

Journal of the House

THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 10, 2011, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Frownfelter and Fund were excused on verified illness.

Rep. Sloan was excused on legislative business.

Reps. Montgomery, Ruiz, Schwab and Slattery were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today I ask that you help us to FOCUS.
F – ighting hard and doing our best;
O – therminedness - putting others before ourselves;
C – ourage to do the right thing even when it is hard;
U – nity in playing as a team;
S – coring lots of point...oh wait,
that is what we want our teams to do today
in the tournament.
In all seriousness, Lord, we do ask that You help us to
focus on the purpose and task at hand,
as well as focusing on asking You for direction and wisdom.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Schroeder.

Kansas Trivia Question – New Boston was the name originally considered for what two Kansas towns at different times?

Answer: Both Lawrence and Manhattan.

PERSONAL PRIVILEGE

Rep. Kiegerl thanked the members of the House for all their support during his illness.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. **HCR 5025**—

By Committee on Transportation

A CONCURRENT RESOLUTION urging the United States congress to repeal 23 U.S.C. § 127(d) concerning the federal freeze on more productive trucks and allow Kansas to determine the appropriate vehicle size and weight limits necessary for the economic needs of the state.

WHEREAS, The United States congress approved 23 U.S.C. § 127(d) on June 1, 1991, which froze the truck size and weight limits to those weights and lengths that were being operated at such time; and

WHEREAS, Operation of more productive vehicles has been frozen by federal law for 20 years; and

WHEREAS, The custom harvesting industry requested that the legislature approve additional length for their combination vehicles and were informed of the federal freeze and the potential loss of federal highway funds to Kansas should the freeze be violated; and

WHEREAS, States should have the flexibility to adopt vehicle size and weight laws necessary for the economic growth for the state and region; and

WHEREAS, The Western Governors' Association has approved a policy resolution urging congress to lift the freeze on more productive trucks for the 13 western states: Kansas, Colorado, Idaho, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming; and

WHEREAS, Any change in vehicle size and weight laws must be adopted by both the Kansas House of Representatives and Kansas Senate and approved by the Governor: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the United States congress to repeal 23 U.S.C. § 127 (d) and eliminate the freeze on more productive trucks, thereby allowing Kansas to respond to new technology and new vehicle size and weight requirements.

Be it further resolved: That the chief clerk of the house of representatives shall send an enrolled copy of this resolution to the United States secretary of transportation and each member of the Kansas congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Education: **HB 2375**.

Federal and State Affairs: **HB 2377; HR 6015**.

Financial Institutions: **HB 2376**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2133, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 42; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens,

Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Meier, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Powell, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Suellentrop, Vickrey, Weber, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Bollier, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grant, Grosserode, Henderson, Henry, Hildabrand, Kerschen, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meigs, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Seiwert, Smith, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Worley.

Present but not voting: None.

Absent or not voting: Frownfelter, Fund, Montgomery, Ruiz, Schwab, Slattery, Sloan.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: As we are short of money for education and SGF, I do not see it appropriate to pay for inmate TVs, medical expenses and law suits against the state by someone breaking the law. I vote No on **HB 2133**. – JOE SEIWERT

MR. SPEAKER: It is with regret I vote Yea for **HB 2133**. This causes our wonderful Kansas Highway Patrol to pay over \$130,000 in hospital charges out of an already stressed budget simply for doing their duty in delivering to the hospital a drunken citizen who had just killed another person in a car wreck. Personal responsibility was lost and the Highway Patrol is honorable enough to pay their statutory debt. It is my sincere hope we correct this injustice soon with future legislation.--TERRILOIS GREGORY

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HCR 5016** be adopted; and the resolution be adopted as amended.

Committee report recommending a substitute resolution to **HR 6009** be adopted; and the resolution be adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfried pursuant to House Rule 2311, **Sub. HR 6009** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HR 6009, A RESOLUTION urging the U.S. Army Corps of Engineers to accept

"Life of the Project" conservation easements, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, 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, 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, KleeB, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Frownfelter, Fund, Montgomery, Patton, Ruiz, Schwab, Slattery, Sloan.

