

Journal of the House

FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 9, 2012, 2:00 p.m.

This being the day fixed by the constitution of the State of Kansas for the assembling of the 2012 session of the legislature, the House was called to order at 2:00 p.m. by Speaker Michael R. "Mike" O'Neal.

Speaker O'Neal announced that the Rev. Eunice Brubaker, executive associate pastor, Fairlawn Church of the Nazarene, Topeka, will serve as chaplain of the House for the 2012 session.

Prayer by Chaplain Brubaker:

"O Lord, our Lord, how majestic is your name in all the earth! Splendor and majesty are before you; strength and glory are in your sanctuary. Be exalted, o Lord, in your strength. May God be gracious to us and bless us and make his face shine upon us." Today at the beginning of the 2012 session, we pray for our leaders to whom You have entrusted leadership of the great state of Kansas. We pray for: calmness in the face of adversity, encouragement in the face of frustration, understanding in the face of disagreement, and humility in the face of success. Give them the wisdom to know and to do what is right, and the courage to say no to all that is contrary to Your statutes of holy law. In Christ's Name I pray, Amen.

(Psalms 8:1, 21:13, 96:6; 67:1 – Book of Common Prayer)

The Pledge of Allegiance was led by Rep. Fawcett.

The roll was called with 124 members present.

Rep. Peterson was excused on excused absence by the Speaker.

COMMUNICATIONS FROM STATE OFFICERS

Dear Mr. Speaker:

This letter is to advise you that the Office of Chief Clerk has received the following communications during the interim since adjournment of the 2011 Regular Session of the Legislature:

From Karen Brownlee, Secretary, Kansas Department of Labor. the Kansas Department of Labor's 2010 Annual Report.

From Ed Eilert, Chairman, Johnson County Education Research Triangle, in accordance with K.S.A. 19-5005(e), the Annual Report for the fiscal year ending June 20, 2011.

From Angela Nordhus, Executive Director, State Child Death Review Board, in accordance with K.S.A. 22a-243(i), the 2011 Kansas State Child Death Review Board Annual Report. The report can be viewed at <http://www.ksag.org/page/child-safety>

From Kristen Basso, Communications Officer, Kansas Public Employees Retirement System, the Kansas Public Employees Retirement System's Annual Financial Report. The report can be viewed at <http://www.kpers.org/annualreport2011.pdf>.

From Scott W. Miller, Director of Investments, Pooled Money Investment Board, the Annual Report of the Pooled Money Investment Board for Fiscal Year 2011.

From Ray Roberts, Secretary of Corrections, in accordance with K.S.A. 75-52,112, the Kansas Community Corrections Statewide Risk Reduction Initiative Annual Report.

From the Office of Governor Sam Brownback:

Executive Order No. 11-12, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-13, Extension of Prior Conditional and Temporary Relief Executive Orders.

Executive Order No. 11-14, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-15, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-16, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-17, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-18, declaring a Drought Watch, Drought Warning or Drought Emergency for the counties below replacing Executive Order 11-06.

Executive Order No. 11-19, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-20, Offering a Governor's Reward in a homicide investigation in Ford County.

Executive Order No. 11-21, Offering a Governor's Reward in a homicide investigation in Reno County.

Executive Order No. 11-22, Creating the National Bio and Agro Defense Facility in Kansas Steering Committee.

Executive Order No. 11-23, Establishing the Governor's Economic Advisors Council. Executive Order No. 11-24, Extension of Prior Conditional and Temporary Relief Executive Order.

Executive Order No. 11-25, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-26, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-27, declaring a Drought Watch, Drought Warning, or Drought Emergency for certain counties, replacing Executive Order No. 11-18.

Executive Order No. 11-28, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-29, declaring a Drought Watch, Drought Warning, or Drought Emergency for certain counties, replacing Executive Order No. 11-18, until revised or rescinded by further executive order.

Executive Order No. 11-30, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-31, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-32, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-33, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-34, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-35, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-36, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-37, declaring a Drought Watch, Drought Warning, or Drought Emergency for certain counties.

Executive Order No. 11-38, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-39, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-40, naming the Bennie Lee Graham Memorial Cemetery at the Kansas Juvenile Correctional Complex.

Executive Order No. 11-41, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-42, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-43, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-44, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-45, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-46, establishing additional duties of the Executive Branch Chief Information Technology Officer within the Department of Administration.

Executive Order No. 11-47, Conditional and Temporary Relief from Motor Carrier Rules and Regulations.

Executive Order No. 11-48, declaring a Drought Watch, Drought Warning, or Drought Emergency for certain counties.

Executive Order No. 11-49, Conditional and Temporary Relief from Motor Carrier

Rules and Regulations.

Executive Directive No. 11-419, Authorizing Personnel Transactions.

Executive Directive No. 11-420, Authorizing Expenditure of Federal Funds and Authorizing Personnel Transactions.

Executive Directive No. 11-421, Authorizing Expenditure of Federal Funds.

