m.

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

The roll was called with 121 members present.  
Reps. Calloway, Fund, Kiegerl and K. Wolf were excused on verified illness.

Prayer by Chaplain Brubaker:

Our Heavenly Father,  
Today as we remember and celebrate  
the past leaders of our nation,  
I pray a prayer of a former President:  
“...we bow our heads and thank You for Your love.  
Accept our thanks for the peace that yields this day  
and the shared faith that makes its continuance likely.  
Make us strong to do Your work,  
willing to heed and hear Your will,  
and write on our hearts these words:  
"Use power to help people."  
For we are given power not to advance our own purposes,  
nor to make a great show in the world, nor a name.  
There is but one just use of power,  
and it is to serve people.  
Help us to remember it, Lord.  
The Lord our God be with us,  
as He was with our fathers;  
may He not leave us or forsake us;  
so that He may incline our hearts to Him,  
to walk in all His ways...  
that all peoples of the earth may know  
that the Lord is God; there is no other.”  
In Christ's Name, I pray, Amen.  
(George H. Bush--Inaugural address, January 20, 1989)

The Pledge of Allegiance was led by Rep. Brunk.

Kansas Trivia Question – What World War II pilot took part in tests of the first atomic bomb and was killed during a test flight in 1948?

Answer: Daniel H. Forbes, Jr. Forbes Airport in Topeka is named after him.

## INTRODUCTION OF GUESTS

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

Mr. Speaker, Fellow House Colleagues, and Ladies and Gentleman, as we celebrate the 150 years of Kansas Statehood, many stories of early pioneers make up its history. Today I would like to share one of those stories.

Armed with \$10,000 and plenty of ambition, Charles F Hyde gave birth to the dream of Legacy Bank. Then known as “Colwich Bank”, Hyde believed that with \$10,000 of capital and the partnership he started with his fellow homesteaders they could begin a successful business in banking. and he was right.

The Colwich Bank opened its doors for business on February 22<sup>nd</sup>, 1886, a 125 years ago tomorrow. A certificate of organization was filed with Sedgwick County Register of Deeds on the following day.

A two story bank building was erected and completed in 1886 on the northwest corner of Wichita and Colorado streets, built from bricks manufactured in Hyde’s Wichita and Colorado Calorific Brick Company. The Colwich Courier labeled the building a “staid solid institution.

As a result of new legislation in 1891 requiring state banks in Kansas to be chartered, the Bank of Colwich was re-chartered as “The State Bank of Colwich” on September 9.

The Suellentrop family, many of whom are here today, began its association with the State Bank of Colwich when Clemens Suellentrop and Adam Spexarth families purchased a major interest in the Bank early in 1911. Clemens Suellentrop, my great grandfather and the gentleman in the middle of the picture on your desk, was cashier and chief executive officer of the bank, and his son, John A Suellentrop, began operating the bank at that time.

On March 8<sup>th</sup> 1933 – During the Great Depression, President Roosevelt closed all banks in the nation for several days. During that time congress passed an Emergency Banking Act that would allow only banks with an adequate financial structure to reopen. The State Bank of Colwich was one of only three in western Sedgwick County to do so. This success was due to the leadership of Clemens Suellentrop.

My Uncle John A. Suellentrop, my grandfather became president January 8, 1937 and served in that capacity until his retirement in 1972. He is the father of former bank presidents John F. Suellentrop and Clem J. Suellentrop, and to Robert C. Suellentrop.

John F. Suellentrop, president of the State Bank of Colwich from 1972 to 1988, began part-time in 1935 and was elected to the board January 20, 1948. Clem J. Suellentrop, my father, also began part time in 1937. Elected to the board in 1948, he served as president from 1988 to 1990.

Today my brother Frank serves as president along with Brothers Mark, Mike and myself serving on the Board of Directors.

As we celebrate our long and rich history throughout this year, I would like to close on this note.

We are witnessing an appalling contraction of the banking industry. Good banks that for decades have been contributing to the economic growth and vitality of their towns, cities, and counties but whose financial condition is being undermined by excessive regulation.

