

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 6, 2012, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Kuether was excused on verified illness.

Reps. Collins, Henderson, Kinzer and Shultz were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

K is for Kansans who we want to protect in each and every way;

A is for the answers that we seek from you today.

N is for negative thoughts that we should not allow;

S is for strength we need and what we are asking for now.

A is for all sides having equal opportunity to share;

S is for solutions that we request for in this prayer.

Father God – thank you for these leaders and their desire;
for all these requests, they pray and seek to acquire.

In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Arpke.

Kansas Trivia Question – Kansas architect Thomas Williamson is best known for designing Jayhawk Tower and what other Topeka landmark?

Answer: Topeka High School

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2633, AN ACT concerning social welfare; relating to eligibility requirements of applicants for and recipients of food stamp assistance; amending K.S.A. 2011 Supp. 39-709 and repealing the existing section, by Committee on Health and Human Services.

HB 2634, AN ACT concerning schools; pertaining to teacher certification; pertaining to school employee performance and evaluation; pertaining to professional development; amending K.S.A. 72-1412, 72-1413, 72-1414, 72-1415, 72-9004 and 72-9005 and K.S.A. 2011 Supp. 72-5413, 72-9002, 72-9003 and 72-9608 and repealing the existing sections, by Committee on Education.

HB 2635, AN ACT concerning taxation; relating to technical colleges; authority of

county or counties to impose and levy sales and property taxes for support thereof; procedures, by Committee on Vision 2020.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Commerce and Economic Development: **HB 2627.**

Corrections and Juvenile Justice: **HB 2632.**

Education: **HR 6008.**

Health and Human Services: **HB 2631.**

Judiciary: **HB 2629.**

Pensions and Benefits: **HB 2630.**

Taxation: **HB 2628.**

MESSAGE FROM THE GOVERNOR

Executive Reorganization Order No. 41

By Governor Sam Brownback

February 6, 2012

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 41 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

Following nearly a year long process of stakeholder input and studying Medicaid, Lieutenant Governor Jeff Colyer, M.D. and I announced a comprehensive plan to reform Medicaid to improve the health of vulnerable Kansans while transforming Medicaid into a program that will be sustainable for years to come. A crucial component in the reform plan is to more efficiently administer the state agencies that administer the Medicaid program.

When Dr. Colyer and I came into office, Medicaid was spread across four state agencies, service was highly fragmented, and communication between agencies was a challenge. Following this reorganization, major Medicaid agencies will be consolidated from four to two and each more closely aligned with their core mission. The Kansas Department of Health and Environment Division of Health Care Finance will consolidate the financing arm of Medicaid. The former Department on Aging will become the Department for Aging and Disability Services, consolidating all disability waiver and mental health services from the Department of Social and Rehabilitation Services into one agency that will manage the programmatic functions of Medicaid. This reorganization will transform the Department of Social and Rehabilitation Services into the new Department for Children and Families which will focus, in a targeted way, on child and family welfare issues. The consolidations and transfers are summarized as follows:

1) The disability and behavioral health services section of the Kansas department for children and families as established by K.S.A. 75-3301, *et. seq*; K.S.A. 75-5375, *et. seq*; and other statutory and rule and regulation authority as set forth more fully in Executive Reorganization Order No. 41, is transferred to the Kansas department for aging and disability services.

2) All institutions, as defined by subsection (b) of K.S.A. 76-12a01 and the programs operated by such institutions shall be transferred from the Kansas department for children and families to the Kansas department for aging and disability services.

3) Parts of the health occupations credentialing program of the department of health and environment under the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011 along with other statutory and rule and regulation authority as set forth more fully in Executive Reorganization Order No. 41, shall be transferred to and shall be administered by the secretary for aging and disability services.

4) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, K.S.A. 39-970, and subsection (b) of K.S.A. 22-4707, shall be transferred from the department of health and environment to the Kansas department for aging and disability services.

5) The psychiatric residential treatment facility licensure program of the department of health and environment under K.S.A. 65-501 *et seq.* along with other statutory and rule and regulation authority as set forth more fully in Executive Reorganization Order No. 41, is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof.

Kansas is asking providers and consumers of Medicaid to change the way they do business to improve outcomes for the most vulnerable Kansans while managing costs. This reorganization will enhance the Administration's ability to serve those Kansans in an effective and efficient manner. I look forward to working with the Legislature to achieve these important goals for Kansans.

Executive Reorganization Order No. 41
By Governor Sam Brownback
Transmitted February 6, 2012

Section 1. The department on aging is hereby renamed the Kansas department for aging and disability services. Except as otherwise provided by this order, whenever the department on aging, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department for aging and disability services. Except as otherwise provided by this order, whenever the secretary of aging, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary for aging and disability services.

