

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 25, 2012, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Donohoe and Suellentrop were excused on excused absence by the Speaker.

Prayer by guest chaplain, The Reverend Dr. Bruce L. Emmert, Senior Pastor, First United Methodist Church of Topeka, and guest of Rep. Tietze.

¹⁴I am strong, and I offer sensible advice and sound judgment.

¹⁵By my power kings govern, and rulers make laws that are fair.

¹⁶Every honest leader rules with help from me."

—Proverbs 8:14-16 (CEV)

Lord our God,

In your word you declare that you offer sensible advice and sound judgment. You declare that by your power those in authority govern and through your wisdom those in office are enabled to make laws that are fair to all the people.

Pour out your spirit on these our elected leaders and fill them with your understanding of justice and your standard of righteousness so that they make sound judgments. Give them a vision of your best for the people who live in our state and give them your wisdom so that they are able to make laws that are fair to all the people.

Give them an extra measure of your grace as they seek to shoulder the burdens of elected office so that they do not grow weary under the weight of their responsibilities. Give them a sense of common purpose and friendship that transcends rural and urban, small town and large city, conservative and liberal for no one understands the weight of elected office except those who serve in that capacity.

With thanksgiving for these men and women I lift up this prayer to you, Lord our God, to the glory of your name.

Amen.

The Pledge of Allegiance was led by Rep. Siegfried.

Kansas Trivia Question – What is the best-known creation of former Forest Service illustrator and Rawlins County resident Redolph Wendelen?

Answer : Smokey the Bear

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Mast are spread upon the Journal:

I am privileged to stand before you today with a winning team. For two years in a row these boys have walked away as State Champions in 8 man football for the State of Kansas. Last year the team outscored their opponents 739 points to 156 with six shutouts before outlasting Hill City 52-44 in a wild championship game. This year they only had one scare, a 50-44 overtime win against Lebo and then went on to beat South Gray to again repeat the title of Division 1 Champions.

I would like to recognize these players as I call their names. Kole Schankie, Collin Kile, Corey McClelland, Mitchell Murphy, Sage Blubaugh, Tanner Bybee, Tyler Williams, Braxton Butler, Zeke Leiser, Braden Livers, Blaine Platt, Ed Alvarez, Sean West, Dallas Thompson, Marcus Ramirez, Gavin Beyer, Owen Reed, Matthew Glazier, Bryan Fankhauser, Dustin Stutesman, Chance Bankson, Willie Derryberry, Kaleb Crane, Nick Young, Matthew Ramirez, Dillon Crane, Christian Drake, Quentin Haas, Bubba Smith, Sven Beitz, Austin Buce, Hayden Serrer, Damian Gutierrez. The Coach Fred McClain; Assistant Coaches: Brett Dannels, Tracy Griffin, Mitch Martin, Caleb Hamilton, the Superintendent/Principal: Ryan Bradbury.

I would like to talk for a minute about the man who has been named 2011 Coach of the Year by the Kansas Coaches Association. Coach McClain had actually moved to Madison to take early retirement from an already successful career of coaching in New Jersey where he was inducted into the New Jersey High School Hall of Fame in 1995. I would like to give a special recognition to Coach McClain for setting a wonderful example of working hard, setting goals and enduring through the tough times to become a champion.

Rep. Mast presented framed House certificates to the players and the coach.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2524, AN ACT concerning continuing care; relating to continuing care contracts; continuing care contract and provider fees; amending K.S.A. 40-2231 and 40-2235 and repealing the existing sections, by Committee on Aging and Long-term Care.

HB 2525, AN ACT concerning the optometry law; amending K.S.A. 65-1509a, 65-1514, 65-1517 and 65-7003 and K.S.A. 2011 Supp. 65-1501, 65-1501a, 65-1505, 65-1509, 65-1518, 65-4101 and 74-1505 and repealing the existing sections, by Committee on Health and Human Services.