Executive Directive No. 11-422, Authorizing Expenditure of Federal Funds.

Executive Directive No. 11-423, Authorizing Expenditure of Federal Funds.

Executive Directive No. 11-424, Authorizing Expenditure of Federal Funds, and Authorizing Personnel Transactions.

Executive Directive No. 11-425, Authorizing Expenditure of Federal Funds.

Executive Directive No. 11-426, Authorizing Expenditure of Federal Funds.

Also, from Clint Blaes, Office of the Attorney General, in accordance with K.S.A. 75-723, 2011 annual report of the Abuse, Neglect and Exploitation Unit of the Attorney General's Office, January 5, 2012.

From Julian Efir, Principal Analyst, Kansas Legislative Research Department, Finale Report, KPERS Study Commission, December 31, 2011.

From Debra Billingsley, Executive Secretary, Kansas Board of Pharmacy, Report on Proposed Controlled Substances for Scheduling, Rescheduling or Deletion, January 9, 2012.

From Ernest E. Garcia, Superintendent, Kansas Highway Patrol, pursuant to KSA 60-4117, report regarding forfeiture funds, December 21, 2011.

From Bob Page, President and Chief Executive Officer, The University of Kansas Hospital, in accordance with K.S.A. 76-3312(p), Annual Report, "Restoring Hope, Saving Lives," December 19, 2011.

From Tim Shallenburger, President, and Rebecca E. Floyd, Executive Vice President/General Counsel, Kansas Development Finance Authority, Annual Report as required by K.S.A. 74-8913, November 30, 2011.

From Dennis L. Mesa, Executive Director, Kansas Housing Resources Corporation, Financial Statements for the years ended June 30, 2011 and 2010 and Independent Auditors' Report, November 29, 2011.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfried, **HR 6001**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6001—

A RESOLUTION relating to the organization of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the Chief Clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Michael O'Neal, speaker,

Jene Vickrey, speaker pro tem,
Arlen Siegfroid, majority leader,
Paul Davis, minority leader,
Susan Kannarr, chief clerk,
Wayne Owen, sergeant-at-arms,
and awaits the pleasure of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Siegfroid, **HR 6002**, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6002—

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2012 regular session shall occupy the same seats assigned pursuant to 2011 House Resolution No. 6007 with the following exceptions: Kleeb, seat No. 20; LeDoux, seat No. 85; Osterman, seat No. 104; B. Wolf, seat No. 62.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were introduced and read by title:

HB 2412, AN ACT concerning cities; relating to dissolution, certain cities, by Representative D. Gatewood.

HB 2413, AN ACT concerning criminal procedure; relating to aid to indigent defendants; disclosure of tax information by department of revenue; amending K.S.A. 2011 Supp. 79-3234 and repealing the existing section; also repealing K.S.A. 2011 Supp. 79-3234b, by Committee on Legislative Post Audit Committee.

HB 2414, AN ACT concerning the division of post audit; amending K.S.A. 2011 Supp. 46-1118 and 46-1121 and repealing the existing sections, by Committee on Legislative Post Audit Committee.

HB 2415, AN ACT concerning income taxation; relating to certain sales of land devoted to agricultural use; amending K.S.A. 2011 Supp. 79-32,117 and repealing the existing section, by Representative Sloan.

HB 2416, AN ACT concerning the division of health care finance of the department of health and environment; relating to updating references and corresponding changes due to transfer of powers and duties from the Kansas health policy authority; amending K.S.A. 22-4612 and K.S.A. 2011 Supp. 2-224a, 38-2001, 38-2006, 39-760, 39-7,116, 39-7,118, 39-7,119, 39-7,120, 39-7,121, 39-7,121a, 39-7,121d, 39-7,121e, 39-7,159, 39-968, 40-2134, 40-2136, 40-2251, 40-2252, 40-4702, 40-4706, 46-3501, 65-435a, 65-1685, 65-6801, 65-6803, 65-6804, 65-6805, 65-6806, 65-6807, 65-6809, 65-7405, 75-37,121, 75-5601, 75-6102, 75-7403, 75-7404, 75-7405, 75-7408, 75-7409, 75-7410, 75-

7411, 75-7412, 75-7413, 75-7423, 75-7424, 75-7425, 75-7426, 75-7427, 75-7429, 75-7430, 75-7433, 75-7435, 75-7436 and 77-421 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-7401, 75-7402, 75-7414, 75-7415, 75-7416, 75-7417, 75-7418, 75-7419, 75-7420, 75-7421, 75-7422 and 75-7428, by Committee on Joint Committee on Health Policy Oversight.

HB 2417, AN ACT concerning driver's licenses; amending K.S.A. 2011 Supp. 8-247 and repealing the existing section, by Representative Slattery.

HB 2418, AN ACT relating to veterans; concerning veterans preference; amending K.S.A. 2011 Supp. 73-201 and repealing the existing section, by Committee on Legislative Post Audit Committee.

