

# Journal of the House

FORTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 15, 2012, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Collins and Mesa were excused on excused absence by the Speaker.

Prayer by guest chaplain, Father James Gordon, St. John Vianney Catholic Church, Maple Hill, guest of Rep. Kiegerl:

Heavenly Father, Creator of Heaven and Earth, and Creator of all life, we thank You for all the blessings that You have bestowed upon us and upon this great Nation of ours and upon this great State of Kansas. We also thank you for those Representatives that You have given us that truly acknowledge Your absolute rights over all men and women.

We call upon you now, in this urgent time of need for our country, to guide us to the true freedom for which our nation was founded for: That is the freedom to do good, with all the rights of life, liberty, and pursuit of happiness. We know that we cannot be truly happy unless we do the good You created us for by exercising our freedom well and responsibly.

We ask you for the grace to bring us back to the principles that have made this state and this nation great. We ask you to strengthen our understanding of traditional marriage; one man and one woman, we ask you to bring us back to virtuous morals in society, morals that kept us from killing a child in the womb through abortion. We ask you to defend us now in the fight for true religious freedom and freedom of conscience, that seems to be threatened now in the public sphere. We know that a truly formed conscience is what keeps order in the person and in society. We reiterate the words of St. Thomas More, who was once a Statesman and the Chancellor of England, who said. "when men forsake their own conscience for the sake of public duties, they lead their nation down a short road to chaos."

He acknowledged his responsibility before all the men and women that he came to serve and his responsibility before God, who He knew would be his judge in all his decisions.

Therefore, we ask You for the grace for all those who serve You in public office to defend life, liberty, and the pursuit of happiness, and to uphold the natural law and the rights of God.

We ask you to keep us one nation under God, and not one Nation without God.

We thank you for these men and women here whom we know you have blessed by giving them this awesome responsibility. We ask You for the necessary graces for them and bring many blessings upon them. We ask all this through Jesus Christ, Our Lord, Who lives and reigns with You forever and ever. Amen.

The Pledge of Allegiance was led by Rep. Denning.

Kansas Trivia Question – What city in Kansas is named for the Indian words meaning "place to dig potatoes?"

Answer: Topeka

#### **POINT OF PERSONAL PRIVILEGE**

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

The Kansas Kidney Coalition's mission is to improve the lives of Kansans with kidney disease by providing education through sharing information, collaborating by building connections and working together, and advocating for positive change and better services for people living with kidney failure.

- Over 2,579 Kansans receive life sustaining dialysis treatments.
- Kansas had over 800 new cases of kidney failure, also known as End Stage Renal Disease (ESRD), reported in 2009.
- 26 million people in the U.S. have chronic kidney disease, or CKD, which typically progresses to kidney failure. Most are unaware of their condition.

#### **INTRODUCTION OF GUESTS**

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

It is my pleasure to welcome members and staff of the Shawnee Mission West High School Marching Band to the House Chamber today. I am proud to be a Viking and a graduate of Shawnee Mission West. The band has represented the great state of Kansas a record seven times in the City of London, England's New Years Day Parade. They most recently were there on January 1, 2012. It is a great honor to be in the parade and bands are allowed to participate by invitation only. Even more amazing is that this trip is funded by the students through private fundraising efforts. The fact that the Shawnee Mission West Vikings have been invited seven times to represent Kansas in this parade speaks volumes of the dedication these teachers and students have to education and music. They are truly international ambassadors for the state of Kansas. Accepting this certificate on behalf of the band is the Director of Bands, Bill Thomas. Please recognize the achievement of my high school alma mater and of these outstanding

teachers and students!

Rep. Smith presented a framed House certificate to Director Bill Thomas.

### INTRODUCTION OF GUESTS

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

I want to tell you about the Campus That Students Built.

Neosho County Community College used to use existing space in hospitals, shopping malls, and high schools and then their own metal building to offer education to Franklin County. It became abundantly clear that a new building would need to be built to accommodate a growing student body.

The Trustees of NCCC put in place a building fee, paid for by Ottawa campus students. This fee was saved for years until it had reached \$1.2 million dollars for a campus down payment. The College wrote & received grants as well as private gifts toward new construction costs.