All banks and their services to their customers are hurt by overregulation. The median-sized bank in the United States is forced to comply with 1,700 pages of consumer regulations, not counting hundreds of pages of other regulations governing how banks make loans, to whom, under what conditions, how they set up reserves for the loans, and so forth. That does not include any regulations written pursuant to Dodd-Frank Act.

A few examples of regulatory burdens that we know are making it harder to promote new jobs and economic growth.

**Relieve the Demands for ever High Capital Ratios.** The banking industry entered the recession well capitalized, and the industry is even better capitalized today.

**Stop- Confusing Mortgage Borrowers and Lenders.** The pace and poor coordination of rulemakings on mortgage lending are driving up cost, increasing borrower and lender confusion, and ultimately making it harder to provide mortgage loans to qualified borrowers.

**Refund Excessive FDIC Premiums.** The FDIC gets all of its funding from the banking industry, and the banking industry is committed to keeping FDIC adequately funded. Bank Failures and failure costs in 2010 were far below FDIC estimates, and that trend is continuing into 2011. The FDIC required banks to pay three years of premiums in advance.

**Update SEC Registration Threshold.**

**Provide More Flexibility on Commercial Real Estate (CRE) Lending.** Many new businesses, seeking funding for expansion, have little more than their real estate assets to pledge as collateral. But when they do so, bank examiners may define that loan as CRE lending and criticize a bank for making that loan. Bank examiners need to restore and use the flexibility built into the CRE guidance and allow banks to provide CRE loans to good borrowers.

I am requesting that you discuss these issues with your local community bank. Support them by contacting your congressional representatives and urge them to bring attention to this issue.

Thank you for your attention and Happy 125<sup>th</sup> Birthday. At this time I am happy and proud to present this Proclamation to Legacy Bank, and happy birthday to my oldest son Daniel, who could not be here today.

## INTRODUCTION OF GUESTS

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

It is with great pride I introduce the Baldwin City High School Real World Design Challenge Team and the Governor's Kansas State Champions.

Winning team members are Brandon Baltzell, Sr; Carson Barnes, Sr; Kaitlyn Barnes, Soph; Carrie Dietz, Soph; Mac Halpin, Soph; Mackenzie Johnson, Soph; Austin Kraus, Soph; and the team's coach is Pam Davis. One Mentor is Sandy Barnes of Ottawa; From the KS State Dept of Education is Dr. Sidney Cooley and RJ Dake. Not with us

today from the mentoring team are Mark Beyer, Chris Hedden, and Andrew Hahn. Paul Dorothy is the Superintendent of Schools.

The **Real World Design Challenge** is an annual competition that provides high school students the opportunity to work on real world engineering challenges as a team. Baldwin High School's team has placed first in Kansas three years in a row, beating out 22 other schools to win the state competition this year. This year's challenge was to use aeroelastic tailoring to design the exterior geometry and interior structure of an airliner wing in a manner that maximizes both fuel efficiency and aerodynamic efficiency. This would normally be a senior engineering project.

The team will represent Kansas in the national competition April 15-18 at the Smithsonian Air and Space Museum in Washington, D.C. Last year's Baldwin team won the National title.

Join me in congratulating the team as state champions and wishing them good luck for success in Washington!

## **INTRODUCTION OF GUESTS**

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

Thank you Mr. Speaker. It is my pleasure to introduce to the body these men standing beside me today. Third from my right, our former House colleague and now the Adjutant General of Kansas, General Lee Tafanelli, to his right Captain Aaron Isaacson and Captain Murl Reidel of the Kansas Army National Guard. They are accompanying two very special men who are sharing their day with us in the Capitol – Colonel Roger Hugh C. Donlon and Colonel Donald E. Ballard. In a few minutes, HB 2003 will be presented to you on General Orders. It renames a stretch of highway in north central Kansas after a World War hero, Captain Donald K. Ross – a Medal of Honor Recipient. Colonel's Donlon, Ballard and Captain Ross share membership in a very elite order known as the Congressional Medal of Honor Society. They are here to honor their friend and to watch as he is memorialized by legislation which we will hear today and vote on tomorrow. The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. It is generally presented to its recipient by the President of the United States of America in the name of Congress. In 1861, a bill was introduced and passed which President Lincoln signed in to law and produced 200 medals. Out of 44 million veterans that have served our great country only 3,485 Medals of Honor Awards have been issued - the first was awarded in 1863 and the last in 2010. Today only 85 recipients are still living. Let me properly introduce you now to these two officers.

