

# Journal of the House

## EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 23, 2014, 3:00 p.m.

The House met pursuant to adjournment with Speaker Merrick in the chair.

The roll was called with 108 members present.

Reps. Peterson and Schwab were excused on verified illness.

Reps. Shultz and Wolfe Moore were excused on legislative business.

Reps. Brunk, Cassidy, Christmann, Ewy, Frownfelter, Kiegerl, Kleeb, Meigs, Ruiz, Sawyer, Thompson, Trimmer, and Vickrey were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Eternal God,  
Today I ask that You send Your Spirit  
upon the members of this House.  
Encourage them in the tasks that lie before them.  
Give them courage to stand for their beliefs,  
courtesy to listen to the beliefs of others.  
Assure them of Your grace that will  
enable them to be faithful in their duties.  
Grant them wisdom to be conscious of their responsibilities;  
fill them with integrity;  
remind them of Your love for them.  
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Barker.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2483**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Kansas horse council license plate, by Committee on Transportation.

**HB 2484**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the rotary international license plate, by Committee on Transportation.

**HB 2485**, AN ACT designating a portion of United States highway 75 as the Pack St Clair highway; amending K.S.A. 2013 Supp. 68-1051 and repealing the existing section, by Committee on Transportation.

**HB 2486**, AN ACT concerning telecommunications; relating to the KUSF

administrator; authorizing an annual audit; amending K.S.A. 2013 Supp. 66-2010 and repealing the existing section, by Committee on Utilities and Telecommunications.

**HB 2487**, AN ACT concerning utilities; relating to the state corporation commission; concerning the issuance of certificates of public convenience and necessity; amending K.S.A. 2013 Supp. 66-131 and repealing the existing section, by Committee on Utilities and Telecommunications.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2469, HB 2470, HB 2476.**

Corrections and Juvenile Justice: **HB 2477, HB 2478, HB 2479.**

Education: **HB 2475.**

Federal and State Affairs: **HB 2472, HB 2473.**

Financial Institutions: **HB 2468.**

Taxation: **HB 2474, HB 2481, HCR 5024.**

Transportation: **HB 2467, HB 2471.**

Utilities and Telecommunications: **HB 2480, HB 2482.**

### CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2412** from Committee on Appropriations and referral to Committee on Energy and Environment.

Also, the withdrawal of **HB 2426, HB 2433, HB 2442, HB 2445, HB 2463** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2465** from Committee on Energy and Environment and referral to Committee on Utilities and Telecommunications.

### COMMUNICATIONS FROM STATE OFFICERS

From Kirk D. Thompson, Director, Kansas Bureau of Investigation, in compliance with K.S.A. 60-4117, report regarding the KBI State Forfeiture Fund.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **6042--**

By Representative Victors

A RESOLUTION supporting the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma.

WHEREAS, From his birth on the banks of the Niobrara River in Nebraska until his death in 1908, Chief Standing Bear spent his life in a constant struggle to gain equality and justice for our nation's Native Americans; and

WHEREAS, Chief Standing Bear, who is one of Representative Victors' ancestors, and the Ponca Tribe were forced in 1877 by federal treaty to leave their homeland in Nebraska for Indian Territory in what is now Oklahoma; and

WHEREAS, The hardship of travel, illness and the conditions of Indian Territory caused many members of the tribe to perish, including Chief Standing Bear's son; and

WHEREAS, Determined to bury his son in his homeland, Chief Standing Bear led 30 members of his tribe back to their home in Nebraska; and

WHEREAS, Chief Standing Bear became the first Native American to be recognized as a person in a federal court decision rendered in Omaha at the trial following his return to Nebraska. At Chief Standing Bear's trial, he testified on his own behalf, speaking the famous words, "That hand is not the color of yours, but if I prick it, the blood will flow and I shall feel pain. The blood is of the same color as yours. God made me, and I am a man." On May 12, 1879, Judge Elmer S. Dundy ruled that the right of habeas corpus extends to Native Americans, as the right is a natural, inherent and inalienable right; and

WHEREAS, It is essential to raise awareness of historical events in the lives of the original Native American inhabitants of Kansas to promote justice and equality in the United States legal system; and

WHEREAS, A Chief Standing Bear Trail, spanning from Chief Standing Bear's home in Nebraska through Kansas and into Oklahoma, would increase knowledge and awareness of the story of Chief Standing Bear; and

WHEREAS, February 5, 2014, is Native American Day at the Capitol, a day for tribes to visit the statehouse to meet with legislators and bring forth important issues and a day to honor all Native Americans in Kansas; and

WHEREAS, Supporting the development and designation of a Chief Standing Bear Trail that will cross Kansas is part of our celebration of Native American Day at the Capitol: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we support the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma and recognize that the story of original Native American inhabitants is vital to understanding the rich history of Kansas and promoting the cultural well-being of all Kansans.