With this revenue the Trustees and President hired a fantastic team:

Kyle Trendel of Devore and Associates of Ottawa as the architects,  
Wendy Van Duyne of Bartlett & West as the engineers,  
and Josh Walker of Loyd Builders, for the contractor.

The College team was led by Ben Smith, Vice President for Operations and Dr. Brian Inbody, President of NCCC. Nine months from ground breaking, the campus opened in March 2011.

Together they built a 52,000 square foot campus, with **no state aid or local tax support**. The new campus cost \$8.1 million, nearly all of it paid for by student fees, grants and gifts. This team achieved amazing quality for only \$118 a square foot where it usually costs well over \$230/ sq ft. The Ottawa campus has the latest in educational design, including a simulated hospital for health care programs, and a teaching and learning center that combines tutoring, advisement, computer access, library services, and great lounge space all in one.

These accomplishments lead to Neosho County Community College to be recognized from more than 350 nominations in the nation for the design, financing, and implementation of the Ottawa Campus. On January 31, 2012, The Bellwether Finalist Award from the Community College Futures Association through the University of Florida was presented to Neosho County Community College.

We are very proud of what they have accomplished in Franklin County. Please join me in recognizing President Inbody and the entire team for the Neosho County Community College Ottawa Campus.

Rep. Gregory presented a framed House certificate to President Inbody.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2788**, AN ACT concerning the use of state appropriated moneys, by Committee on Federal and State Affairs.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Judiciary: **HB 2787**.

Pensions and Benefits: **HB 2786**.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2431**, AN ACT concerning distinctive license plates; amending K.S.A. 8-1,148, 8-1,150 and 8-1,151 and K.S.A. 2011 Supp. 8-1,141, 8-1,142, 8-1,153, 8-1,158, 8-1,161, 8-1,162 and 8-1,164 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, 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, McLeland, Meier, Meigs, 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, 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: Collins, Mesa, Swanson.

The substitute bill passed, as amended.

**HB 2749**, AN ACT concerning school districts; relating to the regulation of school buses; amending K.S.A. 2011 Supp. 8-2009a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; 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, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, 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, McLeland, Meier, Meigs, 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, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, D. Gatewood, S. Gatewood, Lane, McCray-Miller, Ward.

Present but not voting: None.

Absent or not voting: Collins, Mesa.

The bill passed.

**HB 2755**, AN ACT concerning the state fair; relating to capital improvements on the state fairgrounds, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; 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, 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, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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: Burroughs.

Present but not voting: None.

Absent or not voting: Collins, Mesa.

The bill passed, as amended.

**HB 2757**, AN ACT concerning roads and bridges; relating to memorial bridges; designating bridge no. 060 on United States highway 77 in Marshall county as the SP4 Michael T. Martin memorial bridge; designating bridge no. 054 on United States highway 36 in Marshall county as the SGT Joseph A. Zutterman Jr. memorial bridge, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Scapa,

Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Boman, Brown, Donohoe, Gordon, Kiegerl, McLeland, Ryckman, Tyson.

Present but not voting: None.

Absent or not voting: Collins, Mesa.

The bill passed.

**SB 298**, AN ACT regulating traffic; relating to penalties for violating size and weight laws, exceptions; amending K.S.A. 2011 Supp. 8-1901 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; 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, 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, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, S. Gatewood, Lane, Ward.

Present but not voting: None.

Absent or not voting: Collins, Mesa.

The bill passed.

**SB 310**, AN ACT concerning water; relating to local enhanced management areas; groundwater management districts, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; 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, 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, McLeland, Meier, Meigs, 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, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Tyson.

Present but not voting: None.

Absent or not voting: Collins, Mesa.

The bill passed, as amended.

