

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 18, 2016, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Seiwert was excused on verified illness.

Reps. Kahrs and Rooker were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Compassionate and merciful God,
thank you for the blessing of this day.
Be with our representatives today in their work.
Give them clarity of vision and thought.
They are under constant pressure to conform
to the wishes of so many diverse voices.
Help them to listen to the right voice—
to run every thought and decision through the lens of truth and grace.
Refine their vision and keep them on the path You are leading them.
Bless them with strength, fortitude and patience.
Equip them with understanding and courage.
For the work that needs to be accomplished,
help them to work together in a spirit of collaboration.
In Christ's Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Rahjes.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Taxation: **HB 2706**.

COMMUNICATIONS FROM STATE OFFICERS

From Jeff McClannahan, Director of Utilities, Kansas Corporation Commission, 2016 Retail Rate Impact Report.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

Announcing passage of **SB 325, SB 329, SB 334, SB 337, SB 358, SB 369, SB 370, and SB 390.**

The Senate adopts the Conference Committee report on **House Substitute for SB 161.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 325, SB 329, SB 334, SB 337, SB 358, SB 369, SB 370, SB 390

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Tietze, **HR 6039**, by Reps. Tietze, Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Carpenter, Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Whipple, Whitmer, Williams, Wilson, Winn and Wolfe Moore, as follows, was introduced and adopted:

HR 6039—A RESOLUTION honoring the life and memory of Andrea Burton.

WHEREAS, Andrea Burton, who worked for the Kansas Historical Society as coordinator of the Capitol Visitor Center for 10 years, passed away on October 27, 2015, at the age of 48, peacefully at her home after a battle with melanoma; and

WHEREAS, Andrea was born in Youngstown, Ohio on August 14, 1967. She attended Youngstown State University, where she graduated with a bachelor's degree in sociology in 1989. She then attended Kent State and graduated with a master's degree in sociology. While working towards her bachelor's degree, she met the love of her life, Russell Patrick Douglas Burton, and they were married on August 15, 1992, in Youngstown, Ohio; and

WHEREAS, At her job interview, Andrea brought a mock-up of the activity sheet, "I am a fan of the Capitol," which could be turned into a hand-held fan. It continues to be popular with thousands of young visitors to the Capitol who use it to record highlights of their visit; and

WHEREAS, Andrea's first office was a very small room under the stairs. Her Tour Center was a busy desk on the first floor. It was from these humble beginnings that Andrea and her staff progressed to give tours to 30,000 visitors, annually; and

WHEREAS, Andrea loved the Capitol, pre-restoration, mid-restoration and post-res-

toration, and would not hesitate to tell anyone. Different wings of the building were closed for years at a time, which made for some creative tour modifications. The construction was always very loud and extremely dusty, but she never complained; and

WHEREAS, One of Andrea's proudest achievements was being able to reopen the Capitol dome for public tours on January 23, 2006, for the first time in over 30 years. Andrea loved bringing people to the top of the dome. She loved climbing the 296 steps and then stepping outside to take in the view; and

WHEREAS, Andrea never met a visitor or tour group she did not like. She would willingly take one person on tour as well as 100; and

WHEREAS, The opening of the renovated Capitol in January 2014 increased attendance three-fold. Today, 90,000 people annually enjoy historic and dome tours; and

WHEREAS, The new Capitol Visitor Center provided Andrea with a real office and workroom, an auditorium, a classroom and exhibits that tell the story of Kansas people, places, the building and state government. She used these spaces to make the visitor experience better; and

WHEREAS, Andrea's work ethic inspired everyone, including her dedicated staff and loyal volunteers; and

WHEREAS, On October 27, 2015, Andrea went the 296 steps and beyond. In the Capitol dome, whether viewed from inside or from the ground level, Andrea's spirit will live on forever: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the life and memory of Andrea Burton and extend our deepest sympathy to her family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to Representative Tietze.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Reps. Kuether and Tietze are spread upon the Journal:

Remarks by Rep. Kuether:

Andrea was my constituent – and it was such a privilege to see her smiling face, representing the people of Kansas, under the Dome. Andrea loved her job. She never met a stranger and her approach to life resulted in such satisfaction. She is missed and I wish Russell and the family God's speed and peace.