Capt. Donlon was serving as the commanding officer of the U.S. Army Special Forces on July 6, 1964 when a reinforced Viet Cong battalion suddenly launched a full-scale, predawn attack on his camp. The battle which lasted more than 5 hours resulted in heavy casualties on both sides. Capt. Donlon directed the defense operations in the midst of an enemy barrage of mortar shells, falling grenades, and extremely heavy gunfire. Upon the initial onslaught, he swiftly marshaled his forces and ordered the removal of the needed ammunition from a blazing building. He then dashed through a hail of small arms and exploding hand grenades to abort a breach of the main gate.

Although exposed to the intense grenade attack, he then succeeded in reaching a 60mm mortar position despite sustaining a severe stomach wound as he was within 5 yards of the gun pit. When he discovered that most of the men in this gun pit were also wounded, he completely disregarded his own injury, directed their withdrawal to a location 30 meters away, and again risked his life by remaining behind. While dragging a fallen soldier out of the gun pit, an enemy mortar exploded and wounded Capt. Donlon's left shoulder. Although suffering from multiple wounds, he carried an abandoned mortar weapon to a new location 30 meters away where he found 3 wounded defenders. After administering first aid and encouragement to these men, he left the weapon with them. Then with great courage and coolness under fire, he returned to the abandoned gun pit with another rifle, evacuated ammunition for the 2 weapons, and while crawling and dragging the urgently needed ammunition, received a third wound on his leg by an enemy hand grenade. Despite his critical physical condition, he again crawled 175 meters to another mortar position and directed firing operations. He then moved to another mortar position, crawled back to the gun pit and set it up for defensive operations, and turned it over to 2 defenders with minor wounds. He then left this sheltered position, and moved from position to position around the perimeter while hurling hand grenades at the enemy and inspiring his men to superhuman effort. As he bravely continued to move around the perimeter, a mortar shell exploded, wounding him in the face and body. The enemy forces retreated back to the jungle leaving behind 54 of their dead, many weapons, and grenades. Although severely injured, Capt. Donlon immediately reorganized his defenses and administered first aid to the wounded. His actions resulted in the successful defense of the camp, Capt. Donlon's extraordinary heroism, at the risk of his life above and beyond the call of duty are in the highest traditions of the U.S. Army and reflect great credit upon himself and the Armed Forces of his country. He was awarded his Medal of Honor in Washington, DC on December 5, 1964 by President Johnson. He was promoted to Colonel in 1980 and is retired and living in Leavenworth.

Col. Donald E. Ballard enlisted in the U.S. Navy in 1965. In December 1966 Col. Ballard was selected to serve with the Marines. From the fall of 1967 to the late summer 1968, Col. Ballard served as a frontline Corpsman with Mike Company, Third Battalion, Fourth Marines in Vietnam. As a Grunt corpsman his job was to save the lives of the Marines in combat and to get the Marines home to their loved ones to the best of his ability. On May 16, 1968, his unit was caught in a fierce battle and had loss several Marines. "Doc" Ballard – as he was fondly called - was treating Marines and directing the Marines to move the wounded to a safer location when the enemy began throwing hand grenades and shooting into the small group. An enemy grenade hit "Doc" Ballard in the helmet and landed near him, he quickly threw it back in the direction of the enemy. A short time later, a second grenade landed in the middle of the group of Marines. Colonel Ballard dove on the grenade, however it did not explode. He reached under his stomach grabbed the grenade, rolled over and threw it away from the Marines. The grenade then exploded in the air, no Americans were wounded. He continued at that point to treat and evacuate the Marines. On May 14, 1970, Colonel Donald Ballard received the Congressional Medal of Honor from President Richard Nixon in a White House ceremony. He later joined the Kansas Army National Guard as a second lieutenant Medical Service Corps. He served a very distinguished military career for a total of 35 years as private to colonel. In 1998 he was promoted to the rank of colonel

and retired in 2000. He currently owns a funeral home and cemeteries in Kansas City.