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Victors.

## REPORT OF STANDING COMMITTEES

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

**Request No. 7**, by Representative Edwards, commending Deputy Lucas Powell of the Sedgwick County Sheriff's Office in recognition for gallantry in the face of danger;

**Request No. 8**, by Representative Garber, congratulating Laura Edelman for being named one of three statewide winners of the 2013 "Put the Brakes on Fatalities Day" driver awareness contest;

**Request No. 9**, by Representative Howell, commending Zachary R. Petersen for achieving the rank of Eagle Scout;

**Request No. 10**, by Representative Sloan, commending John Charles Milburn for achieving the rank of Eagle Scout;

**Request No. 11**, by Representative Boldra, commending Denton Rathke for achieving the rank of Eagle Scout;

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. Crum, the committee report was adopted.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

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

The following bills were introduced and read by title:

**HB 2488**, AN ACT concerning the Kansas electric transmission authority; purpose and composition of authority; creation of transmission advisory council; amending K.S.A. 2013 Supp. 74-99d01, 74-99d03, 74-99d04 and 74-99d07 and repealing the existing sections, by Committee on Energy and Environment.

**HB 2489**, AN ACT concerning legislative review of exceptions to open records; amending K.S.A. 2013 Supp. 40-5515 and 45-229 and repealing the existing sections, by Committee on Judiciary.

**HB 2490**, AN ACT concerning criminal procedure; relating to trials; conduct of jury after case is submitted; amending K.S.A. 22-3420 and repealing the existing section, by Committee on Judiciary.

**HB 2491**, AN ACT concerning the Kansas tort claims act; relating to small claims actions; amending K.S.A. 2013 Supp. 75-6103 and repealing the existing section, by Committee on Judiciary.

**HB 2492**, AN ACT concerning elected officials; recall of; amending K.S.A. 25-4301 and 25-4304 and K.S.A. 2013 Supp. 25-4306 and 25-4322 and repealing the existing sections, by Committee on Judiciary.

**HB 2493**, AN ACT concerning crimes, punishment and criminal procedure; relating to sureties; unlawful sexual relations; appearance bonds; surety regulation; amending K.S.A. 22-2809a and K.S.A. 2013 Supp. 21-5512, 21-5703, 21-5709, 21-5710 and 21-6316 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2494**, AN ACT concerning parking violations; amending K.S.A. 8-2112 and repealing the existing section, by Committee on Transportation.

**HB 2495**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; probation and postrelease supervision; amending K.S.A. 2013 Supp. 21-6604 and 22-3716 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2496**, AN ACT concerning crimes and punishment; relating to promotion to minors of material harmful to minors; amending K.S.A. 2013 Supp. 21-6402 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2497**, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; transfer of supervision; amending K.S.A. 2013 Supp. 21-6610 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2498**, AN ACT concerning property taxation; relating to exemptions; community service organizations providing humanitarian services; amending K.S.A. 2013 Supp. 79-201 and repealing the existing section, by Committee on Taxation.

**HB 2499**, AN ACT concerning wildlife; enacting the state sovereignty over non-migratory wildlife act, by Committee on Agriculture and Natural Resources.

**HB 2500**, AN ACT relating to crimes and punishment; prohibiting text messaging while operating a moving motor vehicle; amending K.S.A. 2013 Supp. 8-15,111 and 8-2118 and repealing the existing sections, by Committee on Transportation.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker Merrick announced the appointment of Rep. Winn to replace Rep. Peterson on Committee on Federal and State Affairs. Also, the appointment of Rep. Meier to replace Rep. Winn on Committee on Utilities and Telecommunications. Also, the appointment of Rep. Whipple to replace Rep. Winn on Committee on Children and Seniors. Also, the appointment of Rep. Carmichael to replace Rep. Peterson on Committee on Local Government.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HCR 5021**, **HCR 5022** reported correctly enrolled and properly signed on January 23, 2014.

On motion of Rep. Crum the House adjourned proforma until 8:00 a.m., Friday, January 24, 2014..

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