**SB 316**, AN ACT concerning the Kansas department of wildlife, parks and tourism; relating to updating references and corresponding changes due to transfer of powers and duties from the department of commerce; amending K.S.A. 2-2473, 19-2803b, 19-2803d, 19-2817, 19-2822, 19-2835, 19-2836, 19-2839, 19-2844, 19-2844a, 19-2855, 19-2868, 19-2873, 19-2894, 19-3543, 32-802, 32-806, 32-807, 32-809, 32-832, 32-839, 32-840, 32-845, 32-846, 32-869, 32-874, 32-874c, 32-886, 32-887, 32-888, 32-976, 32-1040, 32-1041, 32-1049, 32-1051, 32-1052, 32-1053, 32-1203, 49-408, 58-3221, 58-3225, 65-189e, 68-406, 74-134, 74-3322, 74-5032, 74-5032a, 74-5090, 74-6614, 74-7901, 75-3339, 75-3907, 75-3908, 75-3910, 76-463, 79-3221e, 79-32,203, 82a-209 and 82a-326 and K.S.A. 2011 Supp. 2-1334, 21-5810, 21-6416, 32-701, 32-801, 32-805, 32-833, 32-844, 32-873, 32-874a, 32-874b, 32-874d, 32-874e, 32-906, 32-918, 32-930, 32-932, 32-938, 32-966, 32-996, 32-997, 32-998, 32-999, 32-1001, 32-1004, 32-1005, 32-1031, 32-1032, 32-1049a, 32-1050, 32-1054, 32-1062, 32-1063, 32-1064, 32-1066, 32-1102, 32-1112, 32-1174, 32-1306, 32-1308, 32-1310, 47-2101, 65-3424b, 65-3483, 65-5703, 74-5,133, 74-2622, 74-4722, 74-4911f, 74-5005, 74-5089, 74-5091, 74-50,167, 74-50,168, 74-50,173, 74-5602, 74-9001, 74-9002, 74-9003, 74-9004, 74-9201, 75-1253, 75-2720, 75-2935, 75-37,121, 77-415, 77-421, 79-201a, 79-3221h, 79-3234, 79-3234b, 79-5212, 82a-220, 82a-903, 82a-1501, 82a-2001 and 82a-2204 and repealing the existing sections; also repealing K.S.A. 73-2101, 73-2102, 73-2103 and 73-2104 and K.S.A. 2011 Supp. 74-9005, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; 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, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, 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, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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, Slatery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Feuerborn, D. Gatewood, S. Gatewood, Lane, LeDoux.

Present but not voting: None.

Absent or not voting: Collins, Mesa.

The bill passed.

**SB 334**, AN ACT concerning motor vehicles; relating to drivers' licenses; exempting drivers with military commercial driving experience from testing requirements; providing for a veteran designation; amending K.S.A. 2011 Supp. 8-243 and 8-2,133 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; 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, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, 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: Collins, Mesa.

The bill passed, as amended.

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

## COMMITTEE OF THE WHOLE

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

Recommended that **SB 290** be passed.

Committee report to **SB 303** be adopted; and the bill be passed as amended.

Committee report to **HB 2521** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2634** be adopted; also, on motion of Rep. Aurand be amended on page 2, in line 38, after "teacher" by inserting "who has earned due process protections and rights under K.S.A. 72-5445, and amendments thereto,"; and the substitute bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 306** be amended on page 1, in line 11, by striking "or any crime" and inserting "of a victim";

On page 2, in line 15, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 394** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) The secretary of corrections shall establish the justice

reinvestment working group.

(b) The working group shall consist of the following members:

- (1) One senator appointed by the president of the senate;
- (2) one representative appointed by the speaker of the house of representatives;
- (3) one senator appointed by the minority leader of the senate;
- (4) one representative appointed by the minority leader of the house of representatives;
- (5) one member appointed by the governor;
- (6) one member appointed by the attorney general;
- (7) one member appointed by the chief justice of the supreme court;
- (8) one member shall represent court services officers, appointed by the chief justice of the supreme court;
- (9) the secretary of corrections;
- (10) the director of victims services of the department of corrections;
- (11) one member shall represent community corrections, appointed by the secretary of corrections;
- (12) one member of the prisoner review board, appointed by the secretary of corrections;
- (13) one member shall be a prosecuting attorney, appointed by the Kansas county and district attorneys association;
- (14) one member shall represent public defenders, appointed by the executive director of the state board of indigents' defense services;
- (15) one member shall represent mental health providers, appointed by the secretary for aging and disability services;
- (16) one member shall be a sheriff, appointed by the Kansas sheriff's association; and
- (17) one member shall be a law enforcement officer, appointed by the Kansas association of chiefs of police.

(c) The member appointed by the attorney general shall serve as chairperson of the working group. The working group shall meet on call of the chairperson or on the request of nine members of the working group. Nine members of the working group shall constitute a quorum. All actions of the working group shall be taken by a majority of all members of the working group.

