

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 27, 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.

Rep. LeDoux was excused on verified illness.

Rep. K. Wolf was excused on legislative business.

Prayer by guest chaplain, the Rev. Dennis Paschke, pastor, Frontenac United Methodist Church, and guest of Rep. Calloway:

Gracious and Loving Creator...

Eternal God, You have created all things and placed each of us here to be a part of your purpose and your will for Kansas!

It is through our lives given over to You that we see what we can be and what we can become!

God you know our hearts....you know that the greatest thing we can accomplish this day is to put away any partisan differences that can get in our way of compromise and work together towards productive and healthy improvements in the lives of all Kansans!

May we this day and everyday forward work together in a way the respects our fellow legislators and in such a way that we make this day a stronger Kansas, a more resilient Kansas, a more compassionate Kansas.

Send Your Spirit upon the Members of this people's House to encourage them in their official tasks. Be with them and with all who labor here to serve this great State and its people.

Assure them that whatever their responsibilities, You provide the grace to enable them to be faithful to their duties and the wisdom to be conscious of their obligations and fulfill them with integrity.

Remind us all of the dignity of our work and teach us to use our talents and abilities in ways that are honorable and just and are of benefit to those we serve.

May all that is done this day be for Your greater honor and glory!

Lord Open the floodgates of heaven this day and let it

rain!!!!

In the name of the one in whom we live and have our very being the only being that had a lasting impact that part of us that honors you with our lives, in the name of Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Hineman.

INTRODUCTION OF GUESTS

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

It is my privilege to have before this body today the Sterling High School Black Bears men's basketball team. The Black Bears basketball team had an overall league record of seven wins, four losses and an overall record of 21 wins and four losses. This record took them to the 2A Championship game against the Meade Buffaloes which they won with the decisive score of 71-49.

This is the first class championship for the Black Bears in the history of the school. With us today are William Anderson, Principal of Sterling High School; Derek Schneider, Head Coach; Tyson Bauerle, Assistant Coach; Wes Laudermilk, Assistant Coach; and the Black Bears team. I would like the seniors to step forward for recognition.

I have a remembrance for the Principal, Coaches and the School, and I will see that the members of the team receive a remembrance as well.

Rep. Bethell presented framed House certificates to the Principal, Coaches and School.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Crum, **HR 6022**, A resolution designating March 27, 2012 as American Diabetes Association Alert Day, was adopted.

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

Nearly 26 million Americans exhibit diabetes, seven million of which are undiagnosed. Those in Kansas exhibiting diabetes number 179,000.

The estimated annual cost to our state back in 2007 was \$1.5 billion.

The greatest risk factor for diabetes is obesity.

One in three children born today will face a future with diabetes if current trends continue.

Complications of diabetes include cardiovascular disease, stroke as well as neuropathy and loss of sight when the disease is not properly controlled. Therefore tight control of diabetes is very important.

Minority populations including African Americans, Latinos and Native Americans have an increased risk of developing type 2 diabetes.

Our state recognizes the partnership between the American Diabetes Association, Kansas Diabetes Action Council and the Kansas Department of Health and

Environment's Diabetes Prevention and Control Program to provide statewide leadership to prevent and control diabetes.

Therefore, I move **HR 6022** to recognize March 27, 2012 as American Diabetes Association Alert Day in the state of Kansas.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2561, AN ACT concerning economic development; concerning the STAR bonds financing act; relating to the provisions regarding STAR bond projects; extending the sunset date; amending K.S.A. 2011 Supp. 12-17,179 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 31; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Montgomery, O'Neal, Osterman, Patton, Pauls, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Boman, Brown, Collins, DeGraaf, Denning, Donohoe, Garber, Goodman, Gregory, Grosserode, Hedke, Hildabrand, M. Holmes, Howell, Kelley, Kinzer, Knox, McLeland, Meigs, Moxley, O'Brien, O'Hara, Otto, Peck, Rhoades, Ryckman, Scapa, Schroeder, Smith, Tyson.

Present but not voting: None.

