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SENATE JOURNAL.

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PROCEEDINGS

OF

THE SENATE

OF THE

STATE OF KANSAS.

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SEVENTEENTH BIENNIAL SESSION, TOPEKA,

JANUARY 10 TO MARCH 15, 1911.

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STATE PRINTING OFFICE,  
TOPEKA, 1911.

The question being, Shall the bill pass? the roll was called, with the following result: Yeas 21, nays 18; absent or not voting, 1.

Senators voting in favor of the passage of the bill were: Anderson, Avery, Brady, Brown, Carey, Cooke, Glenn, Hodges, Hostrup, Huffman, Milligan, Milton, Myers, Potter, Price, Quincy, Smith, Stannard, Stavely, Stewart, and Travis.

Senators voting in the negative were: Brewster, Caldwell, Cambern, Denton, Fagerberg, Fowler, Ganse, Harris, Hamilton, Hunter, Lower, Murphy, Overfield, Porter, Reed, Robertson, and Stillings.

Absent or not voting: Chapman (by leave).

A constitutional majority having voted in favor of the passage of the bill, the bill passed, and the title was agreed to.

The following senators explained their votes:

I desire to enter my protest against this bill for the following reasons: I question its constitutionality. The borrower will pay the registration fee. The owner of moneys and credits in mortgages will escape. The taxes of the general taxpayer will be greatly increased. I vote no.—H. E. GANSE.

I desire to explain my vote on the ground that it will produce the same amount of income for the state as now received from mortgages, and will compel non-residents to pay four-fifths of that income. I vote aye.—THOMAS M. POTTER.

#### MESSAGE FROM THE HOUSE.

The following message from the House was received and read:

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has adopted House concurrent resolution No. 17.

Also, has passed, as amended, House bill No. 303.

Also, has passed House bill No. 906.

The same are herewith transmitted. EARL AKERS, *Chief Clerk.*

#### COMMITTEE OF THE WHOLE.

Senator Myers moved that the Senate go into committee of the whole for the consideration of special order, Senate bill No. 430. A vote being had, the motion prevailed.

The Senate went into committee of the whole, with Senator Stavely in the chair.

After some time spent therein the committee rose, and through the chairman submitted the following report:

MR. PRESIDENT: The committee of the whole Senate have had under consideration bills in the Calendar under the head of "General Orders," and I am directed to report as follows: Recommend that Senate bill No. 430 be amended as follows: At end of section 2 add the following: "Provided, the county in which such fair may be located as herein provided shall convey to the state real estate, improvements and money for the purpose of holding said fair thereon, and said real estate and improvements shall equal or exceed in value the appropriation herein-after made for such fair. The value of such real estate, improvements and money as shall be offered by the county or town in which such fair may be located in pursuance of this act shall be determined by three

By Committee on Roads and Bridges: Senate bill No. 647, An act to amend section 655 of the General Statutes of 1909.

By Senator Brady: Senate bill No. 648, An act relating to taxation of property of school societies, and repealing section 9218 of the General Statutes of 1909.

Senator Brady moved that House bill No. 220 be substituted in General Orders for Senate bill No. 86. The motion prevailed.

#### SECOND READING AND REFERENCE OF BILLS.

The following bills were read the second time and referred to committees as indicated:

*Labor:*

Senate bill No. 613.

*Insurance:*

Senate bill No. 383.

*Railroads:*

Senate bills Nos. 608, 614, 616.

*Judiciary:*

Senate bills Nos. 610, 611, 612, 615.

House bills Nos. 102, 205, 312, 377.

*Charitable Institutions:*

Senate bill No. 620.

*Hygiene and Health:*

Senate bill No. 619.

*Roads and Bridges:*

Senate bills Nos. 621, 622, 623.

*Telegraphs and Telephones:*

Senate bill No. 624.

*Municipal Indebtedness:*

House bill No. 146.

*Committee of the Whole:*

Senate bill No. 617.

*Assessment and Taxation:*

Senate bills Nos. 606, 607.

House bills Nos. 87, 220, 250, 633.

*Fees, Salaries and Mileage:*

Senate bill No. 609.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE.

The following House bills and resolutions were received and read the first time:

By Mr. Matson: House bill No. 906, An act to provide for the regulation and supervision of investment companies, and providing penalties for the violation thereof.

