

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 14, 2013, 2:00 p.m.

The House met pursuant to adjournment with Speaker Merrick in the chair.

The roll was called with 113 members present.

Rep. Wolfe Moore was excused on verified illness.

Reps. Alford, Christmann, Ewy, Goico, Hermanson, Hutton, Kleebe, Montgomery, Moxley, Schwab and Shultz were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear God,
Your Word tells us that
“where there is no vision, the people will perish.”
Everyone here today has a vision
of making things better for Kansans.
However great and good our visions are,
they are limited by the fact that we can only see today.
Each day we make judgments and decisions
that we trust lead us in the right direction.
However, when we look at the great scheme of things,
we recognize that You, God, make all the difference.
Give us your vision as You know what lies ahead for us.
May we work together in accomplishing Your will.
We invite You to make the difference
in our work and efforts.
I pray this in the name of your Son, Jesus Christ, Amen.

The Pledge of Allegiance was led by Rep. Lusk.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Commerce, Labor and Economic Development: **HB 2414**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, 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 2115**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2115** 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 2, following line 27, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 75-6210 is hereby amended to read as follows: 75-6210. (a) Upon completion of a setoff transaction, the director shall transfer the net proceeds collected to the account or fund of the state agency, foreign state agency or municipality to which the debt was owed.

(b)(1) From the gross proceeds collected by the director through setoff, the director shall retain a reasonable collection assistance fee in an amount based on cost, as determined by generally accepted cost allocation techniques, except that in the case of transactions for collection of debts arising from the employment security law such fee shall not exceed \$300 for any transaction.

(2) The director shall retain a reasonable collection assistance fee from the gross proceeds of collections through setoff on behalf of a municipality as specified in an agreement entered into pursuant to K.S.A. 75-6204, and amendments thereto, or foreign state agency in such amount as specified in the reciprocal agreement entered into pursuant to K.S.A. 75-6215, and amendments thereto.

(3) The collection assistance fee shall be paid as an additional cost for all debts owed to the court when the court utilizes debt setoff procedures pursuant to K.S.A. 75-6202 et seq., and amendments thereto. The collection assistance fee shall be retained from the amount collected, but shall not be deducted from the debts owed to the court.

(4) The director may credit a portion of the collection assistance fee to the appropriate account or fund of any other state agency that has incurred expenses in assisting in the collection of the debt.

(5) The amount of the collection assistance fee retained by the director shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the accounting services recovery fund.

(c) Upon receipt by the state agency, foreign state agency or municipality of the net proceeds collected, the state agency, foreign state agency or municipality shall credit the debtor's obligation in the amount of the gross proceeds collected.

(d) Except as otherwise prescribed by the director or the secretary of administration, any state agency, foreign state agency or municipality which receives any payment from a debtor after notification to the debtor under K.S.A. 75-6206, and amendments thereto, other than payments collected pursuant to K.S.A. 44-718, and amendments thereto, or collected through the federal government or judicial process, shall remit the collection assistance fee imposed under subsection (b) to the director which shall be credited to the accounting services recovery fund. If a state agency fails to remit the collection assistance fee as required by this subsection, the director may transfer an amount equal to such collection assistance fee from the appropriate account or fund of the state agency to the accounting services recovery fund. If a foreign state

agency or municipality fails to remit the collection assistance fee as required by this subsection, the director may seek collection of such fee in such manner as may be allowed by law.

(e) In cases involving the collection of debts arising from the employment security law, the entire amount collected shall be credited to the employment security fund and the collection assistance fee shall be transferred from the special employment security fund to the accounting services recovery fund.";

And by renumbering sections accordingly;

Also on page 2, in line 28, by striking "is" and inserting "and K.S.A. 2012 Supp. 75-6210 are";

On page 1, in the title, in line 1, by striking "judges and justices" and inserting "courts"; in line 2, by striking "retirants" and inserting "judges and justices"; also in line 2, after the semicolon, by inserting "court debt setoff procedures;"; also in line 2, after "20-2622" by inserting "and K.S.A. 2012 Supp. 75-6210"; also in line 2, by striking "section" and inserting "sections";

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE Y. KINZER

ROBERT BRUCHMAN

JANICE L. PAULS

Conferees on part of House

On motion of Rep. Kinzer, the conference committee report on **HB 2115** was adopted.

On roll call, the vote was: Yeas 100; Nays 13; Present but not voting: 0; Absent or not voting: 12.

Yeas: Alcalá, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Dillmore, Doll, Dove, Edmonds, Esau, Finch, Finney, Frownfelter, Gandhi, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Huebert, Jennings, Johnson, Kahrs, Kelley, Kelly, Kinzer, Kuether, Lane, Lunn, Lusk, Macheers, Mast, Meier, Meigs, Menghini, Merrick, O'Brien, Osterman, Pauls, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwartz, Siegfried, Sloan, Sloop, Suellentrop, Swanson, Thimesch, Tietze, Trimmer, Vickrey, Victors, Waymaster, Weber, Weigel, Whipple, Wilson, Winn.

Nays: Carpenter, DeGraaf, Edwards, Garber, Houser, Howell, Jones, McPherson, Peck, Seiwert, Sutton, Todd, Ward.

Present but not voting: None.

Absent or not voting: Alford, Christmann, Ewy, Goico, Hermanson, Hutton, Kleeb, Montgomery, Moxley, Schwab, Shultz, Wolfe Moore.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, May 15, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