Rep. Tietze read HR 6039 to the members of the House, Andrea's family, friends and co-workers. She closed with these remarks:

We honor the life and memory of Andrea Burton and thank her family and friends for sharing her with us.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2441, AN ACT concerning the legislative post audit committee; auditing unified school districts; amending K.S.A. 2015 Supp. 46-1133 and repealing the existing section, 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: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Kahrs, Rooker, Seiwert.

The bill passed.

HB 2442, AN ACT concerning the legislative division of post audit; relating to information technology audits; amending K.S.A. 2015 Supp. 46-1135 and repealing the existing section, 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: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Kahrs, Rooker, Seiwert.
The bill passed, as amended.

HB 2536, AN ACT concerning accountants; relating to licensure; amending K.S.A. 2015 Supp. 1-307, 1-308, 1-311, 1-312, 1-321 and 1-322 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: Edmonds.

Absent or not voting: Kahrs, Rooker, Seiwert.

The bill passed, as amended.

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Schwab in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2436** be passed.

Committee report to **HB 2489** be adopted; also, roll call was demanded on motion of Rep. Johnson, to amend **HB 2489** on page 9, in line 15, by striking the second "2016" and inserting "2017"; in line 19, by striking the second "2016" and inserting "2017"; also in line 19, by striking all after the period; by striking all in lines 20 through 23

On roll call, the vote was: Yeas 71; Nays 50; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Concannon, Corbet, E. Davis, Dove, Esau, Estes, Ewy, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, Kelly, Kiegerl, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick,

O'Brien, Osterman, Pauls, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcala, Ballard, Becker, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Curtis, DeGraaf, Dierks, Doll, Edmonds, Finch, Finney, Frownfelter, Gallagher, Helgerson, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, K. Jones, Kelley, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, F. Patton, Peck, Ruiz, Sawyer, Scott, Sloan, S. Swanson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Kahrs, Rooker, Schwab, Seiwert.

The motion of Rep. Johnson prevailed and **HB 2489** be passed as amended.

On motion of Rep. Trimmer, **HB 2503** be amended on page 1, in line 6, before "There" by inserting "(a) "; following line 14, by inserting:

"(b) The funds shall be used for the purposes set forth in this section and for no other governmental purposes. It is the intent of the legislature that the funds and the moneys deposited in this fund shall remain intact and inviolate for the purposes set forth in this section."

Also, on motion of Rep. Peck to amend, Rep. Proehl requested the amendment be divided. There was no challenge on the amendment being germane to the bill. The Rules Chair ruled the amendment could be divided into two parts.

On Part A, **HB 2503**, be amended on page 1, by striking all in lines 15 through 19;

On page 3, in line 6, after "(4)" by inserting " (A)"; in line 9, by striking the first comma and inserting a period; also in line 9, after "2013," by inserting "and until June 30, 2016,"; by striking all in lines 11 through 14 and inserting:

"(B) On and after July 1, 2016, \$2 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue, shall be submitted to the state treasurer who shall credit such \$2 to the Kansas highway patrol staffing and training fund.

Also, on motion of Rep. Kleeb to refer **HB 2503** to Committee on Appropriations, the motion prevailed.

Committee report to **HB 2610** be adopted; also, on motion of Rep. Goico, **HB 2610** be amended on page 1, following line 23, by inserting:

"Sec. 3. The junction of interstate highway 235 and central avenue in Sedgwick county is hereby designated as the Captain Chris Norgren memorial interchange. Upon compliance with K.S.A. 2015 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the junction of interstate highway 235 and central avenue is the Captain Chris Norgren memorial interchange.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "designating"; in line 5, after "highway" by inserting "; the junction of interstate highway 235 and central avenue in Sedgwick county as the Captain Chris Norgren memorial interchange" and the bill be passed as amended.

