

# Journal of the House

EIGHTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 7, 2011, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Hermanson was excused on verified illness.

Reps. Alford, Fawcett and Swanson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Heavenly Father,  
Today is the first day of the week—  
help us to think of it as a fresh new start  
to avail of Your mercy and faithfulness  
which are new every morning.  
It is a busy day with numerous bills to be  
referred to the various committees,  
and several to be put to final action.  
Some we may agree with—  
some we may not.  
Help us in our words and actions  
to show the same mercy and faithfulness.  
And, Lord, although it may not be on the agenda,  
we do pause and celebrate the success and victory  
of our native son from Riley County—  
who through his superb gifts and talents  
that You have blessed him with,  
made Kansans righteously proud last evening.  
In Jesus' Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Mast.

Kansas Trivia Question – Who was Hugoton named for?

Answer: French author Victor Hugo.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2169**, AN ACT designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange, by Committee on Transportation.

**HB 2170**, AN ACT concerning rail service improvement program loans and grants; amending K.S.A. 2010 Supp. 75-5048 and 75-5049 and repealing the existing sections, by Committee on Transportation.

**HB 2171**, AN ACT regulating traffic; concerning United States postal service vehicles; amending K.S.A. 2010 Supp. 8-1520a and 8-2118 and repealing the existing sections; and also repealing K.S.A. 2010 Supp. 8-2118b, by Committee on Transportation.

**HB 2172**, AN ACT concerning motor vehicle registrations; relating to proof of financial security; amending K.S.A. 2010 Supp. 8-173 and repealing the existing section, by Committee on Transportation.

**HB 2173**, AN ACT concerning the Kansas highway patrol; allowing the Superintendent to charge and collect fees for certain services, by Committee on Transportation.

**HB 2174**, AN ACT regulating traffic; concerning overtaking and passing; bicycles; amending K.S.A. 8-1516 and repealing the existing section, by Committee on Transportation.

**HB 2175**, AN ACT repealing K.S.A. 75-5002 and 75-5003; relating to the highway advisory commission, by Committee on Transportation.

**HB 2176**, AN ACT concerning taxing subdivisions; amending K.S.A. 2010 Supp. 79-1801, and repealing the existing section, by Committee on Taxation.

**HB 2177**, AN ACT concerning school districts; relating to the local option budget; determining supplemental general state aid; statewide levy for public schools, exemption therefrom; amending K.S.A. 2010 Supp. 72-6407, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6451, 74-4939a and 79-201x and repealing the existing sections, by Committee on Vision 2020.

**HB 2178**, AN ACT concerning licenses and permits; relating to nonresident military spouses, by Representative Sloan.

**HB 2179**, AN ACT concerning school districts; relating to the local option budget; determining supplemental general state aid; statewide levy for public schools, exemption therefrom; amending K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6451, 74-4939a and 79-201x and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Committee on Vision 2020.

**HB 2180**, AN ACT concerning school districts; relating to the local option budget; determining supplemental general state aid; statewide levy for public schools, exemption therefrom; amending K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6431, 72-6433d, 72-6434, 74-4939a and 79-201x and repealing the existing sections; also repealing K.S.A. 2010 Supp. 72-6442b, by Committee on Vision 2020.

**HB 2181**, AN ACT concerning utilities; relating to transmission lines and easements, by Committee on Energy and Utilities.

**HB 2182**, AN ACT concerning the unused medication act; relating to mail service

pharmacies; amending K.S.A. 2010 Supp. 65-1669 and repealing the existing section, by Committee on Aging and Long Term Care.

**HB 2183**, AN ACT concerning environmental protection; relating to the interstate environmental freedom compact, by Committee on Agriculture and Natural Resources.