(d) The working group shall undertake a study of the data-driven, fiscally responsible policies and practices that can increase public safety and reduce recidivism and spending on corrections in Kansas.

(e) On or before January 1, 2013, the working group shall submit a report of the working group's activities and recommendations regarding increased public safety and reducing recidivism and spending on corrections in Kansas to the secretary of the senate and the chief clerk of the house of representatives.

(f) The members of the working group attending meetings of such working group, or attending a subcommittee meeting thereof authorized by such working group, shall receive amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the secretary of corrections or a person or persons designated by the secretary.";

And by redesignating sections accordingly;

Also on page 1, in the title, in line 1, after "corrections;" by inserting "establishing

the justice reinvestment working group"; and the bill be passed as amended.

**Education Budget Committee** recommends **HB 2767** be amended on page 1, in line 6, by striking "6" and inserting "7"; in line 9, by striking "6" and inserting "7";

On page 2, in line 4, after "(3)" by inserting "(A)"; in line 5, after "or" by inserting "(B)"; in line 7, by striking "seven" and inserting "six"; following line 13, by inserting "(l) "nonproficient pupil" means a pupil who has scored less than proficient on the most recent mathematics or reading state assessment;" and by inserting a paragraph; and by redesignating subsections accordingly;

Also on page 2, in line 17, by striking "6" and inserting "7"; after line 25 by inserting the following:

"(q) "school district" or "district" means any unified school district organized and operating under the laws of this state;"

And by redesignating subsections accordingly;

Also on page 2, in line 37, by striking "qualified"; also in line 37, by striking "by receiving"; by striking all in line 38; in line 39, by striking all before the period; in line 43, by striking "6" and inserting "7";

On page 3, in line 3, by striking "seven" and inserting "six"; in line 5, after "program" by inserting ", and whether such eligible student qualifies as a nonproficient pupil, low-income eligible student or special educational eligible student, provided the state board and the board of education of the school district in which the eligible student was enrolled the previous school year have received written consent from such eligible student's parent authorizing the release of such information";

On page 4, in line 27, by striking "disperse" and inserting "disburse"; in line 30, by striking "dispersed" and inserting "disbursed"; in line 33, by striking "dispersed" and inserting "disbursed"; in line 34, by striking "dispersed" and inserting "disbursed";

On page 5, in line 2, after "pupil" by inserting ", except that if such eligible student is under the age of six years, then the monetary amount under this paragraph shall be proportional to such eligible student's attendance in the qualified school"; in line 5, after "pupil" by inserting ", except that if such eligible student is under the age of six years, then the monetary amount under this paragraph shall be proportional to such eligible student's attendance in the qualified school"; in line 6, by striking "The total number of"; in line 7, by striking "to the following" and inserting "as follows"; in line 8, by striking all after "(A)"; by striking all in lines 9 and 10; in line 11, by striking all before the semicolon and inserting "No scholarship granting organization shall award a new educational scholarship to an eligible student unless such scholarship granting organization has obtained a certificate of eligibility under section 5, and amendments thereto, for such eligible student"; in line 12, by striking all after "(B)"; by striking all in lines 13 through 15; in line 16, by striking "(C)"; in line 17, by striking "seven" and inserting "six"; in line 19, by striking the period; after line 19, by inserting the following:

"; and

(C) new educational scholarships provided to eligible students shall be reasonably reflective of the composition of the district in which such eligible student was enrolled in the previous school year, including, but not limited to, the proportion of nonproficient pupils in such district.";

Also on page 5, in line 20, after "(e)" by inserting "A scholarship granting organization may continue to provide an educational scholarship to an eligible student

who received an educational scholarship under this program in the year immediately preceding the current school year. Such educational scholarship shall be in the following amount:

(1) If the eligible student had been awarded an educational scholarship under subsection (d)(1)(A), such educational scholarship shall be in an amount equal to the amount provided to the eligible student in the year immediately preceding the current school year or 75% of the product of the adjusted enrollment multiplied by the base state aid per pupil, whichever is greater; or

(2) if the eligible student had been awarded an educational scholarship under subsection (d)(1)(B), such educational scholarship shall be in an amount equal to the amount provided to the eligible student in the year immediately preceding the current school year or 75% of the base state aid per pupil, whichever is greater.

