

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 13, 2012, 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.

Reps. Colloton, Donohoe, Hayzlett and Kinzer were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Creator God—
 This morning we do celebrate You as our Creator.
 You have created the heavens and the earth.
 You have created us – uniquely and differently.
 You have created us male and female;
 some short, some tall;
 some with hair, some with not;
 some introverted, some extroverted;
 some driven by logic, some by feelings;
 some motivated by tasks, some by people.
 We won't, though, hold you responsible for creating us
 as Democrats or Republicans—
 as Wildcats or Jayhawks.
 The reality is, each of us are created distinctively different,
 yet, as a corporate body
 we are to work together for the greater good.
 We are to strive for unity in the midst of our diversity.
 This can only come about as Your Word instructs us to,
 “do this with humility and discipline—
 not in fits and starts,
 but steadily, pouring ourselves out for each other
 in acts of love,
 alert at noticing differences
 and quick at mending fences...
 speaking truth in love.”
 This I ask of You today
 in Your Son, Christ Jesus, Amen.
 (Ephesians 4:2, 15 – The Message)

The Pledge of Allegiance was led by Rep. Howell.

Kansas Trivia Question – Other than being a great basketball coach, what was Phog Allen's contribution to the Olympics in 1936?

Answer: He lobbied for basketball to become an Olympic sport and was successful.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2743, AN ACT concerning abstracters; relating to license fees; amending K.S.A. 58-2801 and repealing the existing section, by Committee on Appropriations.

HB 2744, AN ACT concerning victims of sexual assault; relating to emergency contraception information, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Aging and Long-term Care: **HB 2738**.

Agriculture and Natural Resources: **HB 2724**, **HB 2729**, **HB 2730**.

Calendar and Printing: **HB 2733**.

Corrections and Juvenile Justice: **HB 2737**.

Education: **HB 2718**, **HB 2734**.

Elections: **HB 2714**, **HB 2715**, **HB 2720**, **HB 2721**, **HB 2722**, **HB 2739**.

Energy and Utilities: **HB 2719**.

Government Efficiency: **HB 2723**, **HB 2725**, **HB 2726**.

Insurance: **HB 2728**.

Judiciary: **HB 2736**, **HB 2740**, **HB 2741**, **HB 2742**.

Pensions and Benefits: **HB 2731**, **HB 2732**.

Taxation: **HB 2716**, **HB 2717**, **HB 2735**.

Transportation: **HB 2727**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **SB 118** from Committee on Appropriations and referral to Committee on Calendar and Printing.

COMMUNICATIONS FROM STATE OFFICERS

From Sandy Praeger, Commission of Insurance, pursuant to K.S.A. 40-108, 2011 Annual Report of the Kansas Insurance Department.

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

CONSENT CALENDAR

Objection was made to **HB 2548** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

No objection was made to **HB 2588** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2055, AN ACT concerning criminal procedure; relating to district attorney offender reports; amending K.S.A. 22-3432 and K.S.A. 2011 Supp. 22-3427 and repealing the existing sections, 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: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleebe, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Donohoe, Hayzlett, Kinzer.

The substitute bill passed.

HB 2441, AN ACT designating a portion of United States highway 75 as the Floyd H. Robinson memorial highway; amending K.S.A. 2011 Supp. 68-1051 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: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleebe, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Donohoe, Hayzlett, Kinzer.

The bill passed.

HB 2472, AN ACT concerning rural water districts; definitions; amending K.S.A. 2011 Supp. 82a-612 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: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Mast.

Present but not voting: None.

Absent or not voting: Colloton, Donohoe, Hayzlett, Kinzer.

The bill passed.

HB 2491, AN ACT concerning wildlife; relating to hunting; amending K.S.A. 2011 Supp. 32-1002 and repealing the existing section, 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: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Landwehr, Lane, LeDoux, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Flaharty, Henderson, Kuether, Loganbill, McCray-Miller, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Donohoe, Hayzlett, Kinzer.

The bill passed, as amended.

HB 2507, AN ACT repealing K.S.A. 40-3508; concerning reinsurance limits for mortgage guaranty insurance companies, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Kelley, LeDoux.

Present but not voting: None.

Absent or not voting: Colloton, Donohoe, Hayzlett, Kinzer.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2516** be amended on page 2, in line 39, by striking "bank's charter shall be permanently extended" and inserting "initial charter shall lapse or the bank shall be chartered"; also on page 2, following line 41, by inserting:

"Sec. 2. K.S.A. 2011 Supp. 82a-766 is hereby amended to read as follows: 82a-766.

(a) On or before ~~February 10~~ April 15 of each year, each water bank shall submit to the chief engineer a report containing the following:

(1) With regard to water rights or portions of water rights on deposit in the bank during the last year: (A) The total quantity of water authorized to be diverted annually pursuant to each such water right or portion of a water right; (B) the total quantity of water used, by purpose of use, and acres irrigated for the portion authorized to be used for irrigation, during the last year as a result of leases of such water rights or portions of water rights; and (C) the total quantity of water used, by purpose of use, and acres irrigated for the portion authorized for irrigation pursuant to such water rights or portions of water rights during the two years preceding the last year; and

(2) with regard to water in each safe deposit account in the bank: (A) An accounting of the total quantity of water placed in such accounts during the past year and a balance at year end; (B) the total quantity of water used during the past year, and acres irrigated if an irrigation water right, from the account; (C) the total quantity of water authorized to be diverted annually, the quantity actually used and the acres irrigated, if an irrigation water right, during the past year pursuant to the water rights or linked water rights related to such account; and (D) the total quantity of water used and acres irrigated pursuant to such water rights during the two years preceding the last year.

(b) The chief engineer may require owners of water rights deposited in a water bank, owners of water rights that have placed water in safety deposit accounts in a water bank and persons leasing water from a water bank to file annual water use reports at a date earlier than that provided by K.S.A. 82a-732, and amendments thereto.

(c) The report required by this section shall be in the form prescribed by the chief engineer.";

On page 4, in line 3, by striking "be permanently"; in line 4, by striking "extended" and inserting "lapse, or the bank should become chartered"; in line 13, by striking "permanently"; in line 16, by striking "charter is made permanent" and inserting "is chartered"; in line 18, by striking "Such" and inserting "The review"; in line 20, after "82a-765" by inserting ", 82a-766";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "82a-765" by inserting ", 82a-766"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 272** be amended on page 2, in line 20, by striking "and amendments thereto" and inserting "in effect upon the effective date of this act";

On page 3, in line 10, by striking "and amendments thereto" and inserting "on the effective date of this act"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2469** be amended on page 1, in line 8, by striking "or"; in line 9, by striking "subsection (b) of 22-3716"; also in line 9, by striking "a"; in line 10, by striking "separate" and inserting "an"; in line 12, after "court." by inserting "Any defendant entitled to counsel in a proceeding for a violation of a condition of release pursuant to K.S.A. 22-3716, and amendments thereto, shall pay an application fee of \$100 to the clerk of the district court. Such fee shall be paid regardless of whether the defendant has paid application fees pursuant to this section in any other proceeding."; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2503, HB 2515 reported correctly engrossed February 10, 2012.

Also, **HB 2525** reported correctly engrossed February 13, 2012.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Tuesday, February 14, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