**HB 2184**, AN ACT concerning premises liability; relating to recreational purposes; relating to noncommercial aviation; amending K.S.A. 58-3202 and repealing the existing section, by Committee on Agriculture and Natural Resources.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution appearing on the calendar as “to be referred” were referred to committees as indicated:

Aging and Long Term Care: **HB 2147, HB 2148.**

Agriculture and Natural Resources: **HB 2146, HB 2167.**

Agriculture and Natural Resources Budget: **HB 2149.**

Corrections and Juvenile Justice: **HB 2151, HB 2152, HB 2162.**

Education: **SB 13.**

Elections: **HB 2153, HB 2155; SB 17.**

Energy and Utilities: **HB 2143, HB 2144, HB 2164; HCR 5009.**

Federal and State Affairs: **HB 2154.**

Government Efficiency: **HB 2157, HB 2158.**

Health and Human Services: **HB 2159; SB 14.**

Insurance: **SB 15.**

Judiciary: **HB 2145, HB 2150, HB 2163.**

Local Government: **HB 2166; SB 40.**

Taxation: **HB 2156, HB 2160, HB 2161, HB 2165, HB 2168** (separately).

Veterans, Military and Homeland Security: **HB 2168** (separately).

### MESSAGE FROM THE GOVERNOR

#### Executive Reorganization Order No. 37

By Governor Sam Brownback

February 7, 2011

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 37 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor’s Message.

As we look to grow Kansas’ economy and focus state government resources to ensure the most efficient use of taxpayer dollars, I am ordering the abolition of Kansas Inc. as established by K.S.A. 74-8001 *et seq.* Kansas’ government has far too many economic development agencies and programs, many of which focus on picking winners and losers instead of creating an environment for growth. As part of the culture change that Kansans expect in state government as we retool for the 21<sup>st</sup> century economy, I am looking to consolidate these various functions and make them more accountable to voters for their successes or failures.

As I said in my State-of-the-State speech, the days of ever-expanding government are

over. This reorganization order is a modest step toward making our economic development structure leaner, more efficient, more accountable, and more successful in growing the state. These means will help us get the more than 100,000 unemployed Kansans back to work and grow our state's net personal income in the years ahead. I look forward to working with the Legislature and my fellow Kansans to achieve these important goals.

**Executive Reorganization Order No. 37**  
**By Governor Sam Brownback**  
**Transmitted February 4, 2011**

Sec. 1. Kansas, Inc., its board, the office of chief executive officer, and the president of Kansas, Inc., along with their powers, duties, and functions, as created pursuant to K.S.A. 74-8001 *et seq.*, and amendments thereto, are hereby abolished.

Sec. 2. (a) The secretary of administration, for the sole purpose of efficiently wrapping up and concluding the affairs of Kansas, Inc. and satisfying any outstanding liabilities or commitments of Kansas, Inc., shall be the successor in every way to the powers, duties, and functions of the Kansas, Inc., and its chief executive officer and president, hereinafter referred to as president, in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such abolished powers, duties, and functions by or under the authority of the secretary of administration shall be performed by the existing employees of the department of administration and shall be deemed to have the same force and effect as if performed by Kansas, Inc., or its president in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) In furtherance of the sole purpose set forth in Section 2(a) above, whenever Kansas, Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.

(c) In furtherance of the sole purpose set forth in Section 2(a) above, whenever the president of Kansas Inc., or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document, such reference or designation shall be deemed to apply to the secretary of administration.

(d) In furtherance of the sole purpose set forth in Section 2(a) above, all rules and regulations, orders, and directives of Kansas, Inc., or its president which are in effect on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders, and directives of the secretary of administration, until revised, amended, revoked or nullified pursuant to law.

(e) In furtherance of the sole purpose set forth in Section 2(a) above, all orders and directives of the Kansas, Inc., or its president in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of administration, until revised, amended or nullified pursuant to law.

Sec. 3. (a) The secretary of administration shall succeed to whatever right, title or interest that Kansas, Inc., has acquired in any real property in this state, and the secretary of administration shall hold the same for and in the name of the state of Kansas.

(b) Whenever any statute, contract, deed or other document concerns the power or

authority of Kansas, Inc., or its president to acquire, hold or dispose of real property or any interest therein, the secretary of administration shall succeed to such power or authority.

Sec. 4. The secretary of administration shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transaction, occurrence or event of Kansas Inc., or its president.

