

Journal of the House

SIXTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 6, 2011, 10:00 a.m.

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

The roll was called with 118 members present.

Reps. Colloton, Grange, C. Holmes and Sloan were excused on legislative business.

Reps. Henry and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

*This prayer today is for Rep. Sean Gatewood,
who asked for a poem, and I said I would:*

Our Heavenly Father,
Today is day eighty-five,
and we are wondering if
for five more days we will survive?
Will we finish our business in time
or go into extra sessions
to determine how to spend the last dime?
For many of us this is yet to be seen,
because a rock and a hard place
we find ourselves between.
As we work through the appropriations,
the importance of our responsibility
we cannot shun.
So, once again today
the decisions we weigh,
knowing we can't please everyone
as we accomplish the work to be done.
So for solutions we ask for Your wisdom,
and a spirit of unity we gladly welcome.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Proehl.

Kansas Trivia Question – What is the only county in Kansas named after a woman?

Answer: Barton County, named for Civil War nurse Clara Barton.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Committee of the Whole: **SB 247**.

CONSENT CALENDAR

No objection was made to **HR 6027** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6027, A RESOLUTION urging modifications to the National Broadband Plan for the benefit of rural residents of Kansas, was considered on final action.

On roll call, the vote was: Yeas 116; 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, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, 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: Colloton, Grange, Henry, C. Holmes, Kelley, O'Hara, Peterson, Sloan.

The resolution was adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2010**.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2010** submits the following report:

The House accedes to all Senate amendments to the bill and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 8 through 35;

On page 2, by striking all in lines 1 through 14;

And by renumbering the sections accordingly;

On page 3, in line 43, following the semicolon, by inserting "and

(y) electronic solicitation, section 73 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.";

On page 4, by striking all in lines 1 through 19; in line 20, by striking "59-29a04a and"; in line 21, before "are" by inserting "and 60-4104, as amended by section 223 of 2011 House Bill No. 2339";

On page 1, in the title, in line 1, by striking all following "procedure"; by striking all in lines 2 through 5 and inserting "; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section; also repealing K.S.A. 2010 Supp. 60-4104, as amended by section 223 of 2011 House Bill No. 2339."

And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on **HB 2010** was adopted.

On roll call, the vote was: Yeas 111; Nays 5; Present but not voting: 0; Absent or not voting: 8.

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

Nays: Aurand, Dillmore, Goodman, Grosserode, Hildabrand.

Present but not voting: None.

Absent or not voting: Colloton, Grange, Henry, C. Holmes, Kelley, O'Hara, Peterson, Sloan.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 247** be passed.

H. Sub. for Sub. SB 191 be passed over and retain a place on the calendar.

Committee report to **HB 2393** be adopted; also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 55; Nays 60; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alford, Arpke, Aurand, Bollier, Boman, Brown, Bruchman, Brunk, Carlson, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Goodman, Grosserode, Hayzlett, Hedke, Hildabrand, Hoffman, Howell, Huebert, Johnson, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Powell, Roth, Rubin, Ryckman, Scapa, Schwab, Schwartz, Shultz, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Billinger, Bowers, Brookens, Burgess, Burroughs, Calloway, Carlin, Cassidy, Davis, Dillmore, Fawcett, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Gordon, Grant, Gregory, Henderson, Hermanson, Hill, Hineman, M. Holmes, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, Patton, Pauls, Phelps, Pottorff, Prescott, Proehl, Ruiz, Schroeder, Seiwert, Slattery, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Collins, Colloton, Feuerborn, Grange, Henry, C. Holmes, Peterson, Rhoades, Sloan.

The motion to recommend **HB 2393** favorably for passage did not prevail.

REPORT OF STANDING COMMITTEE

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

Request No. 155, by Representative O'Brien, congratulating Warren Thomas Beck in recognition for graduating from West Point and being commissioned in the armor branch;

Request No. 156, by Representative O'Brien, congratulating John (Jack) Morrison Holt, III in recognition for graduating from West Point and being commissioned in the infantry;

Request No. 157, by Representative Mesa, congratulating Trisha Doty on winning the State 5th Grade Arbor Day Poster Contest;

Request No. 158, by Representative Bowers, congratulating Richard Stutsman for 14 years of service to Cloud County Sheriff Department from Cloud County Commissioner;

Request No. 159, by Representative Gonzales, congratulating Eileen Filbert on 22 years of dedicated service with Jefferson County Health Department, Home Health and Hospice;

Request No. 160, by Representative Mesa, congratulating Raymond Quint on his 90th birthday;

Request No. 161, by Representative Alford, congratulating Thelma Brown, formerly of Ulysses, Kansas, on her 90th birthday;

Request No. 162, by Representative Alford, congratulating Ruby Niles on celebrating her 100th birthday;

Request No. 163, by Representative Alford, congratulating Eula Pearl Thomas on celebrating her 100th birthday;

Request No. 164, by Representative Alford, congratulating Kenneth Warner on being inducted into the Kansas Teachers' Hall of Fame in Dodge City, Kansas;

Request No. 165, by Representatives Winn, Burroughs, Peterson, Frownfelter, Henderson, Ruiz and Wolfe Moore, congratulating Dr. Tom Burke, KCKCC, for his outstanding service, vision and commitment to higher education throughout the state of Kansas;

Request No. 166, by Representative Henderson, congratulating Tyler Christian Smith in recognition of being a member of the 2011 First Baptist Church of Quindaro 2011 high school graduates;

Request No. 167, by Representative Henderson, congratulating Alisha Marie Wallace in recognition of being a member of the 2011 First Baptist Church of Quindaro 2011 high school graduates;

Request No. 168, by Representative Henderson, congratulating Kaneshia Shatara Davis in recognition of being a member of the 2011 First Baptist Church of Quindaro 2011 high school graduates;

Request No. 169, by Representative O'Brien, congratulating Samuel Robert Calvert in recognition of being a 2011 West Point graduate from Kansas;

Request No. 170, by Representative O'Brien, congratulating Lenora Alexandra Earley in recognition of being a 2011 West Point graduate from Kansas;

Request No. 171, by Representative O'Brien, congratulating Tony Joseph Sagastizado in recognition of being a 2011 West Point graduate from Kansas;

Request No. 172, by Representative O'Brien, congratulating David Daniel Snow in recognition of being a 2011 West Point graduate from Kansas;

Request No. 173, by Representative O'Brien, congratulating Andrew Anthony Williams in recognition of being a 2011 West Point graduate from Kansas;

Request No. 174, by Representative O'Brien, congratulating Kyle Raymond Cobb in recognition of being a 2011 West Point graduate from Kansas;

Request No. 175, by Representative Burroughs, congratulating The Shepherd's Center of Kansas City, Kansas in recognition of celebrating their 25th anniversary;

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. Siegfried, the committee report was adopted.

On motion of Rep. Siegfried, the House adjourned until 1:00 p.m, Monday, May 9, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

