

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 16, 2012, 11:00 a.m.

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

The roll was called with 124 members present.

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

Prayer by Chaplain Brubaker:

Jehovah God,
Today we will have many opportunities to make choices:
to be antagonistic or affable;
to pretend or to perform;
to build barriers or remove roadblocks;
to attack issues or attack people;
to find fault or to find a remedy;
to criticize or to compliment;
to diminish or to encourage;
to be comfortable or to change;
to lead or to linger;
to nibble at the negative or
to be nourished by the positive.
Please help us make wise choices.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hoffman.

Kansas Trivia Question – In a 1937 survey, Kansas was found to have published more of what than any other state?

Answer: Newspapers. Kansas counted 4,368 while New York only had 3,309.

INTRODUCTION OF GUESTS

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

The Governor signed a Proclamation that today, February 16, 2012, is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team. Ten of those scholars are here on the Floor with me and the remainder are in the Gallery with us today.

Phi Theta Kappa is an International Honor Society for two year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join Phi Theta Kappa whose mission is two-fold:

to recognize and encourage the academic achievement of two-year college students, and

to provide opportunities for individual growth and development through participation in honors, leadership, service and fellowship programming.

Fifty three students have been named to the All Kansas Academic Team and they represent all Nineteen Kansas community colleges from across Kansas and were named to this team based upon their academic achievement, leadership and community service.

Because of their academic achievement, service and leadership they have been awarded scholarship and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

2012 Representatives

Xavier Capalla – Kansas City Kansas Community College
 Jennifer Clark – Independence Community College
 Nicole Ferguson – Neosho County Community College - Ottawa
 Tayler Frederiksen – Pratt Community College
 Daniel Guitierrez – Garden City Community College
 Justin Merritt – Neosho County Community College - Chanute
 Silvana Palau – Johnson County Community College
 John Stringer – Labette Community College
 Xavia Warren – Butler Community College
 Fidez Ybanez – Cloud County Community College - Geary

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2753, AN ACT concerning income taxation; relating to schools; enacting the Kansas educational opportunities act; authorizing an income tax credit and prescribing procedures and limitations thereto, by Committee on Taxation.

HB 2754, AN ACT concerning the state directory of new hires; relating to information submitted by employers; amending K.S.A. 2011 Supp. 75-5743 and repealing the existing section, by Committee on Appropriations.

HB 2755, AN ACT concerning the state fair; relating to capital improvements on the state fairgrounds, by Committee on Appropriations.

HB 2756, AN ACT concerning taxation; establishing an income tax credit for certain persons obtaining employment in a rural opportunity zone, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2751**.

Elections: **HB 2752**.

Energy and Utilities: **HB 2750**.

CONSENT CALENDAR

No objection was made to **HB 2484**, **HB 2600** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2121, AN ACT concerning cremation; relating to the authority of coroners to issue permits; amending K.S.A. 65-2426a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Feuerborn, Peterson.

Present but not voting: None.

Absent or not voting: McLeland.

The bill passed, as amended.

HB 2253, AN ACT concerning civil procedure; relating to private rights of action; certain restrictions, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward,

Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Davis, Dillmore, Flaharty, Lane, Peterson, Tietze, Winn.

Present but not voting: None.

Absent or not voting: McLeland.

The bill passed, as amended.

HB 2516, AN ACT concerning water; relating to the Kansas water banking act; amending K.S.A. 2011 Supp. 82a-765, 82a-766 and 82a-767 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: McLeland.

The bill passed, as amended.

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. 21-6614a, 21-6614b, 21-6614c and 22-3707, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 28; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, LeDoux,

Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, Pauls, Peterson, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: McLeland.

The bill passed, as amended.

HB 2546, AN ACT concerning the Kansas military board; relating to the conveyance of certain property, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: McLeland.

The bill passed, as amended.

SB 272, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2011 Supp. 82a-736 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast,

McCray-Miller, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: McLeland.

The bill passed, as amended.

On motion of Rep. Siegfried, the House resolved into the Committee of the Whole, with Rep. Mast in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mast, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2537**, **HB 2499** be passed.

HCR 5031 be adopted.

Committee report to **HB 2324** be adopted; and the bill be passed as amended.

Committee report to **HB 2469** be adopted; and the bill be passed as amended.

Committee report to **HB 2413** be adopted; also, on motion of Rep. Colloton, be amended on page 4, in line 18, by striking all after "(15)"; by striking all in lines 19 through 28; in line 29, by striking all before the period and inserting "After receipt of information pursuant to subsection (f), forward such information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary: (A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential"; in line 36, after "(f)" by inserting "For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the computer records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g)"; and **HB 2413** be passed as amended.