Sec. 5. (a) The balances of all funds or accounts thereof appropriated or reappropriated for Kansas, Inc., relating to the powers, duties, and functions abolished by this order are hereby transferred within the state treasury to the department of administration and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are employees of Kansas, Inc., during the period commencing on the first day of the first payroll period chargeable to fiscal year 2012 and ending in on June 30, 2011, shall be assumed and paid by the department of administration.

Sec. 6. When any conflict arises as to the disposition of any records, property, power, duty, or function or the unexpended balance of any appropriation as a result of any abolition made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

Sec. 7. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action, or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the Constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka  
Under the Great Seal of the  
State of Kansas this 4<sup>th</sup> day  
of February 2011

BY THE GOVERNOR:  
SAM BROWBACK

KRIS KOBACH  
*Secretary of State*  
KATHY M. SACHS  
*Assistant Secretary of State*

**MESSAGE FROM THE GOVERNOR****Executive Reorganization Order No. 38  
By Governor Sam Brownback  
February 7, 2011**

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 38 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Kansans have spoken loud and clear: they are looking for their government to be more efficient and their leaders to be more accountable. In this spirit, I am ordering that the Kansas Health Policy Authority as established by K.S.A. 2010 Supp. 75-7401 *et seq.* be reorganized into the Division of Health Care Finance within the Department of Health and Environment.

For this coming fiscal year, Kansas faces a \$550 million budget deficit, much of it related to increased caseloads in Medicaid. Left unaddressed, this growth will continue to consume future budgets and leave the state with very little room to address other priorities. While this reorganization saves \$3 million in administration costs for the next fiscal year, the larger savings will come from unifying the expertise in the KHPA with the accountability of KDHE as we implement major reforms to our Medicaid delivery model. Under the direction of the Lt. Governor and the Secretary of KDHE, the Division of Health Care Finance will be involved in redesigning Medicaid in the State of Kansas.

As I said in my State-of-the-State speech, the days of ever-expanding government are over. This consolidation is a major step toward making state government more efficient, more accountable, and forward looking. As we look toward a future of balancing priorities within the confines of limited state resources, this reorganization will act as a cornerstone for major and long-lasting reforms. I look forward to working with the Legislature and my fellow Kansans on achieving these important goals.

**Executive Reorganization Order No. 38  
By Governor Sam Brownback  
Transmitted February 4, 2011**

Section 1. (a) There is hereby established, within the department of health and environment, the division of health care finance. The head of the division shall be director of health care finance, who shall be appointed by and serve at the pleasure of the secretary of health and environment. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of health and environment and approved by the governor.

(b)(1) The secretary of health and environment shall appoint, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary and director, to carry out the powers and duties of the division of health care finance.

(2) All officers and employees of the division of health care finance shall act for and exercise the powers of the director of health care finance to the extent that authority

to do so is delegated by the secretary and director. Subject to the provisions of this order, the secretary and director may organize the division of health care finance in the manner deemed most efficient.

Sec. 2. (a) The Kansas health policy authority created by K.S.A. 2010 Supp. 75-7401, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the Kansas health policy authority under K.S.A. 2010 Supp. 75-7401 *et seq.*, and amendments thereto, or any other statute, are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance.

(c) Except as otherwise provided by this order, all powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, 124 Stat. 119 (2010), and the health care and education reconciliation act of 2010, Public Law 111-152, 124 Stat. 1029 (2010), are hereby transferred to and imposed upon the department of health and environment and its division of health care finance and the secretary and the director of health care finance or their designees.

Sec. 3. (a) The department of health and environment and its division of health care finance shall be the successor in every way to the powers, duties and functions of the Kansas health policy authority in which the same were vested prior to the effective date of this order and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the department of health and environment and its division of health care finance or the secretary or the director of health care finance shall be deemed to have the same force and effect as if performed by the Kansas health policy authority in which such powers, duties, and functions were vested prior to the effective date of this order.

(b) The department of health and environment and its division of health care finance or designees appointed by the secretary or the director of health care finance shall be the successor in every way to the powers, duties, and functions of any state agency, department, board, commission or council, providing services and creating systems in order to comply with the provisions of the patient protection and affordable care act, Public Law 111-148, and the health care and education reconciliation act of 2010, Public Law 111-152, and that are transferred pursuant to section 2 of this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of health and environment and its division of health care finance shall be deemed to have the same force and effect as if performed by any state agency, department, board, commission or council in which such powers, duties, and functions were vested prior to the effective date of this order.