Absent or not voting: LeDoux, K. Wolf.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **HB 2561**. Star Bonds are a form of failed economic policy that Kansas should distance itself from. It is time for government to stop picking winners and losers and instead promote economic policies and a lower tax structure that all Kansans can benefit from. Star bonds are a form of centralized planning that favors a few at the expense of other taxpayers and businesses. These bonds divert needed money from police, fire, roads, and other core functions of government for 10, 20, and even 30 years. Mr. Speaker, I vote NO, choosing to support the taxpayers who voted me in office. — PETE DEGRAAF, VIRGIL PECK, JR, RANDY GARBER, CHARLOTTE O'HARA, OWEN DONOHOE, CONNIE O'BRIEN

MR. SPEAKER: **HB 2561** goes against my principles of free enterprise and limited government. By redirecting tax revenue to a particular business, STAR bonds create an unequal playing field. STAR bonds favor a few at the expense of other taxpayers and businesses. These bonds divert money needed for core functions of government for decades into the future. It is time for government to stop picking winners and losers and

instead promote economic policies and a lower tax structure from which all Kansans can benefit. Mr. Speaker, I stand with the voters that elected me. I vote NO on **HB 2561**. — JIM HOWELL, DENNIS HEDKE, TERRILOIS GREGORY, BRETT HILDABRAND, GREG SMITH, KELLY MEIGS, AMANDA GROSSERODE, JANA GOODMAN, LANCE Y. KINZER, MITCH HOLMES, MARC RHOADES, KASHA KELLEY, DAN COLLINS, TOM ARPKE

HB 2745, AN ACT concerning the board of regents; relating to funding for remedial courses provided by state educational institutions; relating to exceptions to the qualified admissions standards; amending K.S.A. 2011 Supp. 76-717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 55; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Boman, Bowers, Brookens, Brown, Brunk, Carlson, Cassidy, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Peck, Pottorff, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Vickrey, Weber, B. Wolf.

Nays: Ballard, Billinger, Bollier, Bruchman, Burgess, Burroughs, Calloway, Carlin, Collins, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Kelly, Kiegerl, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Patton, Pauls, Peterson, Phelps, Phillips, Proehl, Roth, Ruiz, Schwartz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: LeDoux, K. Wolf.

The bill passed, as amended.

Sub SB 397, AN ACT providing for a change in terminology in the statutes from the terms mental retardation, handicap and similar terms to the term intellectual disability and similar terms; amending K.S.A. 17-1762, 19-4001, 19-4002, 19-4002a, 19-4002b, 19-4003, 19-4004, 19-4005, 19-4007, 19-4009, 19-4010, 19-4011, 39-927, 39-971, 39-1001, 39-1002, 39-1005, 39-1006, 39-1007, 39-1201, 39-1202, 39-1205, 39-1207, 39-1803, 58-24a16, 59-2946, 59-2972, 59-3077, 65-5a14, 65-3501, 65-4202, 65-4212, 65-4411, 65-4412, 65-4413, 65-4414, 65-4415, 65-5601, 72-6203, 74-8917, 75-4375, 75-5399, 75-6508, 76-12b01, 76-12b02, 76-12b03, 76-12b07, 76-12b11 and 76-17c01 and K.S.A. 2011 Supp. 12-1675, 21-5417, 21-6622, 39-923, 39-936, 39-1401, 39-1702, 40-3401, 50-676, 65-180, 65-1124, 65-1626, 65-4915, 65-4921, 65-6805, 72-962, 74-5344, 75-4265, 75-5321a, 75-6506, 75-6609, 75-6610, 75-7303 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3606g, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, 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, Kleebe, Knox, Kuether, Landwehr, Lane, 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, Wolfe Moore, Worley.

Nays: Collins, McLeland.

Present but not voting: None.

Absent or not voting: LeDoux, K. Wolf.

The substitute bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. McLeland, the House nonconcurrred in Senate amendments to **S Sub for HB 2390** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. McLeland, C. Holmes and Burroughs as conferees on the part of the House.

