

Journal of the House

SEVENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Saturday, May 19, 2012, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 116 members present.

Rep. LeDoux was excused on verified illness.

Reps. Collins, S. Gatewood, Lane, McCray-Miller, Shultz, Slattery, Ward and B. Wolf were excused on excused absence by the Speaker.

Reps. Johnson, Mah, Meigs and Otto were excused later in the day on excused absence by the Speaker.

Present later: Reps. S. Gatewood, Mah and Meigs.

Prayer by Rep. Bethell:

Our Father,

This is the day that you have made, let us rejoice and be glad in it.

We thank you for your watch care over us and ask for your continued involvement with our lives. Isaiah tell us that “your ways are not our ways and your thoughts are not our thoughts” yet as we get to the teachings of your Son we learn that we are to emulate Him. That necessitates our study of Him and His teachings.

Those teachings can be summarized from the writings of Matthew when Jesus said there are two commandments: one dealing with our relationship with you in that we should love you with all of our heart, mind and soul. And the second commandment, that we should love our neighbor as our self. He then tells us that upon those rest all the law and the prophets.

Remind us O Lord that we are to become like you in all of our dealings. I ask this in your name, Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

MESSAGES FROM THE SENATE

Announcing passage of **HB 2515**, as amended.

Also, Announcing passage of **HB 2087**, as amended by **S Sub for HB 2087**.

Also, the Senate adopts the Conference Committee report on **SB 11**.

Announcing passage of **HB 2619**, as amended by **S Sub for HB 2619**.

MOTIONS TO CONCUR AND NONCONCUR

Speaker pro tem Vickrey announced that, in accordance with House Rule 2107, the Senate amendments to **S Sub for HB 2087** do materially change its subject and therefor is not subject to Motions to Concur and Nonconcur.

S Sub for HB 2087 was thereupon introduced and read by title.

Speaker pro tem Vickrey thereupon referred the bill to Committee on Redistricting.

Speaker pro tem Vickrey announced that, in accordance with House Rule 2107, the Senate amendments to **HB 2515** do materially change its subject and therefor is not subject to Motions to Concur and Nonconcur.

HB 2515 was thereupon introduced and read by title.

Speaker pro tem Vickrey thereupon referred the bill to Committee on Appropriations.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6025, supporting the efforts of the Operation Freedom Memorial Foundation, Inc. to establish a war memorial in Veterans Memorial Park in Wichita, Kansas, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 0; Present but not voting: 0; Absent or not voting: 15.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McLeland, 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, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Carlin, Collins, S. Gatewood, Grange, Henderson, Huebert, Lane, LeDoux, McCray-Miller, Shultz, Slattery, Ward, Winn, B. Wolf.

The resolution was adopted.

H Sub for H Sub for SB 145, AN ACT concerning reapportionment; relating to congressional districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-136, 4-137, 4-138, 4-139, 4-140, 4-141 and 4-142, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 64; Nays 51; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Bruchman, Brunk, Burgess,

Calloway, Carlson, Cassidy, Crum, DeGraaf, Denning, Fawcett, Goico, Goodman, Gordon, Grosserode, Hayzlett, Hedke, Hermanson, Hill, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Neal, Osterman, Patton, Peck, Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Vickrey, Weber.

Nays: Ballard, Bethell, Bollier, Brookens, Brown, Burroughs, Carlin, Colloton, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Gonzalez, Grant, Gregory, Henderson, Henry, Hildabrand, Hineman, Kuether, Loganbill, Mah, Meier, Moxley, O'Hara, Otto, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Schroeder, Sloan, Spalding, Swanson, Tietze, Trimmer, Tyson, Victors, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Collins, S. Gatewood, Grange, Lane, LeDoux, McCray-Miller, Shultz, Slattery, Ward, B. Wolf.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote "YES" on **H Sub for H Sub for SB 145**. One disgruntled Congressman should not dictate what the Kansas Legislature should do with regard to the constitutionally required redrawing of congressional district lines. **H Sub for H Sub for SB 145** offers yet another alternative for the required balancing of Kansas population among the four congressional districts, one that recognizes that the 1st District will probably continue to lose population and the 3rd District will continue to gain population. These two districts need to be contiguous. **H Sub for H Sub for SB 145** accomplishes that in a reasonable and compact way. – MIKE O'NEAL