(c) Whenever the Kansas health policy authority or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the department of health and environment and its division of health care finance, such reference or designation shall be deemed to apply to the department of health and environment and its division of health care finance.

(d) All rules and regulations, orders and directives of the Kansas health policy authority which relate to the functions transferred by this order, and which are in effect

on the effective date of this order, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

Sec. 4. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas health policy authority or any state agency, department, board, commission or council, relating to the powers, duties and functions transferred by this order are hereby transferred within the state treasury to the department of health and environment for the division of health care finance and shall be used only for the purpose for which the appropriation was originally made.

(b) Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of health and environment and its division of health care finance under this order shall be assumed and paid by the division of health care finance of the department of health and environment.

Sec. 5. (a) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any abolition or transfer made by or under the authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The division of health care finance in the department of health and environment shall succeed to all property, property rights and records which were used for or pertain to the performance of powers, duties and functions transferred to the division of health care finance in the department of health and environment. Any conflict as to the proper disposition of property, personnel or records arising under this order shall be determined by the governor, whose decision shall be final.

Sec. 6. (a) No suit, action, or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this order, or by or against any officer of the state in such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 7. (a) All officers and employees of the Kansas health policy authority who, immediately prior to the effective date of this order, are engaged in the exercise and performance of the powers, duties and functions transferred by this order, as well as all officers and employees of the Kansas health policy authority who are determined by the director of health care finance of the department of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this order, are hereby transferred to the division of health care finance of the department of health and environment. All classified officers and employees so transferred shall retain their status as classified employees.

(b) Officers and employees of the Kansas health policy authority transferred by this order shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer or employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil



service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this order shall affect the classified status of any transferred person employed by the Kansas health policy authority prior to the date of transfer.

(c) Notwithstanding the effective date of this order, the provisions of this order prescribing the transfer of officers and employees from the Kansas health policy authority abolished by this order to the division of health care finance of the department of health and environment established by this order, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 8. Except as otherwise provided by this order, all of the provisions of this order shall take effect and have the force of general law on July 1, 2011, unless disapproved by either house of the Kansas legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE AT The Capitol in Topeka  
Under the Great Seal of the  
State of Kansas this 4<sup>th</sup> day  
of February 2011

BY THE GOVERNOR:  
SAM BROWNBACK

KRIS KOBACH  
*Secretary of State*  
KATHY M. SACHS  
*Assistant Secretary of State*

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2001**, AN ACT concerning law enforcement; relating to the local law enforcement training reimbursement fund; amending K.S.A. 2010 Supp. 74-5620 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, 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, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

**HB 2020**, AN ACT affording educational institutions the option to utilize the housing system suspense fund; amending K.S.A. 2010 Supp. 76-762 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, 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: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

**HB 2033**, AN ACT relating to motor vehicles; concerning the registration of fleet motor vehicles; amending K.S.A. 2010 Supp. 8-1,152 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

Siegfreid, 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: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

**HB 2049**, AN ACT concerning controlled substances; amending K.S.A. 2010 Supp. 21-36a05, 21-36a06 and 65-4105 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 8; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Frownfelter, Fund, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebe, Knox, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Flaharty, S. Gatewood, Kuether, Landwehr, Lane, Schwab, Victors.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed, as amended.

**HB 2056**, AN ACT relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2010 Supp. 9-1703 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

Siegfreid, 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: Alford, Fawcett, Hermanson, Swanson.

The bill passed.

**HB 2057**, AN ACT concerning forensic examinations; relating to admissibility; amending K.S.A. 2010 Supp. 22-3437 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

The bill passed.

**HB 2088**, AN ACT concerning cities and counties; relating to residential fire protection sprinkler systems; amending K.S.A. 2010 Supp. 12-16,219 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 14; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Lane, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith,

Spalding, Suellentrop, Tietze, Tyson, Vickrey, Victors, Ward, Weber, Williams, B. Wolf, K. Wolf, Wolfe Moore.