## INTRODUCTION OF BILLS.

The following bill was introduced and read the first time:

By Committee on Temperance and Hygiene: Senate bill No. 657, An act to enable counties to establish and maintain public sanatoria, levy tax and issue bonds therefor, appoint a sanatorium commission and permit two or more counties to join in the establishment and maintenance of such sanatorium.

## SECOND READING AND REFERENCE OF BILLS.

The following bills and resolutions were read the second time and referred to committees as indicated.

*Committee of the whole:*

House bill No. 1026.

House concurrent resolution No. 21.

*Public Buildings:*

Senate concurrent resolution No. 15.

*Temperance and Hygiene:*

Senate resolution No. 39.

*Charitable Institutions:*

House concurrent resolution No. 15.

*Judiciary:*

House concurrent resolution No. 18.

*Roads and Bridges:*

Senate joint resolution No. 9.

*Military Affairs:*

Senate joint resolution No. 10.

Senator Quincy moved that House bill No. 906, being substitute for Senate bill No. 40, be referred to the Committee on Judiciary, with instructions to report within five days, and retain its place on the Calendar. The motion prevailed and it was so ordered.

## CONSIDERATION OF HOUSE MESSAGES.

The following House bills were received and read:

By Committee on Assessment and Taxation: House bill No. 616, An act relating to the assessment and taxation of legacies and successions, supplemental to chapter 248, Laws of 1909, the same being article 7, chapter 116, General Statutes of 1909, and amendatory to sections 9265, 9267, 9268, 9269 and 9270 of the General Statutes of 1909, the same being respectively 1, 3, 4, 5 and 6 of said chapter 248, Laws of 1909, and repealing the original sections hereby amended.

By Committee on Assessment and Taxation: House bill No. 767, An act concerning assessment and taxation and amending section 3 of chapter 251, Laws of 1909, the same being section 9355 of the General Statutes of 1909, and amending section

By Mr. Malone: House bill No. 717, An act relating to the establishment of school districts in the state of Kansas, where original records of the boundary lines thereof have been lost or destroyed.

By Mr. Keraus: House bill No. 933, An act repealing chapter 215 of the Session Laws of 1901, relating to the salary of sheriff of Trego county, Kansas.

By Mr. Sharpless: House bill No. 968, An act to amend section 7, chapter 365, Laws of 1905, "An act to provide and maintain a bridge and road fund in the county of Atchison, and authorizing and directing the board of county commissioners of said county to levy a general and special levy for the construction and improvement of roads and the building and repair of bridges, and providing the manner of expending said fund for such purposes."

By Mr. Allen: House bill No. 820, An act relating to the drawing and summoning petit juries in counties having over 100,000 inhabitants, and fixing the compensation of jury clerks.

By Mr. Haslet (by request): House bill No. 862, An act amending section 6 of article 2 of chapter 82 of the Session Laws of 1909, and relating to the right of women to vote at municipal elections, and repealing said original section 6 of article 2 of said act.

By Mr. Ewing: House bill No. 516, An act amending section 5 of chapter 254 of the Session Laws of 1901, the same being entitled "An act to create a state board of medical registration and examination, and to regulate the practice of medicine, surgery and osteopathy in the state of Kansas, prescribing penalties for the violation thereof, and repealing chapter 68 of the Session Laws of 1870."

Senator Reed moved that House bill No. 516 be substituted for Senate bill No. 348. The motion prevailed.

By unanimous consent Senator Reed moved that the rules be suspended, an emergency declared, and that House bill No. 516 be placed on second reading at this time. The motion prevailed, and House bill No. 516 was read the second time and referred to the committee of the whole.

By unanimous consent Senator Reed moved that the rules be suspended, an emergency declared, and that House bill No. 516 be advanced to third reading, subject to amendment and debate. The motion prevailed.

By unanimous consent Senator Quincy moved that the rules be suspended, an emergency declared, and that House bill No. 906 be advanced to third reading, subject to amendment and debate. The motion prevailed.

By unanimous consent Senator Denton moved that the rules be suspended, an emergency declared, and that Senate bill No. 363 be advanced to third reading, subject to amendment and debate. The motion prevailed.

597 be advanced to third reading, subject to amendment and debate. The motion prevailed.

By unanimous consent Senator Denton moved that the rules be suspended, an emergency declared, and that House bill No. 146 be advanced to third reading, subject to amendment and debate. The motion prevailed.

Senator Glenn moved that House bill No. 448 be rereferred to the Committee on Cities of the Second and Third Class. The motion prevailed.