MR. SPEAKER: I vote No on this map (**H Sub for H Sub for SB 145**) not that I like or dislike the map. But after sitting for hours on a call of the house I cannot support the bullying measures taken. I have seen people brought in on their death bed for a vote. I am the No Bull Zone and the way this is passed is outside the zone. – BILL OTTO

MR. SPEAKER: I vote no on **H Sub for H Sub for SB 145**. My constituents in Leavenworth County are opposed to this map. The Leavenworth/Lansing Chamber of Commerce has written to the Redistricting Committee to express its opposition to dividing Fort Riley from Fort Leavenworth in their representation in Congress. I have received multiple comments from constituents who feel they are being used in a gerrymandering scheme to the detriment of the county and Kansas has become a laughing stock. They do not feel they are a community of interest with the western part of Kansas and the Congressman for Western Kansas agrees. – MELANIE MEIER

MR. SPEAKER: I support Riley County staying in the 2nd District. I testified in the Redistricting Committee to keep Riley County in the 2nd District because I believe it is better for rural Kansas to have a strong 1st District and for Manhattan to remain in a more urban 2nd District.

I supported most of over 20 maps that keep Riley County in the 2nd District but this map is a direct gerrymandering that violates the community of interest requirement. If

this bill fails we will go back to work on it again. We can do better. I vote no on **H Sub for H Sub for SB 145**. – SYDNEY CARLIN

H Sub for SB 291, AN ACT concerning the Kansas restraint of trade act; amending K.S.A. 50-101 and 50-112 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 18; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Smith, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Weber, Wetta, Williams, K. Wolf, Worley.

Nays: Ballard, Burroughs, Davis, Dillmore, Finney, Flaharty, Frownfelter, Henderson, Kuether, Loganbill, Meier, Peterson, Ruiz, Spalding, Tietze, Victors, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Collins, S. Gatewood, Grange, Kelley, Lane, LeDoux, McCray-Miller, Shultz, Slattery, Ward, B. Wolf.

The substitute bill passed, as amended.

H Sub for SB 434, AN ACT concerning real estate; concerning the proceeds from the sale of surplus real estate; relating to the selling and purchasing of land; amending K.S.A. 2011 Supp. 75-6609 and repealing the existing section; also repealing K.S.A. 2011 Supp. 75-6609, as amended by section 65 of 2012 Substitute for Senate Bill No. 397, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 23; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Weber, Wetta, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Kuether, Loganbill, Mah, Meier, Peterson, Phelps, Ruiz, Tietze, Victors, Williams, Winn.

Present but not voting: None.

Absent or not voting: Collins, S. Gatewood, Grange, Kelley, Lane, LeDoux, McCray-Miller, Shultz, Slattery, Ward, B. Wolf.

The substitute bill passed.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2175, HB 2435, HB 2604; S Sub HB 2619.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 307** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 2011 Supp. 21-5107 is hereby amended to read as follows: 21-5107. (a) A prosecution for murder, terrorism or illegal use of weapons of mass destruction may be commenced at any time.

(b) Except as provided in subsection (e), a prosecution for any crime shall be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(c) Except as provided in subsection (e), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, shall be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(d) Except as provided by subsection (e), a prosecution for any crime, as defined in K.S.A. 2011 Supp. 21-5102, and amendments thereto, not governed by subsections (a), (b) or (c) shall be commenced within five years after it is committed.

(e) The period within which a prosecution shall be commenced shall not include any period in which:

(1) The accused is absent from the state;

(2) the accused is concealed within the state so that process cannot be served upon the accused;

(3) the fact of the crime is concealed;

(4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the

following factors are present:

(A) The victim was a child under 15 years of age at the time of the crime;

(B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime;

(C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and

(D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in ~~this section~~ subsection (e)(6) later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed except if the offense charged is a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, and the victim was under 18 years of age at the time of the offense, then time shall start to run on the day after the victim's 18th birthday.