Nays: Carlin, Davis, S. Gatewood, Kuether, Loganbill, Mah, McCray-Miller, Moxley, Peterson, Ruiz, Trimmer, Wetta, Winn, Worley.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The bill passed, as amended.

**HR 6004**, adopting permanent rules of the House of Representatives for 2011-2012 biennium, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 45; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fund, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Alford, Fawcett, Hermanson, Swanson.

The substitute resolution was adopted, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I think Pay Go is a great idea that will save the taxpayers of Kansas millions of dollars and cut down on junk mail. However, I am forced to vote NO on **Sub. HR 6004** because we can do better by passing Tax Go as well. Tax Credits, exemptions, and special breaks shift tax burdens from group to group and can be as bad as spending. Also I have always believed in open government and can see no reason for a closed caucus. I vote no and ask others to vote no so that these rules can go back to committee and be made better.--BILL OTTO

MR. SPEAKER: I vote no on **Sub. HR 6004** because I do not believe that 12 members of the House Appropriations Committee should have the power to limit the other 113 elected members of the House. Pay-Go is a fine concept, but the full body should debate, vote on, and establish the total budget framework within which the House debate and amendments will remain.--TOM SLOAN, TOM MOXLEY, DON HINEMAN

MR. SPEAKER: I worry that the Pay-Go provision artificially limits debate and does not

lead to better governance. Twelve members of the Appropriations Committee have vast power, and will essentially force feed all other House members their plan for state spending. A 'yes' vote is an abdication of our duty to govern. I know we need to try something different to deal with issues confronting us, but this is not it. Our constituents know there are 92 Republicans in this body; they have the right to expect we will all have our say on their behalf. Our constituents deserve us offering solid common sense conservative solutions to our significant challenges. I vote NO on **Sub. HR 6004**.--J. ROBERT BOB BROOKENS

MR. SPEAKER: I support **Sub. HR 6004** which will force us to live within our means. The legislature has been profligate in spending more than is taken in. **Sub. HR 6004** will.--S. MIKE KIEGERL, PEGGY MAST, RICK BILLINGER

MR. SPEAKER: I believe that **Sub. HR 6004** blurs the line for what is acceptable in government. Closed door meetings of 92 members of the Kansas House of Representatives is unacceptable and has no place codified in this body. The people that pay for all of this have the reasonable expectation of an open process and I intend to always fight for that. Whatever the ends are, these means do not justify them. I vote no on **Sub. HR 6004**.--SEAN GATEWOOD, NILE DILLMORE, GAIL FINNEY, SYDNEY CARLIN, HAROLD LANE, MIKE SLATTERY

MR. SPEAKER: Reducing transparency and limiting opportunity for debate is not the path to better governance. Rule changes included in **Sub. HR 6004** are unnecessary, arbitrary and unfair. Our constituents are weary of partisan rancor and expect and deserve accountability and openness in government. I vote no on **Sub. HR 6004**.--DON HILL, CHARLES B. ROTH

#### PROTEST

MR. SPEAKER: We hereby submit the following as a protest to **Sub. HR 6004** pursuant to Article 2, Section 10 of the Kansas constitution. Rule 2110, as stated in **Sub. HR 6004**, states that "unless by majority consent to correct an error in drafting, no floor amendment to increase the amount of expenditures that would be authorized in a provision of an appropriations bills shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriation bill."

This Rule has a chilling effect on the 102 members of the House of Representatives that do not serve as members of the House Appropriations Committee in that it prohibits them from having any decision-making ability whatsoever with regard to the total amount of expenditures in an appropriations bill. Under the provisions of Rule 2110, a simple majority of the House Appropriations Committee will determine the total amount of state expenditures. This could result in 12 members of the House of Representatives making a decision that cannot be modified by the other 113 members of the body. Not only is this undemocratic, we believe this Rule violates the authority vested in the entire Legislature by the Kansas Constitution to determine the total amount of state expenditures.

The Committee of the Whole has always had the unfettered ability to amend any bill

that comes before the House of Representatives. This Rule now creates an exception to this longstanding policy, and does so in an area that is perhaps more important than any other function of the Legislature: the budget-making process.

