

Journal of the House

FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 2, 2015, 11:00 a.m.

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

The roll was called with 117 members present.

Reps. Edmonds, Johnson and Kiegerl were excused on verified illness.

Reps. Goico, Kelley, Sawyer, Schwartz and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Creator God,
 Thank You for this beautiful day
 with all the sunshine, albeit very cold.
 Since the groundhog can see his shadow
 it appears that we have six more weeks of winter,
 and a few more weeks of political debate.
 I pray for each of these leaders
 that they will remember that
 where they stand in the conflict,
 that is their place.
 Just when they think they are useless,
 they will not hide their face.
 For You have placed them here for a purpose,
 whatever that may be,
 May they be thankful You have chosen them,
 and work faithfully.
 Please be with Lt. Governor Colyer and his family
 as they mourn the death of his father.
 Bring grace, strength, hope and comfort
 as only You can in times like these.
 In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Dove.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2194, AN ACT regulating traffic; establishing a safety corridor program, safety corridor fund; amending K.S.A. 2014 Supp. 8-1560c, 8-1560d, 8-2118 and 74-7336 and repealing the existing sections, by Committee on Transportation.

HB 2195, AN ACT regulating traffic; concerning right-of-way violations; providing for increased penalties in certain cases, by Committee on Transportation.

HB 2196, AN ACT concerning abandoned property; relating to de minimis amounts of property; amending K.S.A. 2014 Supp. 58-3935 and repealing the existing section, by Committee on Taxation.

HB 2197, AN ACT concerning municipalities; relating to land banks; amending K.S.A. 2014 Supp. 12-5909 and repealing the existing section, by Committee on Taxation.

HB 2198, AN ACT concerning children and minors; relating to possession or consumption of alcoholic beverages; immunity from liability for minor seeking medical assistance; amending K.S.A. 2014 Supp. 41-727 and repealing the existing section, by Committee on Judiciary.

HB 2199, AN ACT concerning human sexuality education; school districts' policies and procedures, by Committee on Education.

HB 2200, AN ACT concerning alcoholic beverages; relating to retailer's licenses; amending K.S.A. 2014 Supp. 41-102, 41-301, 41-303, 41-304, 41-308, 41-308d, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, by Committee on Federal and State Affairs.

HB 2201, AN ACT concerning the adult care home licensure act; relating to adult care home requirements, admissions and penalties; licensed and unlicensed employees; amending K.S.A. 39-953b and K.S.A. 2014 Supp. 39-936, 39-946 and 39-953a and repealing the existing sections, by Representative Wilson.

HB 2202, AN ACT concerning the Kansas program of medical assistance; relating to service provider audits; enacting the service provider audit protection act, by Committee on Health and Human Services.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2176** from Committee on Health and Human Services and referral to Committee on Insurance.

COMMUNICATIONS FROM STATE OFFICERS

From Ken Selzer, CPA, Commissioner of Insurance, Kansas Insurance Department, pursuant to K.S.A. 44-566(a), Kansas Workers Compensation Fund, 2014 Fiscal Year End Report.

From Ron Estes, Kansas State Treasurer, 2014 Annual Report for the Kansas State Treasurer's Office.

From Honorable Frank J. Yeoman, Jr., Chair, Board of Directors, Kansas Guardianship Program, 2014 Annual Report.

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

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Proehl in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2005** be passed.

Committee report to **HB 2009** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Ward to amend **HB 2023**, on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2014 Supp. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Clearly unwarranted invasion of personal privacy" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701, and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2014 Supp. 21-5406, and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Electronic media" means any electronic medium which may be used to transmit recorded information.