Sec. 2. The department of social and rehabilitation services is hereby renamed the Kansas department for children and families. Whenever the department of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the Kansas department for children and families. Except as otherwise provided by this order, whenever the secretary of social and rehabilitation services, or words of like effect, are referred to or designated by any statute, rule and regulation, contract, or any other

document regardless of whether such reference is in regard to any of the powers, duties, or functions transferred pursuant to this order or not, such reference or designation shall be deemed to apply to the secretary for children and families.

Sec. 3. (a) The disability and behavioral health services section of the Kansas department for children and families is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof. The disability and behavioral health services section transferred to the Kansas department for aging and disability services by this order shall be administered by the secretary for aging and disability services.

The programs to be transferred by this section are:

(1) Mental health and substance abuse, serious emotionally disturbed, developmental disability, physical disability, traumatic brain injury, autism, technology assistance, and money-follows-the-person Medicaid waivers and programs;

(2) licensure and regulation of community mental health centers, as defined by K.S.A. 75-3307b, and amendments thereto;

(3) regulation of community developmental disability organizations, as defined by K.S.A. 75-3307b, and amendments thereto;

(4) licensure of private psychiatric hospitals, as defined by K.S.A. 75-3307b, and amendments thereto;

(5) licensure and regulation of facilities and providers of residential services, as defined by K.S.A. 75-3307b, and amendments thereto;

(6) licensure and regulation of providers of addiction and prevention services, as defined by K.S.A. 75-5375, *et. seq.*; and

(7) any other programs and related grants administered by the disability and behavioral health services section of the Kansas department for children and families prior to the effective date of this order.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for children and families pertaining to the disability and behavioral health services section transferred by this order, including that agency's designation as the Medicaid single state authority for substance abuse and for mental health, are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the Kansas department for children and families pertaining to the disability and behavioral health services section transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the Kansas department for children and families in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 4. (a) All institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, and the programs operated by such institutions are hereby transferred from the Kansas department for children and families to the Kansas department for aging and disability services. All such institutions shall be administered by the secretary for aging and disability services.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary for children and families pertaining to the programs and operation of the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto,

are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the Kansas department for children and families pertaining to the programs and operation of institutions that are transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the Kansas department for children and families in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 5. (a) Whenever the Kansas department for children and families, the secretary for children and families, or words of like effect, is referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred to the Kansas department for aging and disability services from the Kansas department for children and families by this order, such reference or designation shall be deemed to apply to the Kansas department for aging and disability services or the secretary for aging and disability services.

(b) All rules and regulations, orders, and directives of the Kansas department for children and families, or the secretary for children and families, or words of like effect, 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 Kansas department for aging and disability services and the secretary for aging and disability services until revised, amended, revoked, or nullified pursuant to law.

(c) The secretary for aging and disability services shall determine the manner in which disability and behavioral health programs are organized within the Kansas department for aging and disability services.

(d) The secretary for aging and disability services shall determine the manner in which programs provided by the institutions, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, are organized within the Kansas department for aging and disability services.

Sec. 6. (a) The secretary for aging and disability services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to disability and behavioral health functions and institution functions of the Kansas department for aging and disability services.

(b) All officers and employees in the Kansas department for children and families who, immediately prior to the effective date of this order, were engaged in the exercise and performance of the powers, duties, and functions transferred by this order, and who are determined by the secretary for aging and disability services to be necessary for the exercise and performance of the powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department for aging and disability services. In addition, all officers and employees who are determined jointly by the secretary for aging and disability services and the secretary for children and families to have been engaged in providing necessary administrative, technical or other support to the disability and behavioral health services section and to the institutions, as defined in subsection (b) of K.S.A. 76-12a01, and amendments thereto, immediately prior to the effective date of this order, are hereby transferred to the Kansas department for aging

and disability services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary for aging and disability services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees who are transferred by this order to the Kansas department for aging and disability services 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 department for children and families prior to the date of transfer.

(d) Notwithstanding the effective date of this order, the provisions of this section prescribing the transfer of officers and employees from the Kansas department for children and families to the Kansas department for aging and disability services shall be administered so that the date of transfer of such personnel shall be the start of a payroll period.

Sec. 7. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the Kansas department for children and families relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department for aging and disability services 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 Kansas department for aging and disability services under this order shall be assumed and paid by the Kansas department for aging and disability services.

(c) The problem gambling and addictions grant fund and all fees, grant funds, and loan repayment funds of the Kansas department for children and families dedicated to programs transferred by this order shall be transferred to the Kansas department for aging and disability services.