On motion of Rep. Knox, the House nonconcurrred in Senate amendments to **HB 2505** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Knox, Proehl and Grant as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurrred in Senate amendments to **HB 2631** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Landwehr, Donohoe and Flaharty as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H Sub SB 425** be adopted; and the substitute bill be passed.

Committee report to **HCR 5006** be adopted; also, on motion of Rep. Mah to amend, the motion did not prevail. Also, on motion of Rep. Otto to amend, the motion did not prevail. Also, on motion of Rep. Brookens to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **HCR 5006** favorably for adoption.

On roll call, the vote was: Yeas 91; Nays 31; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens,

Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, 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, Mast, McLeland, 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, B. Wolf, Worley.

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

Present but not voting: None.

Absent or not voting: LeDoux, Peterson, K. Wolf.

The motion prevailed, and **HCR 5006** be adopted as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 46** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 46," as follows:

"HOUSE Substitute for SENATE BILL NO. 46

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to human trafficking; human trafficking advisory board; establishing the human trafficking victim assistance fund; creating the crime of commercial sexual exploitation of a child; relating to selling sexual relations; promoting the sale of sexual relations; buying sexual relations; amending K.S.A. 22-2530 and K.S.A. 2011 Supp. 21-5301, 21-5302, 21-5303, 21-5401, 21-6419, 21-6420, 21-6421, 21-6614, 21-6626, 21-6627, 21-6815, 22-2515, 22-3601, 22-3717, 22-3901, 22-4902, 22-4906, 38-2202, 38-2243, 38-2260, 38-2312, 38-2361, 41-311, 41-2601 and 60-4104 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-6614a, 21-6614b, 21-6614c, 22-4902a, 22-4906a, 38-2312a and 38-2312b."; and the substitute bill be passed.

(**H Sub for SB 46** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **House Substitute for SB 104** be amended as recommended by the Committee on Corrections and Juvenile Justice as reported in the Journal of the House on March 20, 2012, and the bill, as printed with amendments by House Committee, be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 438**, as amended by House Committee, be amended on page 1, following line 25, by inserting:

"New Sec. 2. Sections 2 through 6, and amendments thereto, shall be known and may be cited as the competitive bid protection act.

New Sec. 3. The purposes of this act are to: (a) Provide for the efficient procurement of goods and services by governmental entities;

(b) promote the economical, nondiscriminatory and efficient administration and completion of state and state-funded or state-assisted construction projects by governmental entities;

- (c) provide for fair and open competition for construction contracts, awarded by governmental entities;
- (d) prohibit requirements for certain terms in construction contracts awarded by governmental entities;
- (e) prohibit the expenditure of public funds under certain conditions;
- (f) prohibit certain terms in procurement documents by governmental entities for public facilities; and
- (g) provide powers and duties for certain public officers, employees and contractors.

New Sec. 4. (a) Unless otherwise required by law, each governmental entity within this state that contracts for public works construction shall ensure that neither the awarding governmental entity or any agent responsible for procuring a contract directly between the governmental entity and a contractor shall not:

- (1) Require any bidder, contractor, subcontractor or material supplier to enter into or agree to enter into any prehire agreement, project labor agreement, collective bargaining agreement or any other similar agreement with one or more labor organizations on the same or other related construction projects; or
- (2) discriminate against or treat differently any bidder, contractor, subcontractor or material supplier for becoming, refusing to become or remaining signatories or otherwise to agree to enter into any prehire agreement, project labor agreement, collective bargaining agreement or any other similar agreement with one or more labor organizations on the same or other related construction projects.

(b) Nothing in this section shall prohibit:

- (1) Any bidder, contractor, subcontractor, construction manager, design-builder or material supplier of any tier from voluntarily entering into agreements described in paragraph (1) of subsection (a); or
- (2) prohibit any contractor, construction manager or design builder from requiring its subcontractors or material suppliers of any tier to enter into a collection bargaining agreement.