(f) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

~~(f)~~ (g) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

~~(g)~~ (h) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any

public agency in the furtherance of such public agency's duties, if such recorded information has a substantial nexus with the public agency's duties, whether or not such recorded information is made or maintained using electronic media funded by public funds including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

~~(H)~~ (i) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.";

On page 6, in line 30, after "Supp." by inserting "45-217,";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "legislative review of exceptions to"; also in line 1, after "records" by inserting "act; relating to definitions; exceptions"; in line 2, after "Supp." by inserting "45-217,";

On roll call, the vote was: Yeas 30; Nays 86; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcalá, Ballard, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Henderson, Henry, Highberger, Houston, Kuether, Lane, Lusk, Lusker, Ousley, Ruiz, Schroeder, Sloan, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, D. Jones, K. Jones, Kahrs, Kelly, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, L. Osterman, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ryckman, Ryckman Sr., Scapa, Schwab, Seiwert, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Edmonds, Goico, Johnson, Kelley, Kiegerl, Kleeb, Sawyer, Schwartz, Winn.

The motion of Rep. Ward did not prevail; and **HB 2023** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2075** be passed.

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 and resolution were introduced and read by title:

HB 2203, AN ACT concerning school districts; relating to agreements for administrative services and analysis of such services, by Committee on Education Budget.

HB 2204, AN ACT concerning insurance; enacting the claim information reporting act; providing for short-term medical plans; amending K.S.A. 2014 Supp. 40-2,193 and repealing the existing section, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. **HCR 5011**—
By Committee on Education Budget

A CONCURRENT RESOLUTION supporting the Kansas board of regents' strategic plan for postsecondary education excellence, known as Foresight 2020.

WHEREAS, The goals of the Kansas board of regents' strategic plan for postsecondary education known as Foresight 2020 are to increase postsecondary education attainment among Kansans, improve alignment of the state's postsecondary education system with the needs of the Kansas economy and ensure state university excellence; and

WHEREAS, The state, its businesses and industries, and individual Kansans will be best served if the board of regents is supported in its efforts to achieve these goals; and

WHEREAS, Achieving a postsecondary education credential can be a contributing factor to the success of citizens in getting and retaining high-quality jobs; and

WHEREAS, Retaining individuals who have postsecondary credentials in Kansas is encouraged for meeting workforce demands and ensuring a competitive Kansas workforce; and

WHEREAS, Attaining an increased level of postsecondary education is encouraged for economic prosperity for the state and the individual; and

WHEREAS, Increasing educational attainment among the adult population is one of the most important objectives for any state: Now, therefore,

Be it resolved by the House of Representatives, the Senate of the State of Kansas, concurring therein: That the legislature supports the Kansas board of regents' strategic plan for achieving postsecondary education attainment, as set forth in Foresight 2020, and specifically the objective of increasing to 60% or more by the year 2020 the number of Kansas adults who have a certificate, associate's degree or a bachelor's degree; and

Be it further resolved: That the legislature encourages the board of regents, in consultation with the local boards of education, secretary of commerce, secretary of labor, commissioner of education, postsecondary educational institutions, the Washburn institute of technology, private business and industry, and other interested entities, to develop and execute a plan to increase the overall postsecondary educational attainment

among Kansans needed to fuel economic growth in Kansas; and

Be it further resolved: That the legislature, in consultation with the Kansas board of regents, encourages the development of a performance-based funding formula that will help achieve the desired goals; and

Be it further resolved: That the Secretary of State shall send an enrolled copy of this resolution to the chair of the Kansas board of regents, secretary of commerce, secretary of labor and commissioner of education.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment Rep. Frownfelter to replace Rep. Wilson on Committee on Insurance.

Also, Rep. Ruiz is appointed to replace Rep. Sawyer on Committee on Taxation on February 2.

Also, Rep. Burroughs is appointed to replace Rep. Sawyer on the Committee on Elections on February 2.

Also, Rep. Ruiz is appointed to replace Rep. Winn on Committee on Federal and State Affairs on February 2 and February 3.

Also, Rep. Lane is appointed to replace Rep. Winn on Committee on Education Budget on February 2 and February 3.

On motion of Rep. Vickrey, the House recessed until 2:00 p.m..

AFTERNOON SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 4** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 4," as follows:

"House Substitute for SENATE BILL NO. 4

By Committee on Appropriations

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, and June 30, 2016, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 72-8814, 74-4914d, 74-4920 and 74-50,107 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 4** was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2009 reported correctly engrossed February 2, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, February 3, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