We, the undersigned, hereby lodge this protest to Rule 2110 as written in **Sub. HR 6004**--TOM BURROUGHS, BILL FEUERBORN, PAUL DAVIS, ANNIE TIETZE, ED TRIMMER, EBER PHELPS, BARBARA BALLARD, NILE DILLMORE, MELODY MCCRAY-MILLER, MELANIE MEIER, VALDENIA WINN, ANNIE KUETHER, KATHY WOLFE MOORE, MIKE SLATTERY, JUDITH LOGANBILL, VINCENT WETTA, JERRY HENRY, GERALDINE FLAHARTY

### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2023** be amended on page 11, in line 34, by striking "for" and inserting "forth"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2030** be amended on page 1, following line 26, by inserting:

"Sec. 2. K.S.A. 12-2819 is hereby amended to read as follows: 12-2819. (a) Regular meetings of the board shall be held at least once in each calendar month, the time and place of such meetings to be fixed by the board. Three members of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the ~~chairman~~chairperson of the board, and if ~~he or she shall approve~~the chairperson approves thereof ~~he or she~~the chairperson shall sign the same; ~~and such as he or she shall. If the chairman does not approve, the chairman~~and such as the chairperson fails to return any resolution with the objections thereto in writing at the next regular meeting of the board occurring after the passage thereof. But in case the chairman shall failchairperson fails to return any resolution with the objections thereto by the time aforesaid, the ~~chairman~~chairperson shall be deemed to have approved the same and it shall take effect accordingly.

(b) Upon the return of any resolution by the ~~chairman with his or her~~chairperson, with the chairperson's objections, the vote by which the same was passed shall be reconsidered by the board, and if upon such reconsideration ~~said~~such resolution is passed by the affirmative vote of at least four members, it shall go into effect notwithstanding the veto of the ~~chairman~~chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; ~~action~~ or civil proceedings to which the authority is a party.

Sec. 3. K.S.A. 2010 Supp. 12-5611 is hereby amended to read as follows: 12-5611. (a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.

(b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.

(c) Members of the board shall be appointed as follows: Three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member

to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.

(d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.

(e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10-days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.

(f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.

(g) Regular meetings of the board shall be held at least once each quarter or more often if called by the chairperson. The time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.

(h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; ~~actions~~ or civil proceedings to which the authority is a party.



Sec. 4. K.S.A. 2010 Supp. 12-5711 is hereby amended to read as follows: 12-5711.

(a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.

(b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.

(c) Members of the board shall be appointed as follows: Subject to the provisions of K.S.A. 2010 Supp. 12-16,128, and amendments thereto, three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.

(d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.

(e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.

(f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.

(g) Regular meetings of the board shall be held at least once each calendar month, the time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.

(h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have

approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; ~~actions~~ or civil proceedings to which the authority is a party.

Sec. 5. K.S.A. 2010 Supp. 12-5811 is hereby amended to read as follows: 12-5811.

(a) The governing and administrative body of the authority shall be a board consisting of six members, to be known as the riverfront board. Members of the board shall be residents of Kansas. No member of the board shall be an elected official.

(b) Members shall not be paid a salary, but shall be reimbursed for actual expenses incurred by them in the performance of their duties.

(c) Members of the board shall be appointed as follows: Three shall be appointed by the mayor with the approval of the council and three shall be appointed by the commission. Of the first appointees, the council and mayor shall designate one member to serve a term of one year, one to serve two years and one to serve a three-year term. The commission shall designate the terms of its appointees likewise. Should the city and county consolidate, then the members shall be appointed by the governing body of the consolidated government as set forth above.

(d) Upon the expiration of the term of any member, all successor members of the board shall be appointed and hold office for terms of three years from the date of appointment. The city clerk or county clerk shall certify the action of the respective governing body with respect to such appointments and file such certificates as a part of the records of the office of either the city or county clerk. Before entering upon the duties of office, each member of the board shall take and subscribe the constitutional oath of office and same shall be filed in the office of the city clerk and county clerk.