On motion of Rep. Hildabrand, **HCR 5010** be amended on page 1, in line 20, after "by" by inserting "the Legislature of the state of Kansas, two-thirds of members elected to"; also on line 20, by striking all after "Representatives" and inserting "and two-thirds of members elected to"

Roll call demanded on motion to recommend **HCR 5010** favorably for adoption.

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Concannon, Corbet, DeGraaf, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Hibbard, Highland, Hildabrand, Hoffman, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, F. Patton, Pauls, Peck, R. Powell, Proehl, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Whipple, Whitmer, K. Williams.

Nays: Alcalá, Ballard, Becker, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Curtis, Dierks, Doll, Edmonds, Finney, Frownfelter, Gallagher, Henderson, Henry, Highberger, Hill, Hineman, Houser, Houston, Jennings, Kuether, Lusk, Lusker, Moxley, Ousley, Phillips, Rahjes, Ruiz, Sawyer, Scott, Sloan, S. Swanson, Tietze, Todd, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: E. Davis, Kahrs, Rooker, Seiwert.

The motion prevailed and **HCR 5010** be adopted as amended.

Committee report to **HB 2447** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Carlin, to amend **HB 2501** on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2015 Supp. 21-5428 is hereby amended to read as follows: 21-5428. (a) Blackmail is intentionally gaining or attempting to gain anything of value or compelling or attempting to compel another to act against such person's will, by threatening to:

(1) Communicate accusations or statements about any person that would subject such person or any other person to public ridicule, contempt or degradation; or
 (2) disseminate any videotape, photograph, film, or image obtained in violation of ~~subsection (a)(6) of~~ K.S.A. 2015 Supp. 21-6101(a)(6) or (a)(8), and amendments thereto.

(b) Blackmail as defined in:

(1) Subsection (a)(1) is a severity level 7, nonperson felony; and

(2) subsection (a)(2) is a severity level 4, person felony.

Sec. 2. K.S.A. 2015 Supp. 21-6101 is hereby amended to read as follows: 21-6101.

(a) Breach of privacy is knowingly and without lawful authority:

(1) Intercepting, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of private communication;

(2) divulging, without the consent of the sender or receiver, the existence or contents of such message if such person knows that the message was illegally intercepted, or if such person illegally learned of the message in the course of employment with an

agency in transmitting it;

(3) entering with intent to listen surreptitiously to private conversations in a private place or to observe the personal conduct of any other person or persons entitled to privacy therein;

(4) installing or using outside or inside a private place any device for hearing, recording, amplifying or broadcasting sounds originating in such place, which sounds would not ordinarily be audible or comprehensible without the use of such device, without the consent of the person or persons entitled to privacy therein;

(5) installing or using any device or equipment for the interception of any telephone, telegraph or other wire or wireless communication without the consent of the person in possession or control of the facilities for such communication;

(6) installing or using a concealed camcorder, motion picture camera or photographic camera of any type; to secretly videotape, film, photograph or record, by electronic or other means, another; identifiable person under or through the clothing being worn by that other person or another; identifiable person who is nude or in a state of undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to invade the privacy of that other person, under circumstances in which ~~the~~that other person has a reasonable expectation of privacy; ~~or~~

(7) disseminating or permitting the dissemination of any videotape, photograph, film or image obtained in violation of subsection (a)(6); or

(8) disseminating or permitting the dissemination of any videotape, photograph, film or image of another identifiable person 18 years of age or older who is nude or in a state of undress and such identifiable person did not consent to such dissemination.

(b) Breach of privacy as defined in:

(1) Subsection (a)(1) through (a)(5) is a class A nonperson misdemeanor;

(2) subsection (a)(6) or (a)(8) is a:

(A) Severity level 8, person felony, except as provided in subsection (b)(2)(B); and

(B) severity level 5, person felony upon a second or subsequent conviction within the previous five years; and

(3) subsection (a)(7) is a severity level 5, person felony.

(c) Subsection (a)(1) shall not apply to messages overheard through a regularly installed instrument on a telephone party line or on an extension.