(g) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

(h) As used in this section, "parent or other legal authority" shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.";

On page 2, by striking all in lines 9 through 19 and inserting:

"Sec. 3. K.S.A. 2011 Supp. 21-5909 is hereby amended to read as follows: 21-5909. (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:

(1) Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or

(2) any witness, victim or person acting on behalf of a victim from:

(A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer, the secretary of the department of social and rehabilitation services or any agent or representative of the secretary, or any person required to make a report pursuant to K.S.A. 2011 Supp. 38-2223, and amendments thereto;

(B) causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;

(C) causing a civil action to be filed and prosecuted and assisting in its prosecution;
or

(D) arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.

(b) Aggravated intimidation of a witness or victim is intimidation of a witness or victim, as defined in subsection (a), when the:

(1) Act is accompanied by an expressed or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person;

(2) act is in furtherance of a conspiracy;

(3) the act is committed by a person who has been previously convicted of corruptly influencing a witness or has been convicted of a violation of this section or any federal or other state's statute which, if the act prosecuted was committed in this state, would be a violation of this section;

(4) witness or victim is under 18 years of age; or

(5) act is committed for pecuniary gain or for any other consideration by a person acting upon the request of another person.

(c) (1) Intimidation of a witness or victim is a class B person misdemeanor.

(2) Aggravated intimidation of a witness or victim is a severity level 6, person felony.";

On page 3, in line 40, after "(g)" by inserting "If the defendant, or defendant's attorney in consultation with the defendant, requests a delay and such delay is granted, the delay shall be charged to the defendant regardless of the reasons for making the request, unless there is prosecutorial misconduct related to such delay.";

And by renumbering sections accordingly;

On page 4, in line 22, by striking "21-5109" and inserting "21-5107, 21-5109 and 21-5909";

On page 1, in the title, in line 2, following the first "to" by inserting "the statute of limitations for sexually violent crimes when the victim is a child;"; also in line 2, by striking "relating to" and inserting "intimidation of a witness;"; in line 4, by striking "21-5109" and inserting "21-5107, 21-5109 and 21-5909";

And your committee on conference recommends the adoption of this report.

PAT COLLOTON

LANCE KINZER

MELANIE MEIER

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Colloton, the conference committee report on **Sub SB 307** was adopted.

On roll call, the vote was: Yeas 111; Nays 0; Present but not voting: 0; Absent or not voting: 14.

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, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffinan, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Collins, S. Gatewood, Grange, Kelley, Lane, LeDoux, Mah, McCray-Miller, Rhoades, Schwartz, Shultz, Slattery, Ward, B. Wolf.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Rep. Rhoades as a member of the conference committee on **H Sub for SB 294** to replace Rep. Schwartz.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2175** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 5 through 7, and inserting:

"Section 1. Sections 1 through 9, and amendments thereto, may be known and cited as the Kansas one map act.

Sec. 2. Kansas one map requires the implementation of an overall Kansas land and geographic resources program through the use of a geographic information system which requires cooperative methods for development and maintenance of spatial data between state and local governments in Kansas.

Sec. 3. As used in sections 2 through 9, and amendments thereto, unless the context shows otherwise:

(a) "Board" means the Kansas geographic information systems policy board.

(b) "Geographic information" means data and datasets containing location information including, but not limited to, remotely sensed imagery, global positioning systems files, geospatially referenced computer-aided design files, digital cartographic products, spatially enabled databases, and geospatial datasets locating and describing features and their attributes on, above or under the earth.

(c) "Geographic information systems" or "GIS" is an information system capable of capturing, integrating, storing, editing, analyzing, managing, sharing and displaying geographic information. A GIS involves computer hardware, software, networks and applications, as well as the people to operate, develop, administer and use them.

(d) "Spatial data" is also known as geospatial data or geographic information and means the data or information that identifies the geographic location of features and boundaries on earth, such as natural or constructed features, oceans and more. Spatial data is usually stored as coordinates and topology and is data that can be mapped. Spatial data is often accessed, manipulated or analyzed through geographic information systems (GIS).

Sec. 4. (a) There is hereby established the Kansas geographic information systems policy board within the office of information technology services.