By unanimous consent Senator Stannard moved that the rules be suspended, an emergency declared, and that Senate bill No. 645 be advanced to third reading, subject to amendment and debate. The motion prevailed.

By unanimous consent, Senator Cambern moved that Senate bill No. 474 be advanced to third reading, subject to amendment and debate. The motion prevailed.

#### INTRODUCTION OF ORIGINAL MOTIONS AND RESOLUTIONS.

By unanimous consent, Senator Brewster introduced the following resolution and moved its adoption:

##### Senate resolution No. 22.

*Be it resolved by the Legislature of the state of Kansas, That the sergeant-at-arms is instructed, upon the adjournment of the Senate on the 28th day of February, 1911, to lock the doors leading into the ladies' gallery and committee rooms off the gallery opening on the Senate chamber, and to open the same Tuesday evening, February 28th, 1911, only to admit senators and their families, the lieutenant governor and his family, and the speaker of the House and his family, to such gallery for the moot session of the Senate.*

The resolution was adopted.

#### REPORTS OF STANDING COMMITTEES.

Senator Price submitted the following report from the Committee on Judiciary:

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred House bill No. 906, have had the same under consideration, and instruct me to report the bill back to the Senate with the recommendation that it be amended as follows and referred to the committee of the whole House without recommendation: Section 5, line 13, change the comma after the word "sale" to a period. Beginning with the word "he" strike out the remainder of the sentence and insert: "The bank commissioner shall issue to such investment company a permit reciting that such company has complied with the provisions of this act, that detailed information in regard to the company and its securities is on file in the bank commissioner's office for public inspection and information, that such investment company is permitted to do business in this state, and such permit shall also recite that the bank commissioner in no wise recommends the securities to be offered for sale by such security company."

Also, House bill No. 43, and instruct me to report the bill back to the Senate with the recommendation that it be passed.

Also, House bill No. 124, and instruct me to report the bill back to the Senate with the recommendation that it be not passed.

FRANCIS C. PRICE, *Chairman.*

Senators voting in the affirmative were: Anderson, Avery, Bender, Brady, Brewster, Brown, Caldwell, Cambern, Carey, Cooke, Denton, Fagerberg, Fowler, Ganse, Glenn, Harris, Hamilton, Hodges, Hostrup, Hunter, Lower, Milligan, Milton, Murphy, Overfield, Porter, Price, Quincy, Smith, Stannard, Stillings, Travis.

Senators absent or not voting were: Chapman (by leave), Huffman, Myers, Potter, Reed, Robertson (by leave), Stavely, Stewart.

A constitutional majority having voted in the affirmative, the Senate concurred in the conference report on House bill No. 882.

House bill No. 906, An act to provide for the regulation and supervision of investment companies, and providing penalties for the violation thereof, was read the third time, subject to amendment and debate.

Senator Quincy moved to amend section 1, line 6, after the word "companies," by inserting "real-estate mortgage companies dealing exclusively in real-estate mortgage notes." The amendment was adopted.

Senator Quincy moved to amend section 1, line 14, by striking out the first six words, "located in the state of Kansas." The amendment was adopted.

Senator Quincy moved to adopt the recommendation of the Judiciary Committee as follows: Section 5, line 13, change the comma after the word "sale" to a period. Beginning with the word "he," strike out the remainder of the sentence and insert: "The bank commissioner shall issue to such investment company a permit reciting that such company has complied with the provisions of this act, that detailed information in regard to the company and its securities is on file in the bank commissioner's office for public inspection and information, that such investment company is permitted to do business in this state; and such permit shall also recite that the bank commissioner in no wise recommends the securities to be offered for sale by such security company." The motion prevailed, and the amendments were adopted.

Senator Price moved to amend the amendment of Senator Quincy on page 14, line 4, by striking out the word "permit" and inserting the word "statement." In the third line from the bottom strike out the word "permit" and insert the word "statement." In the second line from the bottom, after the word "recite," add "in heavy bold type." The amendment to the amendment was adopted.

Senator Price moved to amend section 14, line 3, by striking out, after the word "treasury," the following: "and all fees so turned into the state treasury are hereby reappropriated to the bank commissioner for the purpose of paying all salaries

and expenses necessary for carrying this act into effect." The amendment was adopted.

Senator Brewster moved to amend section 1, commencing with the word "insurance," in line 2, by striking out all down to and including the first word "state," in line 5. The amendment was adopted.