Sec. 8. (a) The following parts of the health occupations credentialing program of the department of health and environment under the Kansas act on credentialing, K.S.A. 65-5001 through 65-5011, and amendments thereto, shall be transferred to and shall be administered by the secretary for aging and disability services:

(1) Licensure of adult care home administrators, as defined by subsection (c) of K.S.A. 65-3501, and amendments thereto;

(2) licensure of dieticians, as defined by subsection (f) of K.S.A. 65-5902, and amendments thereto;

(3) certification of residential care facility operators, as defined by subsection (a)(21) of K.S.A. 39-923, and amendments thereto;

(4) certification of activity directors, as defined by subsection (a) of K.A.R. 26-39-100 on the effective date of this order;

(5) certification of social service designees, as defined by subsection (ppp) of K.A.R. 26-39-100 on the effective date of this order;

(6) certification of nurse aides, as defined by subsection (pp) of K.A.R. 26-39-100 on the effective date of this order;

(7) certification of medication aides as defined by subsection (mm) of K.A.R. 26-39-

100 on the effective date of this order;

(8) certification of home health aides as defined by subsection (d) of K.S.A. 65-5101, and amendments thereto; and

(9) maintenance of the Kansas nurse aide registry under subsection (c) of K.S.A. 39-936, and amendments thereto, and K.S.A. 39-1411, and amendments thereto.

(b) The criminal history record check program, as authorized by individual credentialing statutes or rules and regulations, K.S.A. 39-969, and amendments thereto, K.S.A. 39-970, and amendments thereto, and subsection (b) of K.S.A. 22-4707, and amendments thereto, is hereby transferred from the department of health and environment to the Kansas department for aging and disability services and shall be a part thereof.

(c) The licensure of adult care home administrators, the licensure of dieticians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry, and the criminal history record check program shall be administered by the secretary for aging and disability services. Nothing in this order shall change or diminish the authority of the board of adult care home administrators established by K.S.A. 65-3506, and amendments thereto.

(d) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of health and environment pertaining to the licensure of adult care home administrators, the licensure of dieticians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the Kansas nurse aide registry, and the criminal record check program transferred by this order are hereby transferred to and imposed upon the secretary for aging and disability services.

(e) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the department of health and environment pertaining to those portions of the health occupations credentialing program transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the department of health and environment in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 9. (a) The psychiatric residential treatment facility licensure program of the department of health and environment is hereby transferred to the Kansas department for aging and disability services and shall be a part thereof. The psychiatric residential treatment facility licensure program shall be administered by the secretary for aging and disability services. As used in this section, "psychiatric residential treatment facility licensure program" means that portion of the licensure program of the department of health and environment under K.S.A. 65-501 *et seq.*, for licensure of child care facilities, as defined by subsection (c) of K.S.A. 65-503, and amendments thereto, that are psychiatric residential treatment facilities, as defined by subsection (k) of K.A.R. 28-4-1200 on the effective date of this order, and subsection (g)(3) of K.S.A. 72-8187,

and amendments thereto.

(b) Except as otherwise provided by this order, all powers, duties, and functions of the secretary of health and environment pertaining to the psychiatric residential treatment facility licensure program transferred by this order are hereby transferred to and imposed upon the secretary for aging and disability services.

(c) The Kansas department for aging and disability services shall be the successor in every way to the powers, duties, and functions of the department of health and environment pertaining to the psychiatric residential treatment facility licensure program transferred by this order. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the Kansas department for aging and disability services shall be deemed to have the same force and effect as if performed by the department of health and environment in which such powers, duties, and functions were vested prior to the effective date of this order.

Sec. 10. (a) Whenever the department of health and environment, the secretary of health and environment, or words of like effect are referred to or designated by a statute, contract, or other document and such reference is in regard to any of the powers, duties, or functions transferred from the department of health and environment to the Kansas department for aging and disability services by this order, such reference or designation shall be deemed to apply to the Kansas department for aging and disability services or the secretary for aging and disability services.

(b) All rules and regulations, orders, and directives of the department of health and environment which relate to the functions transferred to the Kansas department for aging and disability services 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 Kansas department for aging and disability services until revised, amended, revoked, or nullified pursuant to law.

(c) The secretary for aging and disability services shall determine the manner in which the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the board of adult care home administrators, the maintenance of the Kansas nurse aide registry programs, and the criminal history record check program are organized within the Kansas department for aging and disability services.

(d) The secretary for aging and disability services shall determine the manner in which the psychiatric residential treatment facility licensure program shall be organized within the Kansas department for aging and disability services.

Sec. 11. (a) The secretary for aging and disability services shall appoint such officers and employees as may be needed to carry out the powers and duties which the secretary assigns to the licensure of adult care home administrators, the licensure of dietitians, the certification of residential care facility operators, the certification of activity directors, the certification of social service designees, the certification of nurse aides, the certification of medication aides, the certification of home health aides, the maintenance of the Kansas nurse aide registry programs, the criminal history record check program, and the psychiatric residential treatment facility licensure program of the Kansas department for aging and disability services.