HB 2526, AN ACT concerning oil and gas; relating to regulation of hydraulic fracturing; amending K.S.A. 55-152 and repealing the existing section, by Committee on Energy and Utilities.

HB 2527, AN ACT concerning the Kan-ed act; relating to the board, authority to charge fees; amending K.S.A. 2011 Supp. 75-7224 and repealing the existing section,

by Committee on Energy and Utilities.

HB 2528, AN ACT concerning water; relating to stream bank stabilization; multi-purpose small lakes; grant programs; amending K.S.A. 82a-1101, 82a-1102 and 82a-1103 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2529, AN ACT concerning courts; relating to docket and filing fees; amending K.S.A. 2011 Supp. 22-3424 and repealing the existing section, by Committee on Judiciary.

HB 2530, AN ACT concerning sexually violent predators; relating to commitment procedure in a secure facility, transitional release program or conditional release program; amending K.S.A. 2011 Supp. 59-29a07 and repealing the existing section, by Representative M. Holmes.

HB 2531, AN ACT creating the workers compensation and employment security boards nominating committee; amending K.S.A. 2011 Supp. 44-551, 44-555c and 44-709 and repealing the existing sections, by Committee on Commerce and Economic Development.

HB 2532, AN ACT concerning alcoholic beverages; relating to retailer's licenses under the Kansas liquor control act; amending K.S.A. 41-304 and 41-713 and K.S.A. 2011 Supp. 41-102, 41-301, 41-303, 41-310, 41-311, 41-313, 41-317, 41-326 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103, 41-308 and 41-711, by Committee on Federal and State Affairs.

HB 2533, AN ACT concerning children and minors; relating to mandatory reporting of suspected child abuse; amending K.S.A. 2011 Supp. 38-2223 and repealing the existing section, by Representatives O'Neal, Rubin, Alford, Arpke, Billinger, Calloway, Cassidy, Collins, Crum, DeGraaf, Fawcett, Finney, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hedke, Hermanson, Hill, Hoffman, Howell, Huebert, Kelly, Kiegerl, Kleeb, LeDoux, Montgomery, Moxley, O'Hara, Patton, Peck, Pottorff, Ryckman, Scapa, Seiwert, Smith, Suellentrop, Trimmer and K. Wolf.

HB 2534, AN ACT concerning children and minors; relating to reporting of disappearance or death of a child; relating to interference with law enforcement; amending K.S.A. 2011 Supp. 21-5904 and repealing the existing section, by Representatives O'Neal, Alford, Arpke, Billinger, Calloway, Carlin, Cassidy, Collins, Crum, DeGraaf, Fawcett, Finney, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Hedke, Hermanson, Hill, Hoffman, Howell, Huebert, Kelly, Kerschen, Kiegerl, Kleeb, LeDoux, Montgomery, Mosier, Moxley, O'Hara, Otto, Patton, Peck, Rubin, Ryckman, Scapa, Seiwert, Smith, Suellentrop, Trimmer and K. Wolf.

HB 2535, AN ACT concerning the prisoner review board; updating references and corresponding changes due to the transfer of authority from the Kansas parole board to the prisoner review board; amending K.S.A. 22-3706, 22-3709, 22-3710, 22-3711, 22-3712, 22-3713, 22-3718, 22-3719, 22-3720, 22-3722, 22-3726, 22-4111, 60-4305, 74-7320, 74-7321, 74-9102 and 75-5202 and K.S.A. 2011 Supp. 12-4516, 19-4804, 21-6603, 21-6606, 21-6609, 21-6614, 21-6803, 22-3701, 22-3717, 22-3728, 22-3729, 22-4701, 59-29a02, 74-4911f, 74-9101, 75-4318, 75-4319, 75-5210a, 75-5217, 75-5266, 77-421 and 77-603 and repealing the existing sections; also repealing K.S.A. 22-3707a and 22-3708 and K.S.A. 2011 Supp. 22-3707, by Committee on Corrections and Juvenile Justice.