HB 2419, AN ACT concerning criminal procedure; relating to aid to indigent defendants; amending K.S.A. 22-4504 and repealing the existing section, by Committee on Legislative Post Audit Committee.

HB 2420, AN ACT concerning cities; relating to bonded debt limits; amending and repealing the existing section; amending K.S.A. 2011 Supp. 10-308 and repealing the existing section, by Representative Fawcett.

HB 2421, AN ACT enacting the Kansas firearms freedom act, by Representatives O'Brien and Goodman.

HB 2422, AN ACT concerning the personal and family protection act; amending K.S.A. 2011 Supp. 75-7c05 and repealing the existing section, by Representatives Goodman and O'Brien.

HB 2423, AN ACT concerning municipalities; relating to political campaign yard signs, by Representative Goodman.

HB 2424, AN ACT concerning home and community based services waivers; relating to providers of home and community based services; amending K.S.A. 39-7,100 and repealing the existing section, by Representative Mast.

HB 2425, AN ACT concerning campaign finance; relating to schools; also relating to question submitted elections; amending K.S.A. 25-901 and 25-905 and K.S.A. 2011 Supp. 25-4143 and repealing the existing sections, by Representatives Goodman and O'Brien.

HB 2426, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2011 Supp. 74-8702, 74-8734, 74-8741, 74-8751 and 74-8768 and repealing the existing sections, by Representative Fawcett.

HB 2427, AN ACT concerning crimes and punishment; relating to entrapment of firearms dealers, by Representatives O'Brien and Goodman.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Siegfried, **HCR 5028**, as follows, by Reps. O'Neal and Davis, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION NO. 5028

A CONCURRENT RESOLUTION providing for joint sessions of the Senate and House of Representatives for the purpose of hearing a message from the Governor and for the purpose of hearing a message from the Supreme Court.

Be it resolved by the House of Representatives of the State of Kansas, the Senate

concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 6:00 p.m. on January 11, 2012, for the purpose of hearing the message of the Governor; that a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor; and that a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

Be it further resolved: That the Senate and the House of Representatives meet in joint session in Representative Hall at 5:00 p.m. on January 18, 2012, for the purpose of hearing a message from the Supreme Court on the judicial branch of government and that a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Supreme Court Justices.

In accordance with **HCR 5028** for the State of the State, Speaker O'Neal appointed Reps. Hayzlett, Vickrey and Henderson to escort the Governor.

Also, Reps. Landwehr, Mast and Slattery to escort the Lieutenant Governor.

Also, Sloan, Siegfried and Tietze to escort the Supreme Court.

Also, Rep. Aurand, Schwartz and Wetta to escort the Senate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were referred to committees as indicated:

Aging and Long Term Care: **HB 2424**.

Corrections and Juvenile Justice: **HB 2413, HB 2419, HB 2427**.

Elections: **HB 2423, HB 2425**.

Federal and State Affairs: **HB 2421, HB 2422, HB 2426**.

Health and Human Services: **HB 2416**.

Local Government: **HB 2412, HB 2420**.

Taxation: **HB 2415**.

Transportation: **HB 2417**.

Veterans, Military and Homeland Security: **HB 2418**.

General Government Budget: **HB 2414**.

INTRODUCTION OF GUESTS

Speaker O'Neal introduced Dr. Deborah Clements who serves in a volunteer position this year as the President of the Kansas Academy of Family Physicians. She is the Program Director for the University of Kansas Family Medicine Residency Program and a Professor of Family Medicine at the University of Kansas. She also serves as the Faculty Advisor for the Family Medicine Interest Group and teaches medical students during their clerkships. Dr. Clements completed her family medicine residency at the University of Nebraska Medical Center in Omaha, NE, where she also received her medical degree. She is board certified in family medicine and was inducted as a fellow of the American Academy of Family Physicians in 2002.

The association sponsors the doctor of the day program and provides daily assistance for health concerns of those serving the Statehouse during the session. We appreciate this program and your efforts, Dr. Clements. Thank you for again providing this service.

MESSAGES FROM THE SENATE

Announcing adoption of **SR 1801**, a resolution relating to the organization of the 2012 Senate and selection of the following officers:

Steve Morris, President,
John Vratil, Vice President,
Jay Scott Emler, Majority Leader,
Anthony Hensley, Minority Leader,
Pat Saville, Secretary,
Jody Kirkwood, Sergeant-at-Arms,
and awaits the pleasure of the House of Representatives.

Also, announcing adoption of **SCR 1610**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2012 session of the Legislature is duly organized and ready to receive communication.

Also, announcing the appointment of Senators King and Francisco as Senate members of the committee to wait upon the Governor.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Siegfried, **SCR 1610**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2012 session of the Legislature is duly organized and ready to receive communication, was thereupon introduced and adopted.

In accordance with **SCR 1610**, Speaker O'Neal announced the appointment of Reps. Hayzlett, Vickrey and McCray-Miller to wait upon the Governor.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, January 10, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