Senator Price moved to amend by inserting at the end of section 5 the following: "provided, that all expenses paid or incurred and all fees or charges received or collected for any examination made under the provisions of this section of this bill shall be reported in detail by the bank commissioner, a full report being made in detail." The amendment was adopted.

Senator Price moved to amend section 14, line 8, by striking out the words "may find" and inserting in lieu thereof "are actually and absolutely necessary." The amendment was adopted.

Senator Price moved to amend section 14 by inserting after the word "effect," in line 9, the following: "none of whom shall be related by blood or marriage to such bank commissioner or any of his deputies." The amendment was adopted.

The question being, Shall the bill pass as amended? the roll was called, with the following result: Yeas 36, nays 0; absent or not voting, 4.

Senators voting in favor of the passage of the bill were: Anderson, Avery, Bender, Brady, Brewster, Brown, Caldwell, Cambern, Carey, Cooke, Denton, Fagerberg, Fowler, Ganse, Glenn, Harris, Hamilton, Hodges, Hostrup, Huffman, Hunter, Lower, Milligan, Milton, Murphy, Myers, Overfield, Porter, Potter, Price, Quincy, Reed, Smith, Stavely, Stewart, Stillings.

Senators absent or not voting were: Chapman (by leave), Robertson (by leave), Stavely, Travis.

A constitutional majority having voted in favor of the passage of the bill, the bill passed as amended, and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message from the House was received and read:

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed House bills Nos. 407, 145, 366, 325, 326, 8, 943, 167, 245, 543, 800, 1058, 646, 376, 443, 639, 371, 683, 1022, 181, 1018, 764, 993, 640, 96, 587, 347, 522, 1039, 375, 935, 841, 709, and 181.

Also, has amended and passed Senate bill No. 510.

The same are herewith transmitted.

Also, has adopted the reports of the conference committees on House bills Nos. 455 and 457.

Also, has concurred in Senate amendments to House bills Nos. 739 and 757.

Also, has refused to adopt the report of the conference committee on substitute for Senate bill No. 331, and asks for a new conference committee. The speaker has appointed as conferees on the part of the House on the above bill Messrs. Stone of Shawnee, Davis of Bourbon, and Gray.

Also, has nonconcurred in Senate amendments to House bills Nos. 279



ties having more than 90,000 inhabitants." The amendment was adopted.

Senator Carey moved that the rules be suspended, an emergency declared, and substitute for House bill No. 54 be placed on third reading, subject to amendment and debate. The motion prevailed.

Substitute for House bill No. 54, An act concerning meetings of boards of county commissioners and the allowance of bills, amending section 2068 of the General Statutes of Kansas of 1909, and repealing sections 2068, 2070, 2071, 2072 and 2104 of the General Statutes of Kansas of 1909, was read the third time.

Senator Glenn moved to amend section 1, line 3, by striking out the words beginning with the word "having" and including the word "50,000," in line 4. The amendment was adopted.

Senator Brewster moved to amend by striking out section 2. The motion prevailed.

Senator Myers moved to amend by striking out section 3.

Senator Potter moved, as a substitute to the motion of Senator Myers, that the enacting clause be stricken out.

Senator Carey moved, as a substitute, that the bill be passed over. The motion prevailed and the bill was passed over and retained its place on the Calendar.

Senator Travis moved that Senate bill No. 254 be stricken from the Calendar. The motion prevailed.

Senator Caldwell asked unanimous consent to submit the following report:

MR. PRESIDENT: Your Committee on Municipal Indebtedness, to whom was referred House bill No. 1013, have had the same under consideration, and instruct me to report the bill back to the Senate with the recommendation that it be passed.

W. W. CALDWELL, *Chairman.*

Senator Myers moved that House bill No. 865 be read at this time. Senator Price objected to this motion, under rule 34, and the objection was overruled by the president. The motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message from the House was received and read:

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed House bills Nos. 1059, 822, 923, 1061, 1060 and 994.

Also, Senate bills Nos. 255, sub. 190, 475, 628, 212, 533, 561, 442, 517, 265, 515, 17, 656, 28, 454, 295, 305, 535, 425, 505, 205 and 570.

Also, has amended and passed Senate bills Nos. 171, 368, 117 and 306. The same are herewith transmitted.

Also, has concurred in Senate amendments to House bills Nos. 906, 981, 274, 242, 532 and 813. EARL DOUGLASS, *Assistant Chief Clerk.*

Senator Milton moved that House bill No. 1054 be considered at this time. The motion prevailed.