(b) The board shall consist of 23 members:

(1) The governor shall appoint 11 members as follows: Five representatives of local government, including cities, counties or local government consortia of cities, counties, non-profit and private sector enterprises. Such members may include, but are not limited to, representatives from city and county commissions or planning councils, tribal government, law enforcement, county clerks, county appraisers and emergency planning divisions; two representatives of the board of regents institutions; and two executives representing the private sector. Members from the private sector may include, but are not limited to, representatives from the trucking industry, utilities, telecommunications, publishers, agriculturalists, oil and gas industry, chambers of commerce, aircraft and auto industry and the banking community; and two representatives from relevant statewide businesses or professional organizations, such as statewide associations of groundwater management districts, emergency planning, law enforcement, licensed surveyors and other relevant technical professions or agriculture-related businesses.

(2) The remaining 12 members shall be:

(A) The executive chief information technology officer of the office of information technology services or such officer's designee;

(B) the director of the Kansas water office or such director's designee;

(C) the state biologist of the Kansas biological survey or the state biologist's designee;

(D) the state geologist of the Kansas geological survey or the state geologist's designee;

(E) the executive director of the Kansas historical society or such executive director's designee;

(F) the secretary of agriculture or such secretary's designee;

(G) the secretary of health and environment or such secretary's designee;

(H) the director of legislative research of the legislative research department or such director's designee;

(I) the secretary of revenue or such secretary's designee;

(J) the secretary of transportation or such secretary's designee;

(K) the state librarian or such librarian's designee; and

(L) the executive director of the information network of Kansas or such executive director's designee.

(c) Members appointed by the governor under subsection (b)(1) shall be appointed for a four-year term and until such member's successors are appointed and qualified, except as provided in subsection (d). Members not appointed by the governor under subsection (b)(1) shall serve consistent with their terms of office, employment or appointment.

(d) The governor may remove a member from the board for lack of attendance or lack of participation.

(e) The governor shall select a chairperson and vice-chairperson from among the members of the board who shall serve as chairperson and vice-chairperson at the discretion of the governor. The board may elect other officers among its members and may establish any committees deemed necessary to discharge its duties.

(f) Board members shall not receive compensation, subsistence allowance, mileage or associated expenses from the state. Officers or employees of state agencies who serve on the board shall be authorized to serve on the board as part of their duties.

Sec. 5. The board shall:

(a) Establish public and private partnerships throughout Kansas to maximize value, minimize cost and avoid redundant activities in the development and implementation of geographic information systems;

(b) foster efficient and secure methods for data sharing at all levels of government;

(c) coordinate, review and provide recommendations on geographic information systems programs and investments and provide assistance with dispute resolution among geographic systems partners;

(d) continue to establish Kansas' leadership role in the national effort to improve capabilities for sharing geographic information and ideas with other states;

(e) promote the use of geographic information systems technologies as tools to break through structural and administrative boundaries to collaborate on shared problems and enhance information analysis and decision-making processes within all levels of government;

(f) shall be a standing advisory committee to the information technology executive council and shall provide a copy of its annual report to the council, as well as to the governor and both houses of the legislature; and

(g) shall work jointly with officials from other state agencies, organizations and county, municipal and tribal governments, as well as with businesses and organizations in the private sector who are concerned with the efficient management of the state's geographic information systems resources.

Sec. 6. (a) There is hereby established the office of state geographic information systems officer who shall be appointed by the governor and who shall serve in the office of information technology services.

(b) The state geographic information systems officer shall:

(1) Implement Kansas one map, an enterprise statewide mapping strategy that: (A) Supports Kansas state entities and local governments as they foster economic vitality, manage resources, educate, save and restore the natural environment, advance health initiatives, ensure public safety and support science; and (B) enables state entities and local governments to better implement and coordinate policies and programs across Kansas;

(2) implement and maintain the Kansas data access and support center, an enterprise geospatial data clearinghouse to include a central store and catalog of Kansas data and mapping services available to all state entities and the public;

(3) recruit a technical committee and appoint the technical committee chair;

(4) provide oversight for the development of the Kansas one map program and monitor Kansas one map metrics;

(5) establish and manage a Kansas one map communications plan and provide for

Kansas one map education;

(6) maintain a liaison relationship with state, federal, regional, county and municipal organizations;

(7) promote, advertise and market applications, capabilities, benefits and results of the Kansas one map program;

(8) assist in the identification and capturing of funding to support the Kansas one map program; and

(9) recommend to the executive chief information technology officer rules and regulations as may be necessary to implement the provisions of the Kansas one map act.