The substitute resolution was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Economic Development** recommends **SB 77** be amended on page 2, in line 4, by striking "From and after July 1, 2011,";

On page 18 in line 10, by striking "in excess of"; by striking all in lines 11 through 13; in line 14, by striking all before the comma where it appears for the first time and inserting "and in excess of \$8,000 with respect to employment during any calendar year following 1983"; following in line 16, by striking "the amount stated herein" and inserting "\$8,000";

On page 47, in line 10, by striking "From and after July 1, 2011,";

On page 68, in line 13, by striking "(i) Except as provided in"; in line 14, by striking "clause (ii), the" and inserting "The"; in line 22, before the period by inserting ", except, with regard to a year in which the taxable wage base changes. The taxable wages used in the calculation for such a year and the following year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during all of the preceding fiscal year ending June 30"; by striking all in lines 23 through 30;

On page 85, in line 4 by striking "44-704a, 44-710a" and inserting 44-703, 44-704a, 44-710, 44-710a"; in line 7, by striking "44-703, 44-705, 44-706 and 44-710" and inserting "44-705 and 44-706"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2371** be amended on page 2, in line 18, by striking "January" and inserting "July"; in line 23, by striking "January" and inserting "July"; and the bill be passed as amended.

Committee on **Education** recommends **HCR 5010** be amended on page 1, in line 19, by striking "provide for"; by striking all in lines 20 through 22 and inserting: "make suitable provision for finance of the educational interests of the state in an equitable

manner and in such amounts as may be determined by the legislature."; in line 33, by striking all after "clarify"; by striking all in lines 34 and 35 and inserting "the requirement for suitable finance in an equitable manner but in amounts to be determined by the legislature."; and the resolution be adopted as amended

Committee on **Education Budget** recommends **SB 21** be passed.

Committee on **Education Budget** recommends **HB 2360** be amended on page 1, in line 15, by striking ", that is in accordance with generally accepted"; by striking all in line 16; in line 17, by striking "thereto"; in line 31, by striking the comma and inserting "and"; also in line 31, by striking "and activity fund";

On page 2, in line 2, by striking "at all times"; following line 9 by inserting "(g) As part of the uniform reporting system established pursuant to this section, each school district shall annually submit a report to the state board on the receipts and expenditures of the activity fund accounts and the construction fund accounts of such school district. Such report shall be submitted in a form and manner prescribed by the state board in accordance with the provisions of this section.";

And by redesignating the remaining subsection accordingly; and the bill be passed as amended.

Committee on **Education Budget** recommends **SB 41** be amended on page 4, following line 21 by inserting "(g) The provisions of this section shall expire on June 30, 2015."; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2087** be amended on page 1, in line 19, after "any" by inserting "foreign"; in line 23, after "a" by inserting "foreign"; in line 27, after "the" by inserting "foreign";

On page 2, in line 5, after "any" by inserting "foreign"; 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 were thereupon introduced and read by title:

HB 2378, AN ACT concerning sales taxation; relating to countywide retailers' sales tax authority; services for children and youth; establishing community children's service fund, administration, expenditures and procedures therefor; amending K.S.A. 2010 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2379, AN ACT concerning the community improvement district act; relating to exempt property and reallocation of assessments; bonds; amending K.S.A. 2010 Supp. 12-6a27, 12-6a28, 12-6a29, 12-6a30, 12-6a31 and 12-6a36 and repealing the existing sections, by Committee on Taxation.

HB 2380, AN ACT concerning the Veterans benefit lottery game; disposition of net profits; establishing the veterans benefit lottery game fund and the national guard benefit lottery game fund, by Committee on Appropriations.

HB 2381, AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and

repealing the existing sections.

REPORT ON ENGROSSED BILLS

HB 2133 reported correctly engrossed March 10, 2011.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Friday, March 11, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