(f)";

And by redesignating subsections accordingly;

Also on page 5, in line 26, after "attendance." by inserting:

"If the eligible student transfers to a public elementary or secondary school operated by a school district and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-8210, and amendments thereto, to provide for the education of such eligible student."; in line 43, after "students" by inserting ", the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period to nonproficient pupils";

On page 6, following line 2, by inserting:

"Sec. 5. (a) Prior to the commencement of each school year, upon application by the scholarship granting organization, the state board shall issue a certificate of eligibility to a scholarship granting organization, subject to the following limitations:

(1) The total number of certificates of eligibility issued for each district shall not exceed an amount equal to 2% of the previous year's enrollment of the district of an eligible public school, except that if the district has a declining enrollment, then such number shall not exceed an amount equal to 1% of the previous year's enrollment of such district;

(2) the scholarship granting organization shall provide documentation to the state board, verifying that the scholarship granting organization has offered a new educational scholarship to an eligible student subject to receipt of a certificate of eligibility; and

(3) the certificate of eligibility shall be restricted to the eligible student on the application.

(b) The state board is authorized to adopt rules and regulations fixing the amount of the fee for the certificate of eligibility but such amount shall not exceed \$20.

(c) There is hereby established in the state treasury the Kansas education liberty program fee fund which shall be administered by the state board. All expenditures from the Kansas education liberty program fee fund shall be for the administration of certificates of eligibility to scholarship granting organizations in accordance with this section. All expenditures from the Kansas education liberty program fee fund shall be

made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board or the designee of the state board. All moneys received under this section for the issuance of certificates of eligibility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 74-4215, and amendments thereto, and shall be credited to the Kansas education liberty program fee fund.

(d) The state board shall adopt rules and regulations to implement the provisions of this section.";

And by renumbering sections accordingly;

Also on page 6, in line 31, by striking "90%" and inserting "100%"; in line 37, after "(c)" by inserting "The amount of the credit shall not exceed \$100,000 for any one taxpayer in any one taxable year.

(d)";

And by redesignating subsections accordingly;

On page 7, in line 9, by inserting a comma after "2013"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 17** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 17," as follows:

"HOUSE Substitute for SENATE BILL NO. 17

By Committee on Elections

"AN ACT concerning elections; relating to voter identification requirements; amending K.S.A. 2011 Supp. 25-2309, 25-2908 and 65-2418 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 17** was thereupon introduced and read by title.)

**General Government Budget Committee** recommends **SB 417** be passed.

**General Government Budget Committee** recommends **SB 353** be passed, and because the committee is of the opinion that the bill is non-controversial, be placed on the consent calendar.

Committee on **Insurance** recommends **HB 2373** be amended on page 1, by striking all in lines 6 through 35;

By striking all on page 2;

On page 3, by striking all in lines 1 through 16 and inserting "Section 1. K.S.A. 2011 Supp. 40-401 is hereby amended to read as follows: 40-401. Any 10 or more persons, a majority of whom are citizens of this state, may associate in accordance with the provisions of this code and form an incorporated company, upon either the stock or mutual plan, to make insurance upon the lives of persons and every insurance appertaining thereto or connected therewith and to grant, purchase or dispose of annuities, and to issue funding agreements, guaranteed investment contracts and synthetic guaranteed investment contracts. Such companies may incorporate: (a) In their policies provisions or conditions for the waiver of premiums or for the granting of an annuity to the insured, or for special surrender values or other benefits in the event the insured shall from any cause become unemployed or totally and permanently disabled; (b) in their policies provisions for acceleration of life or annuity benefits in advance of the time they would otherwise be payable subject to such reserve and other regulatory standards as the commissioner may prescribe by rules and regulations, except that any provision providing for acceleration of life or annuity benefits for persons diagnosed as having a medical condition usually requiring continuous confinement for the rest of the

person's life in a nursing home or other eligible facility as defined in the policy, may also provide for acceleration of benefits upon diagnosis of such condition even if the person is not confined in a nursing home or similar facility; (c) in their policies and annuity contracts provisions or conditions for waiver of surrender charges upon terms and conditions as specified in the policy or contract, subject to rules and regulations adopted by the commissioner of insurance; or (d) in their policies provisions for the payment of a larger sum if death is caused by accident than if it results from any other causes.