As you all can tell, we are in company of great men. It pleases me to no end that they were fond of Captain Ross from Beverly, Kansas and are taking time to remember him and celebrate his memory with us. Please welcome with me these two heroes – Colonel Roger Hugh C. Donlon and Colonel Donald E. Ballard, Medal of Honor Recipients and our Kansas Army National Guard men.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill and concurrent resolution were introduced and read by title:

**HB 2361**, AN ACT concerning sales taxation; relating to exemptions; civil air patrol; amending K.S.A. 2010 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

#### **HOUSE CONCURRENT RESOLUTION No. HCR 5020—**

By Representatives O'Neal, Siegfried and Vickrey

A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC).

WHEREAS, Civil aviation plays a pivotal role in promoting cultural exchange, business, trade and tourism; and

WHEREAS, The development of international civil aviation in a safe and orderly manner is the supreme cause of the International Civil Aviation Organization (ICAO); and

WHEREAS, Taiwan is the world's 20th largest economy, the 18th largest trading country and a key air transport hub linking Northeast and Southeast Asia; and

WHEREAS, Over 174,000 international flights travel to and from Taiwan, with foreign passengers making around 3.8 million trips to the island every year and over 35 million passengers, including 25.39 million passengers on international flights, arrived and departed from Taiwan's airports in 2008; and

WHEREAS, Without Taiwan's participation, international flight plans, regulations and procedures that the ICAO formulates will be incomplete and unsafe: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Kansas legislature endorses Taiwan's participation in the International Civil Aviation Organization as an observer; and

*Be it further resolved:* That the Kansas legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change (UNFCCC); and

*Be it further resolved:* That copies of this resolution be sent to the United States Secretary of State, the United States Secretary of Transportation and to each member of the Kansas Congressional Delegation and to the Director-General of the Taipei Economic and Cultural Office in Kansas City.

### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Agriculture and Natural Resources: **HB 2357**.

Education: **HCR 5019**.

Education Budget: **HB 2360**.

Pensions and Benefits: **HB 2356**.

Taxation: **HB 2358**.

Transportation and Public Safety Budget: **HB 2359**.

### **CHANGE OF REFERENCE**

Speaker O'Neal announced the withdrawal of **HB 2109** from Committee on Agriculture and Natural Resources and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2259**, **HB 2277**, **HB 2318** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6010**—

By Representatives Hoffman and Wetta

A RESOLUTION designating the Anthony 9/11 memorial as the official Kansas 9/11 memorial.

WHEREAS, The 2,300 people of Anthony, Kansas were moved by the tragedy of September 11, 2001, to express both their grief and the resounding spirit of Americans and Kansans following the events of that date; and

WHEREAS, The people of Anthony resolved to express their emotions in the very personal act of adopting, and providing support and comfort to the widow and four children of New York Fire Department firefighter Joe Spor, Jr., who was killed in the collapse of the twin towers; and

WHEREAS, The people of Anthony also adopted Joe Spor's Bronx fire station; and

WHEREAS, The people of Anthony, knowing the loss of a husband, father and friend is not soon relieved or easily borne, committed to providing ongoing comfort and support to the Spor family and the firefighters of the Bronx fire station, and did so through daily communication and purposeful building of a bond of connection and friendship; and

WHEREAS, The people of Anthony chose to further express their emotions and to safeguard the memory of those lost lives and heroes of 9/11, as well as those in uniform today, by erecting a memorial in Anthony; and

WHEREAS, That memorial, built of Kansas limestone and brick, is unique and moving in its incorporation of three steel beams from the remains of the World Trade Center, a block of limestone from the face of the damaged Pentagon building and soil from the Pennsylvania crash site of Flight 93; and

WHEREAS, The memorial located in Anthony is being funded entirely through personal and private giving; and

WHEREAS, The Anthony memorial has attracted national attention and has been visited by individuals from across the United States, and several foreign countries; and

WHEREAS, The Anthony memorial serves as a place of connection between the survivors of the 9/11 tragedy and all those who support them, and a place of connection between all those who have committed to never forgetting the sacrifice of those who

died: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the Anthony structure erected in memory of the September 11, 2001 tragedy is hereby designated as the official Kansas 9/11 memorial.