New Sec. 5. No provision of this act shall be construed to:

- (a) Prohibit any employer or other party from entering into any agreement or engaging in any other activity protected by the national labor relations act, 29 U.S.C. §§ 151 through 169; and
- (b) interfere with labor relations of any party that is protected under the national labor relations act, 29 U.S.C. §§ 151 through 169.

New Sec. 6. For the purposes of Sections 2 through 6:

- (a) "Governmental entity" shall mean a state agency or a municipality as the context requires.
- (b) "Municipality" shall have the meaning specified in K.S.A. 12-105a, and amendments thereto.
- (c) "State agency" shall have the meaning specified in K.S.A 75-3728a, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; in line 2, by striking "information submitted by employers" and inserting "employers, labor organizations and certain contractors"; and the bill be passed as amended.

On motion of Rep. Siegfried, the House recessed until 1:45 p.m.

AFTERNOON SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Redistricting** recommends **House Substitute for SB 176** be amended by substituting a new bill to be designated as "House Substitute for House Substitute for SENATE BILL NO. 176," as follows:

"HOUSE Substitute for HOUSE Substitute for SENATE BILL NO. 176

By Committee on Redistricting

"AN ACT concerning redistricting; relating to congressional districts; relating to state representative districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-136, 4-137, 4-138, 4-139, 4-140, 4-141, 4-142, 4-3,731, 4-3,732, 4-3,733, 4-3,734, 4-3,735, 4-3,736, 4-3,737, 4-3,738, 4-3,739, 4-3,740, 4-3,741, 4-3,742, 4-3,743, 4-3,744, 4-3,745, 4-3,746, 4-3,747, 4-3,748, 4-3,749, 4-3,750, 4-3,751, 4-3,752, 4-3,753, 4-3,754, 4-3,755, 4-3,756, 4-3,757, 4-3,758, 4-3,759, 4-3,760, 4-3,761, 4-3,762, 4-3,763, 4-3,764, 4-3,765, 4-3,766, 4-3,767, 4-3,768, 4-3,769, 4-3,770, 4-3,771, 4-3,772, 4-3,773, 4-3,774, 4-3,775, 4-3,776, 4-3,777, 4-3,778, 4-3,779, 4-3,780, 4-3,781, 4-3,782, 4-3,783, 4-3,784, 4-3,785, 4-3,786, 4-3,787, 4-3,788, 4-3,789, 4-3,790, 4-3,791, 4-3,792, 4-3,793, 4-3,794, 4-3,795, 4-3,796, 4-3,797, 4-3,798, 4-3,799, 4-3,800, 4-3,801, 4-3,802, 4-3,803, 4-3,804, 4-3,805, 4-3,806, 4-3,807, 4-3,808, 4-3,809, 4-3,810, 4-3,811, 4-3,812, 4-3,813, 4-3,814, 4-3,815, 4-3,816, 4-3,817, 4-3,818, 4-3,819, 4-3,820, 4-3,821, 4-3,822, 4-3,823, 4-3,824, 4-3,825, 4-3,826, 4-3,827, 4-3,828, 4-3,829, 4-3,830, 4-3,831, 4-3,832, 4-3,833, 4-3,834, 4-3,835, 4-3,836, 4-3,837, 4-3,838, 4-3,839, 4-3,840, 4-3,841, 4-3,842, 4-3,843, 4-3,844, 4-3,845, 4-3,846, 4-3,847, 4-3,848, 4-3,849, 4-3,850, 4-3,851, 4-3,852, 4-3,853, 4-3,854, 4-3,855, 4-3,856, 4-3,857 and 4-3,858."; and the substitute bill be passed.

(**H Sub for H Sub for SB 176** was thereupon introduced and read by title.)

Speaker O'Neal announced that, in accordance with House Rule 1507, the following bills were stricken from the Calendar effective March 26, 2012:

SB 260; H Sub for SB 325.

REPORT ON ENGROSSED BILLS

HB 2745 reported correctly engrossed March 27, 2012.

REPORT ON ENROLLED RESOLUTIONS

HR 6019 reported correctly enrolled and properly signed on March 27, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Wednesday, March 28, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*