Prior to the payment of any accelerated benefit, the insurer shall receive from any assignee or irrevocable beneficiary of the policy a signed acknowledgment of concurrence for the payment. For the purposes of this section, "totally and permanently disabled" means disabled continuously for a period, such period to be specified in any such provision, of not less than 60 days nor more than one year, except this provision shall not apply to and specifically excludes group life insurance. Such company may make insurance on the health of individuals, against accidental personal injury, disablement or death and against loss, liability or expense on account thereof. Such company so transacting such health and accident insurance business, or either kind, shall maintain statutory and separate reserves for such business, shall issue such contracts only in separate policies except as otherwise permitted herein and shall make separate reports to the commissioner of insurance of the premiums received and expenses and losses incurred in connection with such business, except that such reports will not be required for accelerated benefits incorporated in a life or annuity policy. Long-term care insurance meeting the applicable requirements of K.S.A. 40-2227 and 40-2228, and amendments thereto, may be incorporated in life insurance policies and annuities if approved by the commissioner.

The business of life insurance in this state shall not be in any way conducted or transacted by any company which in this state makes insurance on marine, fire, inland or any other like risks, except that; ~~life: (a) Life, health and accident insurance on the group or industrial plan may be combined in one policy, which shall show the premium charged for life insurance and the premium charged for health and accident insurance, and the insured, at the insured's option, may discontinue either and by payment of the stated premium continue the other; and (b) (1) specified disease or critical illness riders, or both, meeting the applicable requirements of K.S.A. 40-2201 et seq., and amendments thereto, and article 4 of Kansas administrative regulations, and amendments thereto, may be incorporated in life insurance policies which shall show the premium charged for specified disease or critical illness, or both, insurance and the premium charged for life insurance; and (2) the insured, at the insured's option, may discontinue the disease or critical illness rider, or both, and continue the life insurance policy by payment of the stated premium.~~ The amount of capital stock of a company organized on the stock plan shall be not less than \$600,000.

Companies organized on the mutual plan shall be required to have applications from at least 200 persons for insurance upon their lives, aggregating not less than \$400,000, upon which one full annual premium in cash shall have been paid. No such company shall transact any business of insurance until, if a stock company, all the capital stock named in its charter has been paid in cash including all contributions to surplus to be made by the original purchasers of such stock. The surplus shall be at least \$600,000, and at least \$400,000 in securities authorized by this code shall have been deposited

with the commissioner of insurance pursuant to K.S.A. 40-229~~a~~, and amendments thereto, and if a mutual company, a guaranty fund of at least \$1,200,000, and at least \$400,000 of which shall be in securities as authorized in this code and deposited with the commissioner of insurance pursuant to K.S.A. 40-229~~a~~, and amendments thereto. The guaranty fund may be returned to the contributors with interest at 6% per annum whenever the surplus shall equal the amount of such guaranty fund and interest, and no company shall transact any business of insurance unless it shall maintain the capital or surplus or both required of a company commencing to transact business, or, if a mutual company, the required number and amount of applications for insurance have been received and the annual premiums collected in cash. The securities deposited pursuant to this section shall be held by the commissioner of insurance in trust for the benefit and protection of the policyholders or creditors, or both, of the company depositing the same and may be withdrawn only upon order of the commissioner of insurance. The commissioner of insurance may adopt rules and regulations to implement the provisions of this.";

Also on page 3, in line 17, by striking "2010" and inserting "2011";

On page 1, in the title, in line 2, by striking "2010" and inserting "2011"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 250** be amended on page 2, in line 1, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 273** be amended on page 2, in line 19, by striking "\$200,000" and inserting "\$100,000"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 280; Sub SB 282; SB 330, SB 366** be passed.

Committee on **Judiciary** recommends **SB 367** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 43-156 is hereby amended to read as follows: 43-156. (a) No person shall be excluded from service as a grand or petit juror in the district courts of Kansas on account of race, color, religion, sex, national origin, or economic status.

(b) Every juror, grand and petit, shall be a citizen of the state, resident of the county and possess the qualifications of an elector as now, or in the future established.

(c) At the time a prospective juror is selected to be a part of a jury panel, the court shall ask such prospective juror questions necessary to verify that such prospective juror meets each requirement of subsection (b).