HB 2536, AN ACT concerning the revised Kansas code for care of children; relating to grandparents; legislative access; amending K.S.A. 2011 Supp. 38-2205, 38-2212, 38-

2213, 38-2232, 38-2242, 38-2243, 38-2248, 38-2252, 38-2255, 38-2258, 38-2259, 38-2260, 38-2264, 38-2270, 38-2272 and 38-2275 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 38-2255b, by Committee on Children and Families.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2513, HB 2516, HB 2517.**

Commerce and Economic Development: **HB 2510, HB 2515.**

Energy and Utilities: **HB 2512.**

Federal and State Affairs: **HB 2522.**

Health and Human Services: **HB 2520.**

Insurance: **HB 2519.**

Judiciary: **HB 2521, HB 2523.**

Taxation: **HB 2511, HB 2514, HB 2518.**

Transportation: **HB 2509.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6003—

By Representatives O'Neal, Arpke, Aurand, Brunk, Garber, Goodman, Gregory, Hedke, Huebert, Kiegerl, Kinzer, O'Hara, Rhoades and Scapa

A RESOLUTION designating January 22 to 28, 2012 to be school choice week in Kansas.

WHEREAS, The House of Representatives of the state of Kansas recognizes that all children in Kansas should have the right to the highest quality schools possible; and

WHEREAS, Citizens across the state of Kansas agree that improving the quality of education in Kansas and expanding access to highly effective schools is an issue of importance to the house of representatives of the state of Kansas; and

WHEREAS, The House of Representatives of the state of Kansas recognizes that the critical role that an effective and accountable system of education plays in preparing all children in Kansas to be successful in a global economy; and

WHEREAS, The House of Representatives of the state of Kansas recognizes that Kansas has a multitude of high-quality public schools, public charter schools and nonpublic schools; and

WHEREAS, The House of Representatives of the state of Kansas recognizes the many high-quality teaching professionals in public, private and charter schools across Kansas who are committed to educating children; and

WHEREAS, The vital cause of education reform is one that transcends ideology and political party affiliation; and

WHEREAS, Research demonstrates conclusively that providing children with multiple schooling options improves academic performance: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That January 22 to 28, 2012 be designated school choice week in the state of Kansas and calls this observance to the attention of all of our citizens; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall

send an enrolled copy of this resolution to Representative O'Neal.

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 committee report to **HB 2412** be adopted; and the bill be passed as amended.

Committee report to **HB 2436** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Government Efficiency** recommends **HB 2453** be amended on page 1, in line 30, by striking "secretary" and inserting "governor"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2273** be amended on page 1, in line 7, by striking "Frankfurt"; and inserting "Frankfort"; in line 8, by striking "Frankfurt"; and inserting "Frankfort"; in line 9, after "II" by inserting "Memorial"; in line 11, by striking "Frankfurt"; and inserting "Frankfort"; also in line 11, after "II" by inserting "Memorial"; in line 18, by striking "2010"; and inserting "2011"; in line 20, by striking "Frankfurt"; and inserting "Frankfort"; in line 29, by striking "2010"; and inserting "2011"; in the title, in line 1, by striking "Frankfurt"; and inserting "Frankfort"; and also in line 1, after "II" by inserting "Memorial"; in line 2, by striking "2010"; and inserting "2011"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2537, AN ACT concerning the revised Kansas code for care of children; relating to legislative access; amending K.S.A. 2011 Supp. 38-2212 and 38-2213 and repealing the existing sections, by Committee on Children and Families.

HB 2538, AN ACT concerning children in need of care; relating to reimbursement costs of care for child in a grandparent's custody; amending K.S.A. 2011 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2011 Supp. 38-2255b, by Committee on Children and Families.

HB 2539, AN ACT concerning children; relating to grandparent custody, visitation and residency, by Committee on Children and Families.

HB 2540, AN ACT concerning children in need of care; relating to runaways; amending K.S.A. 2011 Supp. 38-2231 and repealing the existing section, by Committee on Children and Families.