Committee report to **HB 2496** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2470** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Economic Development** recommends **HB 2666** be amended on page 1, in line 29, by striking "subsection (e)" and inserting "subsections (e) and (f)";

On page 2, in line 1, by striking "subsection (e)" and inserting "subsections (e) and (f)";

On page 3, in line 43, by striking "subsection (e)" and inserting "subsections (e) and (f)";

On page 4, in line 8, by striking "subsection (e)" and inserting "subsections (e) and (f)";

On page 5, in line 23, by striking "subsection (e)" and inserting "subsections (e) and (f)"; in line 33, by striking "subsection (e)" and inserting "subsections (e) and (f)"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2568** be amended on page 2, following line 8, by inserting:

"(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2011 Supp. 21-5505, and amendments thereto";

Also on page 2, in line 15, by striking "or any municipal conviction";

On page 3, by striking all in lines 9 and 10;

And by redesignating paragraphs accordingly;

On page 4, in line 17, by striking "or any municipal conviction";

On page 5, in line 2, by striking "or any municipal conviction"; in line 13, by striking "or municipal court";

On page 6, in line 11, after "counseling" by inserting ", but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto";

On page 7, by striking all in lines 24 through 39;

On page 8, in line 1, by striking "(6)" and inserting "(2)"; in line 2, after "adjudication" by inserting:

"; and

(3) if the offender is released, the court shall:

(A) Complete a notice of duty to register, which shall include title and statute number of conviction or adjudication, date of conviction or adjudication, case number, county of conviction or adjudication, and the following offender information: Name, address, date of birth, social security number, race, ethnicity and gender;

(B) require the offender to read and sign the notice of duty to register, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(C) order the offender to report within three business days to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where the offender resides, maintains employment or attends school, to complete the registration form with all information and any updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(D) provide one copy of the notice of duty to register to the offender and, within three business days, send a copy of the form to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation";

Also on page 8, in line 21, after "registration" by inserting "or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the Kansas bureau of investigation";

On page 10, in line 24, after "registration" by inserting "or electronically submit all

information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the Kansas bureau of investigation";

On page 11, in line 4, by striking all after "(D)"; by striking all in line 5; in line 6, by striking "three business days" and inserting "ensure all offender information required by the national crime information center is transmitted into the national sex offender registry system within three business days of such information being electronically submitted to the Kansas bureau of investigation";

On page 20, in line 4, by striking "or municipal court"; in line 14, by striking "or municipal court";

On page 22, in line 12, by striking "or municipal"; in line 15, by striking "and (d)" and inserting ", (d) and (e)"; by striking all in lines 38 through 40;

And by renumbering remaining paragraphs accordingly;

On page 23, following line 7, by inserting:

"(c) Notwithstanding subsection (a), information posted on an internet website sponsored or created by a registering law enforcement agency or the Kansas bureau of investigation shall not contain the address of any place where the offender is an employee or any other information about where the offender works. Such internet website shall contain a statement that employment information is publicly available and may be obtained by contacting the appropriate registering law enforcement agency.";

And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Education** recommends **HB 2430** be passed.

Committee on **Education** recommends **HB 2477** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2477," as follows:

"Substitute for HOUSE BILL NO. 2477

By Committee on Education

"AN ACT concerning compulsory school attendance laws; relating to educational alternatives; amending K.S.A. 2011 Supp. 72-1111 and repealing the existing section."; and the substitute bill be passed.

(Sub **HB 2477** was thereupon introduced and read by title.)

Committee on **Energy and Utilities** recommends **HB 2708** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

General Government Budget Committee recommends **HB 2414**, **HB 2669**, **HB 2682**, **HB 2683**, **HB 2684**, **HB 2704** be passed.

Committee on **Health and Human Services** recommends **HB 2416**, **HB 2520**, **HB 2660** be passed.

Committee on **Judiciary** recommends **HB 2569** be passed.

Committee on **Judiciary** recommends **HB 2464** be amended on page 3, in line 40, after "ample" by inserting "and liberal"; in line 42, after "facility" by inserting ", whether inside or outside the state of Kansas,"; and the bill be passed as amended.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 211**, requests a conference and has appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

HB 2121, HB 2253, HB 2516, HB 2546 reported correctly engrossed February 15, 2012.

Also, **HB 2535** reported correctly engrossed February 16, 2012.

REPORT ON ENROLLED RESOLUTIONS

HR 6011 reported correctly enrolled and properly signed on February 16, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Friday, February 17, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