(c) The executive chief information technology officer may adopt rules and regulations to implement the provisions of the Kansas one map act.

Sec. 7. All state departments, agencies, commissions and boards shall cooperate with the Kansas geographic information systems policy board and the state geographic information systems officer in implementing the initiatives of Kansas one map.

Sec. 8. Funding for the Kansas data access and support center shall be continued through the office of information technology services and shall be directed to the Kansas geological survey which currently houses and supports this function.

Sec. 9. In order for the state geographic information systems officer to meet the goals set out in section 5, and amendments thereto, such officer will be supported with other office of information services as needed and available for coordination, standards development and implementation of workshops to research and promote effective uses of the geographic information systems assets and tools to achieve economic and operational benefits from the Kansas one map resource.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.";

Also on page 1, in the title, in line 1, by striking all after "ACT"; by striking all in line 2, and inserting "concerning geographic information, systems and services; establishing the Kansas geographic information systems policy board and the office of state geographic information systems officer.";

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER

BOB MARSHALL

KELLY KULTALA

Conferees on part of Senate

MIKE BURGESS

GARY K. HAYZLETT

ED TRIMMER

Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2175** was adopted.

On roll call, the vote was: Yeas 113; Nays 0; Present but not voting: 0; Absent or not voting: 12.

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, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mast, McLeland, 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, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Collins, S. Gatewood, Grange, Kelley, Lane, LeDoux, Mah, McCray-Miller, Shultz, Slattery, Ward, B. Wolf.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2435** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JEAN SCHODORF

JOHN VRATIL

ANTHONY HENSLEY

Conferees on part of Senate

LANA GORDON

VALDENIA WINN

Conferees on part of House

On motion of Rep. Gordon to adopt the conference committee report on **HB 2435** to agree to disagree, the motion did not prevail and the bill remains in conference.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess, the House concurred in Senate amendments to **HB 2604**, AN ACT repealing K.S.A. 2-1426 and K.S.A. 2011 Supp. 2-1233, 2-1424a and 2-1425; concerning agriculture.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 113; Nays 0; Present but not voting: 0; Absent or not voting: 12.

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, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mast, McLeland, Meier, 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, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Collins, S. Gatewood, Johnson, Lane, LeDoux, Mah, McCray-Miller, Meigs, Shultz, Slattery, Ward, B. Wolf.

On motion of Rep. Bethell, the House nonconcurred in Senate amendments to **S Sub for HB 2619** and asked for a conference.

Speaker pro tem Vickrey thereupon appointed Reps. Bethell, Worley and Flaharty as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Rep. Frownfelter as a member of the conference committee on **H Sub for SB 416** to replace Rep. Slattery.

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

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

On motion of Rep. Siegfried, the House recessed until 2:45 p.m.

MID-AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S Sub for HB 2390**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2390** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2390, as amended by Senate Committee of the Whole, as follows:

On page 2, in line 2, after "(e)" by inserting "(1)"; by striking all in lines 22 through

24; in line 25, by striking all before "Upon" and inserting:

"(2) Subject to the provisions of appropriations acts, for fiscal year 2013, the KUSF administrator may transfer moneys from the KUSF to the state treasurer.";

Also on page 2, also in line 25, by striking the last "the" and inserting "any";

On page 4, in line 32, by striking all after the period; by striking all in line 33;

On page 5, by striking all in lines 37 through 39;

And by redesignating remaining subparagraphs accordingly;

On page 7, in line 14, by striking the second "or"; in line 20, before "use" by inserting "state ownership or construction of any network facilities other than those owned or being constructed by the state on the effective date of this act; (3) switched voice access, except to the extent switched access is being provided by state-owned, leased or operated facilities as of the effective date of this act; (4) transmission of voice over internet or voice over internet protocol, except to the extent necessary to facilitate interactive two-way video; (5) content; or (6)";

Also on page 7, by striking all in lines 41 through 43;

On page 8, by striking all in lines 1 through 22 and inserting:

"(2) transition schools, libraries and hospitals that have a direct KAN-ED connection as of January 1, 2012, to a commercially provided broadband internet connection no later than June 30, 2013. At the time a school, library or hospital has been transitioned off a KAN-ED connection, the board shall pay up to \$350 per month to such school, library or hospital for the cost of broadband service until June 30, 2013;

(3) provide the secretary of commerce any information necessary to conduct the needs assessment described in subsection (b);";

Also on page 8, in line 33, after "(b)" by inserting:

"(1) The secretary of commerce shall facilitate the execution of the needs assessment and the creation of the report. The secretary shall contract with a third party that has expertise in telecommunications services for educational institutions to conduct such needs assessment and create such report.

(2) The needs assessment shall include, for each school, library and hospital connected to the network as of January 1, 2012: Current and future broadband service and quality needs and a determination of all KAN-ED expenses for shared services or infrastructure, including any costs deferred by federal moneys, that are providing services and network connections. Based on the results of the needs assessment, the secretary of commerce, in coordination with the third party contractor, shall create a report that: (A) Compares the utilization, efficiency and effectiveness of KAN-ED to other similar programs in other states for schools, libraries and hospitals; (B) determines if the KAN-ED program, as of the effective date of this act, is worth its cost in terms of price, service, quality, needed network upgrades and increased utilization of broadband by schools, libraries and hospitals; (C) determines if there are alternative models or opportunities for broadband procurement by schools, libraries and hospitals; (D) determines if the services and applications offered by KAN-ED lead to full utilization of broadband technology by schools, libraries, hospitals and their surrounding communities; and (E) recommends any cost-effective broadband services that are available.

(3) The board shall reimburse the cost of conducting such needs assessment and report described in paragraph (2), not to exceed \$250,000.

(4) The results of such needs assessment and the report shall be submitted to the

board on or before January 1, 2013.

(c)";

Also on page 8, in line 37, by striking "plan and establish such standards and priorities" and inserting "program";

On page 9, in line 27, by striking all after "connection"; by striking all in line 28 and 29; in line 30, by striking all before the period and inserting "no later than June 30, 2013";

On page 10, by striking all in lines 2 through 4;

And by redesignating remaining subsections accordingly;

Also on page 10, in line 15, after "act" by inserting "at no cost to such agencies"; in line 38, by striking all before the semicolon;

And your committee on conference recommends the adoption of this report.

PAT APPLE

MIKE PETERSEN

KELLY KULTALA

Conferees on part of Senate

JOE McLELAND

CARL DEAN HOLMES

TOM BURROUGHS

Conferees on part of House

On motion of Rep. McLeland, the conference committee report on **S Sub for HB 2390** was adopted.

On roll call, the vote was: Yeas 82; Nays 28; Present but not voting: 0; Absent or not voting: 15.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Burroughs, Carlson, Cassidy, Crum, Davis, DeGraaf, Donohoe, Fawcett, Finney, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mast, McLeland, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tietze, Tyson, Vickrey, Weber, Winn, Wolfe Moore, Worley.

Nays: Billinger, Bollier, Brookens, Calloway, Carlin, Colloton, Dillmore, Feuerborn, Flaharty, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelley, Kiegerl, Kuether, Meier, Phelps, Ruiz, Sloan, Trimmer, Victors, Wetta, Williams, K. Wolf.

Present but not voting: None.

Absent or not voting: Collins, Denning, Grosserode, Johnson, Lane, LeDoux, Mah, McCray-Miller, Meigs, Otto, Peterson, Shultz, Slattery, Ward, B. Wolf.

On motion of Rep. Siegfried, the House recessed until 8:00 p.m.

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EVENING SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

MESSAGE FROM THE SENATE

The motion to concur on **H Sub for SB 416** failed and the bill remains in conference.