HB 2541, AN ACT concerning labor and employment; relating to leave for school-related educational activities, by Committee on Children and Families.

HB 2542, AN ACT concerning citizen review boards; duties and powers; appointment of; amending K.S.A. 38-1808 and K.S.A. 2011 Supp. 38-2202, 38-2207,

38-2210, 38-2213, 38-2255 and 38-2264 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 38-2255b, by Committee on Children and Families.

HB 2543, AN ACT concerning school districts; creating the autism scholarship program; relating to the administration thereof; amending K.S.A. 2011 Supp. 72-6407 and repealing the existing section, by Committee on Children and Families.

HB 2544, AN ACT concerning cities; relating to abandoned property and qualifications thereof; amending K.S.A. 2011 Supp. 12-1750 and repealing the existing section, by Committee on Local Government.

HB 2545, AN ACT concerning retirement and pensions; enacting the Kansas public employees retirement system act of 2014; providing terms, conditions, benefits and requirements related thereto for certain new members and existing members; relating to benefits and contributions; election for certain existing members; elimination of cap on increase in employer contributions and service credit purchases; amending K.S.A. 2011 Supp. 74-4914d and 74-4920 and repealing the existing sections; also repealing K.S.A. 74-4919a, 74-4919g, 74-4919i, 74-4919k, 74-4919n, 74-4919p, 74-4919q, 74-4919r and 74-4919s and K.S.A. 2010 Supp. 74-4914d, as amended by section 1 of chapter 98 of the 2011 Session Laws of Kansas and 74-4920, as amended by section 4 of chapter 98 of the 2011 Session Laws of Kansas and K.S.A. 2011 Supp. 74-4919h, 74-4919j, 74-4919l, 74-4919m, 74-4919o, 74-4919u and 74-4919v, by Committee on Pensions and Benefits.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6004**—

By Representative Loganbill

A RESOLUTION proclaiming and celebrating the 125th anniversary of the founding of Bethel College, North Newton, Kansas

WHEREAS, Bethel College was founded on May 11, 1887, by members of the Newton community and the Kansas Conference of Mennonites with the goal of educating good citizens and passing on the Christian faith, named "Bethel" for the Hebrew Bible term meaning "house of God"; and

WHEREAS, Bethel College was incorporated by the State of Kansas on May 23, 1887, when the charter signed by its 33 founders was submitted to the Secretary of State; and

WHEREAS, Bethel College was the first institution of higher learning to be established under the auspices of the Mennonite denomination in North America; and

WHEREAS, Bethel College honors with gratitude the vision of its three founding fathers, prominent leaders in the City of Newton and Harvey County; David Goerz, John J. Krehbiel and Bernhard Warkentin; and of its first president, Cornelius H. Wedel; and

WHEREAS, Bethel College has, through its history, educated and graduated citizens of and leaders for Newton, North Newton, Harvey County, the state of Kansas, the nation and the world; and

WHEREAS, Bethel College is the only Kansas private college to be listed by Forbes.com in "America's Best Colleges 2011-12," is the highest-ranking Kansas institution in the Washington Monthly college guide for 2011-12, and consistently

appears in the top tier of U.S. News & World Report's annual college rankings; and

WHEREAS, Bethel College is first in the state and in the top 100 nationally in percentage of bachelor's degree graduates who go on to earn Ph.D. degrees; and

WHEREAS, Bethel College is one of only a handful of colleges or universities nationwide to offer its students a four-year graduation guarantee; and

WHEREAS, Bethel College is today a thriving liberal arts institution known for academic excellence, character and service: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we do hereby proclaim the year 2012 as Bethel College's quasiquicentennial year. We celebrate its rich legacy, consistent progress and wide-ranging achievements and applaud its continued growth. We recognize Bethel College as the first Mennonite college in North America and as a distinguished institution of higher learning dedicated to the liberal arts.

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the President of Bethel College and to the Chairman of the board of directors of Bethel College.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Thursday, January 26, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