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide enrolled copies of this resolution to Representatives Hoffman and Wetta.

### CONSENT CALENDAR

No objection was made to **HB 2152, HB 2227** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2267** appearing on the Consent Calendar for the second day.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2118**, AN ACT concerning crimes, criminal procedure and punishment; relating to supervision fees for appearance bonds; amending K.S.A. 2010 Supp. 21-4603d and 22-2802 and section 244 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, 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, Kinzer, Kleeb, Knox, Kuether, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Winn.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed, as amended.

**HB 2132**, AN ACT relating to motor vehicles; providing for the issuance of gold star family license plates; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, 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, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, 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, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Peck, Smith.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I am a veteran of the United States Navy and deeply appreciate those who have served their country honorably. I understand the pain of losing a child, as I have lost a daughter to murder. I do not wish that anguish on anyone. The tradition of the Gold Star is a tribute to those who lose their lives in combat. This bill proposes that a gold star license plate can be obtained by family members of a veteran who has died under any situation. The ultimate sacrifice is to give one's life in service of your country in combat. I cannot support **HB 2132**.-- GREG SMITH

**HB 2172**, AN ACT concerning motor vehicle registrations; relating to proof of financial security; amending K.S.A. 2010 Supp. 8-173 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 21; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Hayzlett, Hedke, Henderson, Henry, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Dillmore, Goico, Gordon, Gregory, Grosserode, Hermanson, Hildabrand, Huebert, Kelley, Kinzer, Landwehr, Lane, Mast, McLeland, Meigs, Montgomery, Patton, Suellentrop, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

**HB 2175**, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, 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, Kinzer, Kleeb, Knox, Kuether, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

**HB 2205**, AN ACT concerning weights and measures; relating to measuring devices; amending K.S.A. 2010 Supp. 83-202 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, 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, Kinzer, Kleeb, Knox, Kuether, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

**HB 2230**, AN ACT repealing K.S.A. 68-1038; relating to the Frontier Military scenic byway, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, 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, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Gregory.

Present but not voting: None.

Absent or not voting: Calloway, Fund, Kiegerl, K. Wolf.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Peck, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2003**, **HB 2006** be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2329** be amended on page 4, in line 3, after "to" by inserting ", on";

On page 6, in line 19, after "to" by inserting ", on";

On page 9, in line 22, after "to" by inserting ", on";

On page 12, in line 36, after "to" by inserting ", on";

On page 20, in line 9, after "to" by inserting ", on"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2251** be amended on page 2, in line 4, after "act" by inserting "unless (A) the pupil has a parent or guardian that is an employee of the school district where the pupil is enrolled; (B) the pupil has a parent or guardian who owns real property in Kansas which is contiguous to the pupil's residence; or (C) the pupil attended public school in Kansas during the 2010-2011 school year"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HCR 5009** (Corrected) be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **HB 2107** be amended on page 6, in line 4, by striking "This subsection shall not apply to any sexually oriented"; in line 5, by striking "business lawfully established prior to the effective date of this act."; in line 8, by striking "portion" and inserting "property line"; in line 9, by striking "portion" and inserting "property line";

On page 7, by striking all in lines 23 through 25;

On page 8, in line 7, by striking "stricter than but not inconsistent" and inserting "not in conflict";

On page 9, in line 5, by striking "or"; following line 5 by inserting "(k) habitual violations of sections 1 through 11, and amendments thereto; or"; in line 6, by striking the "(k)" and inserting "(l)"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2218** be amended on page 4, in line 10, after "performed" by inserting "or induced"; in line 12, after "performed" by inserting "or induced"; in line 13, after "performs" by inserting "or induces"; in line 22, after "performs" by inserting "or induces"; in line 29, after "performed" by inserting "or induced"; in line 32, after "performed" by inserting "or induced"; in line 33, after "performs" by inserting "or induces";

On page 5, in line 24, after "performed" by inserting "or induced"; in line 29, after "performed" by inserting "or induced";