(e) Any member may resign from office to take effect when a successor has been appointed and has qualified. The mayor, with the approval of the council and the commission, may remove any member of the board in case of incompetency, neglect of duty or malfeasance in office. The member shall be given a copy of the charges and an opportunity to be publicly heard in person or by counsel upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a crime involving moral turpitude or removal from office, the office of a member shall become vacant. A vacancy shall be filled for the unexpired term by appointment in the same manner as the original appointment.

(f) As soon as possible after the appointment of the initial members, the board shall organize for the transaction of business, select a chairperson and a temporary secretary from its members and adopt bylaws, rules and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the board from time to time for the term of the chairperson's office as a member of the board or for the term of three years, whichever is shorter.

(g) Regular meetings of the board shall be held at least once each calendar month, the time and place of such meetings to be fixed by the board. Four members of the board shall constitute a quorum for the transaction of business.

(h) All action of the board shall be by resolution and the affirmative vote of at least three members shall be necessary for the adoption of any resolution. All such resolutions before taking effect shall be approved by the chairperson of the board and, if the chairperson approves thereof, the chairperson shall sign the same. If the chairperson does not approve any such resolution, the chairperson shall return it to the board with the chairperson's written objections thereto at the next regular meeting of the board occurring after the passage thereof. If the chairperson fails to return any resolution with the objections thereto by the prescribed time, the chairperson shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any resolution by the chairperson with the chairperson's objections, the vote by which such resolution was passed shall be reconsidered by the board. If upon reconsideration the resolution is passed by the affirmative vote of at least five members, it shall go into effect notwithstanding the veto of the chairperson. All resolutions and all proceedings of the authority and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as shall be kept or prepared by the board for use in contract negotiations; ~~actions~~ or civil proceedings to which the authority is a party.";

And by renumbering sections accordingly;

On page 8, in line 42, before "K.S.A." by inserting, "K.S.A. 12-2819 and"; also in line 42, after "9-513c," by inserting "12-5611, 12-5711, 12-5811,";

On page 1, in the title, in line 2, after "amending" by inserting "12-2819 and"; also in line 2, after "9-513c," by inserting "K.S.A. 2010 Supp. 12-5611, 12-5711, 12-5811,"; and the bill be passed as amended.

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 bills were thereupon introduced and read by title:

**HB 2185**, AN ACT concerning openness in government; amending K.S.A. 45-223 and 75-4320a and K.S.A. 2010 Supp. 75-4320 and 75-4320b and repealing the existing sections, by Committee on Local Government.

**HB 2186**, AN ACT concerning planning and zoning; dealing with certain easements; amending K.S.A. 19-2961 and K.S.A. 2010 Supp. 12-752 and repealing the existing sections; also repealing K.S.A. 19-2633, by Committee on Local Government.

**HB 2187**, AN ACT concerning platting land in certain counties; repealing K.S.A. 19-2633, by Committee on Local Government.

**HB 2188**, AN ACT concerning legislative bills; relating to fiscal notes; amending K.S.A. 74-9106 and 75-3715a and repealing the existing sections, by Committee on Judiciary.

**HB 2189**, AN ACT concerning certain legal notice publications; amending K.S.A. 10-120, 19-547, 25-204, 25-209, 25-2702, 79-2001 and 79-2303 and K.S.A. 2010 Supp. 79-2804 and repealing the existing sections, by Committee on Local Government.

**HB 2190**, AN ACT concerning counties; authorizing term limits for members of the board of county commissioners; amending K.S.A. 2010 Supp. 19-202 and repealing the

existing section, by Committee on Local Government.

**HB 2191**, AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section, by Committee on Education.

**HB 2192**, AN ACT concerning motor vehicles; relating to safety belts; uniform act regulating traffic on highways; amending K.S.A. 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections, by Committee on Transportation.

**HB 2193**, AN ACT concerning school districts; relating to at-risk pupils; amending K.S.A. 2010 Supp. 72-6407 and repealing the existing section; also repealing K.S.A. 2010 Supp. 72-6454, by Committee on Appropriations.

**HB 2194**, AN ACT creating the council on efficient government, by Committee on Appropriations.

**HB 2195**, AN ACT concerning municipalities; establishing the organized collection service act, by Committee on Local Government.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, February 8, 2011.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