Sec. 2. K.S.A. 2011 Supp. 43-158 is hereby amended to read as follows: 43-158. (a) The following persons shall be excused from jury service:

~~(a)~~ (1) Persons unable to understand the English language with a degree of proficiency sufficient to respond to a jury questionnaire form prepared by the commissioner;

~~(b)~~ (2) persons under adjudication of incompetency;

~~(c)~~ (3) persons who within 10 years immediately preceding have been convicted of or pleaded guilty, or *nolo contendere*, to an indictment or information charging a felony; and

~~(d)~~ (4) persons who have served as jurors in the county within one year immediately preceding; and

~~(e)~~ (b) A mother breastfeeding her child shall be excused from jury service if such

mother requests to be excused. Jury service shall be postponed until such mother is no longer breastfeeding the child.

(c) A pregnant woman shall be excused from jury service if such woman requests to be excused.";

Also on page 1, in line 36 following the period, by inserting "On and after July 1, 2012, commissioners that receive information from a prospective juror or court of this state that disqualifies or potentially disqualifies such prospective juror from jury service pursuant to K.S.A. 43-156(b), and amendments thereto, shall submit such information to the secretary of state in a form and manner approved by the secretary of state. Any such information provided by a commissioner to the secretary of state shall be used for the purpose of maintaining voter registrations as required by law and any other lawful purpose.";

And by renumbering sections accordingly;

On page 5, in line 22, after "K.S.A." by inserting "43-156 and"; also in line 22, after "Supp." by inserting "43-158,";

On page 1, in the title, in line 2, by striking "access to tax records" and inserting "jury service"; also in line 2, after "K.S.A." by inserting "43-156 and"; in line 3, before "79-3234" by inserting "43-158 and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 424** be amended on page 1, in line 17, by striking "of";

On page 5, in line 31, by striking "sufficient"; also in line 31, after "character" by inserting "sufficient"; and the bill be passed as amended.

On motion of Rep. Siegfried, the House recessed until 5:00 p.m.

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#### LATE AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2789**, AN ACT creating the joint committee on KanCare oversight; amending K.S.A. 2011 Supp. 39-7,161 and 39-7,162 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 39-7,160 and 46-3501, by Committee on Appropriations.

#### MESSAGE FROM THE GOVERNOR

**HB 2484**, **HB 2569** approved on March 14, 2012.

#### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2718** be amended by adoption of the amendments recommended by the House Committee on Education as reported in the Journal of the House on February 21, 2012, and the bill, as printed with amendments by House Committee on Education, be passed as amended.

**Education Budget Committee** recommends **HB 2766** be amended on page 1, in line

22, by striking "The secretary of commerce shall appoint an executive director."; in line 36, by striking "and humanities";

On page 2, in line 3, by striking "and humanities";

On page 3, in line 6, by striking "and humanities"; in line 16, by striking "and humanities"; in line 33, by striking "and humanities"; in line 39, by striking "and humanities";

On page 4, in line 4, by striking "and humanities"; in line 35, after "staff" by inserting "consisting of an executive director"; and the bill be passed as amended.

**Education Budget Committee** recommends **SB 28** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 28," as follows:

"HOUSE Substitute for SENATE BILL NO. 28

By Education Budget Committee

"AN ACT concerning school districts; relating to the adequacy of the state's provision for finance of the educational interests of the state."; and the substitute bill be passed. (**H Sub for SB 28** was thereupon introduced and read by title.)

Committee on **Pensions and Benefits** recommends **SB 259** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 259," as follows:

"HOUSE Substitute for SENATE BILL NO. 259

By Committee on Pensions and Benefits

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; enacting the Kansas public employees retirement system act of 2014; providing terms, conditions, requirements, benefits and contributions related thereto; relating to fiscal notes on bills that provide retirement benefit enhancements, actuarial cost; employer and employee contributions; sale of real estate of state agencies, disposition of proceeds to Kansas public employees retirement system fund; employment after retirement for certain school employees; amending K.S.A. 74-4915 and 74-4919 and K.S.A. 2011 Supp. 74-4914d, 74-4920, 74-4937, 74-49,205 and 75-6609 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 74-49,213."; and the substitute bill be passed.

(**H Sub for SB 259** was thereupon introduced and read by title.)

## REPORT ON ENGROSSED BILLS

**Sub HB 2431; HB 2755** reported correctly engrossed March 14, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Friday, March 16, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