(d) The provisions of this section shall not apply to: (1) An operator of a switchboard, or any officer, employee or agent of any public utility providing telephone communications service, whose facilities are used in the transmission of a communication, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is incident to the rendition of public utility service or to the protection of the rights of property of such public utility; (2) a provider of an interactive computer service, as defined in 47 U.S.C. § 230, for content provided by another person; (3) a radio common carrier, as defined in K.S.A. 66-1,143, and amendments thereto; and (4) a local exchange carrier or telecommunications carrier as defined in K.S.A. 66-1,187, and amendments thereto.

(e) The provisions of subsection (a)(8) shall not apply to a person acting with a bona fide and lawful scientific, educational, governmental, news or other similar public purpose.

(f) As used in this section, "private place" means a place where one may reasonably

expect to be safe from uninvited intrusion or surveillance.";

Also on page 1, in line 28, after "Supp." by inserting "21-5428, 21-6101 and"; also in line 28, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "to" by inserting "blackmail; breach of privacy;"; in line 3, after "Supp." by inserting "21-5428, 21-6101 and"; also in line 4, by striking "section" and inserting "sections"

On roll call, the vote was: Yeas 96; Nays 23; Present but not voting: 1; Absent or not voting: 5.

Yeas: Alcalá, Alford, Anthimides, Ballard, Becker, Billinger, Boldra, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Goico, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Hildabrand, Hill, Hineman, Houston, Huebert, Hutchins, Jennings, Johnson, Kelly, Kleeb, Kuether, Lewis, Lusk, Lusker, Mason, Moxley, O'Brien, Osterman, Ousley, F. Patton, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rubin, Ruiz, Ryckman Sr., Sawyer, Scapa, Schwab, Schwartz, Scott, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Barker, Barton, E. Davis, Garber, Gonzalez, Grosserode, Highland, Hoffman, Houser, Hutton, D. Jones, K. Jones, Kelley, Kiegerl, Lunn, Macheers, Mast, McPherson, Merrick, Pauls, Ryckman, Schroeder, Vickrey.

Present but not voting: DeGraaf.

Absent or not voting: Bollier, Kahrs, Rhoades, Rooker, Seiwert.

The motion of Rep. Carlin prevailed and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2479** be amended on page 2, following line 23, by inserting:

"(e) Within 90 days after the secretary makes an emergency declaration pursuant to this section, the secretary shall call a meeting of the state advisory committee to review and approve the emergency declaration. If the committee does not approve of such emergency declaration within such 90 days, the emergency declaration will no longer remain in effect.";

Also on page 2, in line 26, by striking "11" and inserting "13"; in line 34, by striking "11" and inserting "13";

On page 3, in line 7, by striking "and"; in line 9, after "council" by inserting ";

(8) one member shall represent a natural resource management professional from the Kansas biological survey and shall be appointed upon the recommendation of the director of the Kansas biological survey; and

(9) one member shall represent the Kansas pest control association and shall be appointed by the president of the Kansas pest control association";

Also on page 3, in line 26, by striking "six" and inserting "a majority"; in line 35, after "a" by inserting "science-based"; in line 36, before the semicolon by inserting ". Such assessment shall consider, at a minimum:

(A) The impact on the natural and agricultural environment, including potential toxicity to humans and livestock;

(B) the invasiveness of the species under consideration, determined based on the rate of spread and the potential for, and methods of, dispersal; and

(C) the potential for infestation in the state";

On page 6, following line 3, by inserting:

"(d) Beginning on December 31, 2017, and on December 31 every fourth year thereafter, the secretary shall report to the chairperson of the house standing committee on agriculture and natural resources and the chairperson of the senate standing committee on agriculture a list of the weeds considered noxious by the rules and regulations promulgated by the secretary.";

On page 7, in line 42, before "paid" by inserting "borne as follows: The Kansas department of agriculture to pay not more than $\frac{1}{4}$ thereof from any funds available, not less than $\frac{3}{4}$ thereof to be";

On page 9, following line 34, by inserting:

"(c) The secretary of agriculture shall collect information from each county regarding county weed budgets and expenditures made by each county associated with weed control, including labor, equipment and chemical costs. The secretary shall report this information to the legislature annually.";

On page 13, in line 31, by striking "for each violation" and inserting "up to a maximum fine of \$2,500"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2491** be amended on page 1, in line 18, after "\$1,000" by inserting "per water right"; in line 29, by striking all after "penalty"; in line 30, by striking "section" and inserting ", suspend the water right indefinitely, or require use of telemetry"; following line 36, by inserting:

"(e) This section shall be part of and supplemental to the water appropriation act, K.S.A. 82a-701 et seq., and amendments thereto."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2292** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2292," as follows:

"Substitute for HOUSE BILL NO. 2292

By Committee on Education

"AN ACT concerning schools; enacting the local control of Kansas education act; relating to the student data privacy act; amending K.S.A. 2015 Supp. 72-6216, 72-6217, 72-6218 and 72-6479 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub HB 2292** was thereupon introduced and read by title.)

Committee on **General Government Budget** recommends **HB 2640** be passed.

Committee on **Health and Human Services** recommends **HB 2607** be amended on page 2, in line 6, by striking "with the"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2582** be passed.

Committee on **Transportation** recommends **HB 2473** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2473," as follows:

"Substitute for HOUSE BILL NO. 2473

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Alzheimer's disease awareness license plate; decals for certain military medals or badges; amending K.S.A. 2015 Supp. 8-1,156 and repealing the existing section."; And the substitute bill be passed.

(**Sub HB 2473** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **HB 2563** be amended on page 2, in line 32, after the period by inserting "As used in this subsection, "motorized bicycle" shall have the meaning ascribed to it in K.S.A. 8-126, and amendments thereto."; and the bill be passed as amended.

Committee on **Vision 2020** recommends **HB 2509** be amended on page 1, in line 11, by striking all after the period; by striking all in lines 12 and 13; in line 14, by striking all before "The"; in line 17, by striking "state" and inserting "executive branch"; in line 30, by striking "state" and inserting "executive branch"; in line 36, by striking "state" and inserting "executive branch";

On page 2, in line 1, by striking "state" and inserting "executive branch"; in line 2, by striking "state" and inserting "executive branch"; in line 3, by striking "state" and inserting "executive branch"; in line 5, by striking "state" and inserting "executive branch"; in line 6, by striking "state" and inserting "executive branch"; in line 7, by striking "and"; in line 8, after "(6)" by inserting "review and restructure, as necessary, current information technology security responsibilities for executive branch agencies;

(7) coordinate information technology security interests between institutions governed by the regents and executive branch agencies; and

(8) ";

Also on page 2, in line 10, after "(f)" by inserting "For the purpose of this section "executive branch agency" means those agencies under the authority of the governor.

(g) ";

Also on page 2, following line 12, by inserting:

"(h) Based on proven competency and exigent circumstances, the chief information technology officer may exempt an agency from this requirement. The competency and special circumstances must be reviewed annually.

(i) The chief information technology officer shall not sweep information technology funds nor personnel that are deemed by the agency as essential to the agency's meeting its statutory requirements to serve its constituency and public well-being, but are not directly associated with information technology security.

(j) Subsections (a) through (e) shall not apply to the information technology office of the Kansas lottery.

New Sec. 2. There is hereby established the Kansas information security office. The office shall be administered under the direction and supervision of the chief information security officer who shall be appointed by the governor. The chief information security officer shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor. The chief information security officer shall report to the chief information technology officer. The initial scope of re-

sponsibility of the Kansas information security office shall be executive branch agencies. The Kansas information security office's scope of responsibility shall be re-evaluated in fiscal year 2020.

(b) The provisions of the Kansas governmental operations accountability law apply to the Kansas information security office, and the office is subject to audit, review and evaluation under such law.