CHANGE OF CONFEREES

Speaker pro tem Vickrey announced the appointment of Reps. Kinzer, Patton and Pauls as members of the conference committee on **H Sub for SB 416** to replace Reps. Kleeb, Suellentrop and Frownfelter.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2792**, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 2011 Supp. 16-1602, 21-5428, 21-6811, 22-3437, 22-4705, 44-703, 44-706, 59-2132, 65-516, as amended by section 5 of 2012 House Bill No. 2660, 65-1626, as amended by section 1 of 2012 Senate Bill No. 134, 65-4915, as amended by section 51 of 2012 Substitute for Senate Bill No. 397, 65-6805, as amended by section 54 of 2012 Substitute for Senate Bill No. 397, 68-1051, as amended by section 2 of 2012 House Bill No. 2441, 72-1397, 72-5445, 74-5602, as amended by section 2 of 2012 House Bill No. 2496, 75-2935, as amended by section 115 of 2012 Senate Bill No. 316, 75-37,121, as amended by section 117 of 2012 Senate Bill No. 316, 76-11a13, 77-421, as amended by section 38 of 2012 House Bill No. 2535, 79-201a, as amended by section 1 of 2012 House Bill No. 2769 and 79-3234, as amended by section 127 of 2012 Senate Bill No. 316 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 21-5428a, 21-6811a, 22-3437b, 22-4705a, 32-1049a, as amended by section 64 of 2012 Senate Bill No. 316, 44-703a, 44-706b, 65-1436a, 65-1626, as amended by section 42 of 2012 Substitute for Senate Bill No. 397, 65-4915, as amended by section 1 of 2012 House Bill No. 2428, 65-6805, as amended by section 28 of 2012 House Bill No. 2416, 68-1051, as amended by section 2 of 2012 House Bill No. 2509, 72-5445a, 74-4911f, as amended by section 95 of 2012 Senate Bill No. 316, 74-5089, as amended by section 6 of 2012 Senate Bill No. 417, 74-5602, as amended by section 105 of 2012 Senate Bill No. 316, 74-5602, as amended by section 2 of 2012 Senate Bill No. 424, 75-2935, as amended by section 28 of 2012 Senate Bill No. 417, 75-3372, 75-37,121, as amended by section 33 of 2012 House Bill No. 2416, 77-415, as amended by section 1 of 2012 Senate Bill No. 252, 77-421, as amended by section 123 of 2012 Senate Bill No. 316, 77-421, as amended by section 55 of 2012 House Bill No. 2416, 77-421, as amended by section 2 of 2012 Senate Bill No. 252, 79-201a, as amended by section 124 of 2012 Senate Bill No. 316 and 79-3234b, as amended by section 128 of 2012 Senate Bill No. No. and 316.

On roll call, the vote was: Yeas 86; Nays 0; Present but not voting: 0; Absent or not voting: 39.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Boman, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Cassidy, Crum, Davis, DeGraaf, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Kelly, Kerschen, Kinzer, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McLeland, Meier, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Patton, Pauls, Peck, Phelps, Phillips, Prescott, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Siegfried, Sloan, Smith, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Wetta, Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Bowers, Carlin, Carlson, Collins, Colloton, Denning, Donohoe, Hermanson, Hill, Huebert, Johnson, Kelley, Kiegerl, Kleeb, Lane, LeDoux, McCray-Miller, Meigs, Moxley, O'Neal, Otto, Peterson, Pottorff, Powell, Proehl, Rhoades, Roth, Schwab, Shultz, Slattery, Spalding, Swanson, Ward, Weber, B. Wolf, K. Wolf, Worley.

The House stood at ease until the sound of the gavel.

Speaker pro tem Vickrey called the House to order.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H Sub for SB 416**.

On motion of Rep. Siegfried, the House recessed until 11:59 p.m..

NIGHT SESSION

The House met pursuant to recess with Speaker pro tem Vickrey in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 416** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

SUSAN WAGLE

JULIA LYNN

Conferees on part of Senate

On motion of Rep. Kinzer the conference committee report on **H Sub for SB 416** to agree to disagree, was adopted.

Speaker pro tem Vickrey thereupon appointed Reps. Kinzer, Patton and Pauls as second conferees on the part of the House.

REPORT ON ENGROSSED BILLS

S Sub for HB 2157 reported correctly engrossed May 18, 2012.

S Sub for Sub HB 2333 reported correctly re-engrossed May 18, 2012.

Also, **HB 2175, HB 2604** reported correctly engrossed May 19, 2012.

HB 2453, HB 2729 reported correctly re-engrossed May 19, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Sunday, May 20, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