On page 6, in line 18, by striking "2" and inserting "3"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2241** be amended on page 1, in line 8, by striking "The term "proprietor" as used in this act includes" and inserting "As used in this act: (1) "Proprietor" means"; after line 11, by inserting "(2) "Dental franchisor" means any person or entity, pursuant to a written agreement, who provides a licensed dentist any dental practice management consulting services, which may include marketing or advertising services, signage or branding consulting, or places in possession of a licensed dentist such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation.";

Also on page 1, in line 24, after "license" by inserting "limited,";

On page 3, in line 33, by striking "proprietor"; in line 34, by striking all before the semicolon and inserting "dental franchisor";

On page 4, in line 31, after "of", where it appears for the first time, by inserting "K.S.A. 21-3406, prior to its repeal, or"; in line 35, after "of", where it appears for the first time, by inserting "K.S.A. 21-3406, prior to its repeal, or";

On page 7, after line 23, by inserting "(e) No contract or provision in any such agreement shall require either party to indemnify the other party for negligence, intentional acts or omissions that constitute a violation of K.S.A. 65-1422 et seq., and amendments thereto."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2031** be amended on page 1, in line 10, by striking "judicial district" and inserting "county"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2042** be amended on page 1, in line 18, by striking "evidence collection form evidence" and inserting "Kansas standard offense report the presence"; following line 25, by inserting :

"(d) The Kansas bureau of investigation shall:

(1) Make the necessary changes to the Kansas standard offense report and the

Kansas incident based reporting system handbook; and

(2) shall promulgate rules and regulations concerning the training for law enforcement agencies to implement the provisions of this section.

(e) Nothing in this section shall be construed to expand the scope of the officers search."; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2066** be passed.

Committee on **Local Government** recommends **HB 2119** be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 14 and inserting:

"Section 1. (a) As used in this section:

(1) "Municipality" means a city, county, township, fire district or any other political and taxing subdivisions in this state.

(2) "Accident response service fee" means any fee imposed on the driver or owner of a motor vehicle, an insurance company or any other person, for the response to or investigation of a motor vehicle accident, but does not include the usual and customary charges for providing ambulance and emergency services when immediate action is required to save life, prevent suffering or disability or to protect and save property.

(3) "Emergency services" includes the police, fire and emergency medical service personnel and equipment deemed appropriate by the municipality to address reasonably anticipated needs including, but not limited to, unknown number of injured persons and possible environmental and health threats.

(b) No municipality shall charge an accident response fee to persons receiving emergency services inside or outside of such municipality, except for actual costs of a motor vehicle accident involving hazardous materials or requiring extraordinary emergency services.";

Also, on page 2, in line 15, by striking "3." and inserting "2.";

On page 1, in the title, in line 1, by striking "emergency medical services; relating to"; in line 2, by striking all after "fees"; in line 3, by striking "existing section"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2294** be amended on page 1, in line 9, by striking "The"; and by striking all of line 10; following line 10, by inserting:

"New Sec. 2. Except as provided in this section, no land shall be annexed pursuant to paragraphs (1), (4), (5) and (6) of subsection (a) of K.S.A. 12-520, and amendments thereto, if the board of county commissioners determines by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation that the proposed annexation will have an adverse effect on such county. The board of county commissioners shall deliver a copy of such resolution to the city. If the board of county commissioners fails to adopt such a resolution within the 30-day period, the annexation shall be deemed to have been approved by the board of county commissioners.";

And by renumbering sections accordingly;

On page 6, in line 39, after "election" by inserting ", unless the proposed annexation is authorized by paragraphs (2), (3) or (7) of subsection (a) of K.S.A. 12-520, and amendments thereto"; in line 40, by striking "(1)";

On page 7, by striking all in lines 6 through 8;

On page 10, in line 35, by striking "The provisions of this section shall be"; by striking all in line 36; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2331** be amended on page 1, in line 27,

after "(1)" by inserting "Establishes domicile in a rural opportunity zone on or after July 1, 2011, and prior to January 1, 2016, and";

On page 2, in line 9, after the semicolon, by inserting "or"; in line 12, by striking "; or"; by striking all in line 13; in line 14, by striking all before the period; and the bill be passed as amended.

#### **REPORT ON ENGROSSED BILLS**

**HB 2118, HB 2132** reported correctly engrossed February 18, 2011.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, February 22, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