(c) The position of chief information security officer, whose duties shall be performed under the supervision of the executive chief information technology officer, shall:

- (1) Manage the Kansas information security office organization;
- (2) develop, implement and monitor a strategic, comprehensive information security and information technology risk-management plan;
- (3) facilitate information security governance, including the formation of an information security steering committee or advisory board;
- (4) create and manage a unified and flexible control framework to integrate and normalize requirements resulting from global laws, standards and regulations;
- (5) facilitate a metrics and reporting framework to measure the efficiency and effectiveness of the state information security program;
- (6) provide strategic risk guidance for information technology projects, including the evaluation and recommendation of technical controls;
- (7) ensure that security programs are in compliance with relevant laws, regulations and policies;
- (8) coordinate the use of external resources involved in the information security program, including, but not limited to, interviewing, negotiating contracts and fees, and managing external resources;
- (9) understand and interact with related disciplines through committees to ensure the consistent application of policies and standards across all technology projects, systems and services, including, but not limited to, privacy, risk management, compliance and business continuity management;
- (10) liaise with external agencies, such as law enforcement and other advisory bodies as necessary, to ensure a strong security posture;
- (11) assist in the development of effective disaster recovery policies and standards and align them with enterprise business continuity management program goals;
- (12) assist in the development of implementation plans and procedures to ensure that business-critical services are recovered, in the event of an information security incident;
- (13) review and restructure, as necessary, current information technology security responsibilities for executive branch state agencies;
- (14) coordinate information technology security interests among institutions governed by the regents and other state agencies;
- (15) create a framework for roles and responsibilities with regard to information ownership, classification, accountability and protection;
- (16) provide such services to other governmental agencies as resources permit; and
- (17) perform such other functions and duties as provided by law or as directed by the chief information technology officer.";

Also on page 2, in line 23, after "executive" by inserting "branch";

On page 3, in line 21, after the semicolon by inserting "and"; by striking all in lines

22 through 27; following line 29, by inserting:

"(c) The provisions of subsection (b)(6) shall not apply to the information technology office of the Kansas lottery."

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "agency budgets for information technology security" and inserting "the establishment of the Kansas information security office; appointment of the chief information security officer; chief information security officer duties"; and the bill be passed as amended.

Committee on **Vision 2020** recommends **HB 2655** be amended on page 1, in line 11, by striking "insure" and inserting "ensure"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 38, by Representative Becky Hutchins, congratulating Katherine Clark on her 100th birthday;

Request No. 39, by Representative Sydney Carlin, congratulating Scott Heise on his being named to the Manhattan Area Technical College Phi Theta Kappa Kansas All-State Academic Team;

Request No. 40, by Representative Sydney Carlin, congratulating Amber Clark on her being named to the Manhattan Area Technical College Phi Theta Kappa Kansas All-State Academic Team;

Request No. 41, by Representative Shannon Francis, congratulating Gaby Amparan for being named Miss Liberal 2016;

Request No. 42, by Representative Connie O'Brien, congratulating Shannon Marie Olson for receiving the Girl Scouts of America Gold Award;

Request No. 43, by Representative Connie O'Brien, congratulating Susan Redieck for receiving the Girl Scouts of America Gold Award;

Request No. 44, by Representative Greg Lewis, congratulating Lloyd Ratts on his 101st birthday;

Request No. 45, by Representative Greg Lewis, congratulating Harold Drake on his 100th birthday;

Request No. 46, by Representative Peggy Mast, congratulating Audrey Durst for winning the Coffey County Spelling Bee;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2707, AN ACT concerning alcoholic beverages; relating to licensure of manufacturers and drinking establishments; amending K.S.A. 41-2632 and K.S.A. 2015 Supp. 41-2623 and repealing the existing sections, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2548** from Committee on Corrections and Juvenile Justice and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2598** from Committee on Agriculture and Natural Resources and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2601** from Committee on Transportation and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2664** from Committee on Education and referral to Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Mast announced the appointment of Rep. Mast to replace Rep. Rhoades on Committee on Education on February 18.

REPORT ON ENGROSSED BILLS

HB 2442, **HB 2536** reported correctly engrossed February 17, 2016.

On motion of Rep. Vickrey the House adjourned pro forma until 8:00 a.m. on Friday, February 19, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