(b) All officers and employees in the department of health and environment who,

immediately prior to the effective date of this order, were engaged in the exercise and performance of the powers, duties, and functions transferred by this order, and who are determined by the secretary for aging and disability services to be necessary for the exercise and performance of such powers, duties, and functions transferred by this order, are hereby transferred to the Kansas department for aging and disability services. In addition, all officers and employees who are determined jointly by the secretary for aging and disability services and the secretary of health and environment to have been engaged in providing necessary administrative, technical or other support to the transferred programs are hereby transferred to the Kansas department for aging and disability services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary for aging and disability services may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(c) Officers and employees in the department of health and environment 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 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 department of health and environment prior to the date of transfer.

(d) Notwithstanding the effective date of this order, the provisions of this section prescribing the transfer of officers and employees from the department of health and environment to the Kansas department for aging and disability services shall be administered so that the date of transfer of such personnel shall be the start of a payroll period.

Sec. 12. (a) The balances of all funds or accounts thereof appropriated or reappropriated for the department of health and environment relating to the powers, duties, and functions transferred by this order are hereby transferred within the state treasury to the Kansas department for aging and disability services 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 Kansas department for aging and disability services under this order shall be assumed and paid by the Kansas department for aging and disability services.

(c) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds in the department of health and environment dedicated to programs transferred by this order shall be transferred to the Kansas department for aging and disability services.

Sec. 13. (a) The Kansas department for aging and disability services 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 it by this order. 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.

(b) When any conflict arises as to any power, duty, or function resulting from any transfer made by or under the authority of this order, such conflict shall be resolved by

the governor, whose decision shall be final.

Sec. 14. (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. 15. 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, 2012, 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 6th day
of February 2012.

BY THE GOVERNOR
SAM BROWNBACK

KRIS KOBACH
Secretary of State
ERIC RUCKER
Assistant Secretary of State

MESSAGE FROM THE SENATE

Announcing passage of **SB 207, SB 249, SB 258, SB 259, SB 264, SB 265, SB 266, SB 270, SB 272, SB 274, SB 275, SB 279, SB 280, SB 289, SB 290, SB 291, SB 292, SB 293, SB 294, SB 297, SB 303.**

Announcing passage of **Sub HB 2178.**

Announcing adoption of **HCR 5016.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 207, SB 249, SB 258, SB 259, SB 264, SB 265, SB 266, SB 270, SB 272, SB 274, SB 275, SB 279, SB 280, SB 289, SB 290, SB 291, SB 292, SB 293, SB 294, SB 297, SB 303.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. O'Neal, **HR 6006**, a resolution in memory of Representative Rocky Fund, was adopted.

Remarks of Rep. O'Neal:

During my 28 years of service here in the Kansas House, it's been my distinct privilege to serve with many wonderful Kansans who have come from all corners of the state and from all walks of life. Many have left lasting impressions in their own way but some stand out more than others in ways that are as surprising as they are remarkable.

To me, Rocky was one of those remarkable shining lights, a man who lit up a room by his mere presence and warmed your heart with his kind and respectful demeanor. A true servant of his constituents, he embodied all that is good in a democratic process.

In these 28 years I've mourned the loss of several colleagues whom God has called home before our hearts were ready. This loss, in many ways, has been my most difficult to accept, but accept it I must and today we honor Rocky's memory and thank his family members for their unselfish act of sharing Rocky with us.

Joining us today are a number of Rocky's family members, including his loving wife Linda, son Matt and wife Angalee, granddaughter Layla and grandson Cody. His daughter Jesse could not be with us today. We are also joined by brothers Alan and wife Brenda Fund, Larry and wife Betty Fund, Dennis and wife Mary Beth Fund and sisters Sharon Heiman, Karen McClaskey and Nancy and husband Larry Rilinger.

Linda, please know how much we appreciate Rocky's service. He will always represent to those of us who knew him the best example of selfless and honorable service. He inspired us and is and will be greatly missed.

The following written remarks of Rep. LeDoux are printed with special permission:

Today I pay tribute to my predecessor, the late Representative Rocky Fund. You all had the privilege of serving in this body with Rocky, and each of you knows what a kind and warm-hearted gentleman he was.

Rocky served his fellow man in many ways; he was a member of the armed services, a longtime educator in Jackson County public schools, and a farrier who helped many a farmer and rancher with his unique skills. Finally, Rocky was a dedicated member of the Kansas House of Representatives. While here, he served those of us back home with characteristic honor, integrity and humility.

In 2006, Rocky and I both ran for the 50th District seat when the previous occupant retired. In that race, Rocky defeated me by a little over 100 votes. But Mr. Speaker, there was no sting in that defeat. Rocky was a good and decent man, and I can tell you, when you get beat by a good person, it doesn't hurt so bad. Rocky won on a Tuesday, and when the sun came up on Wednesday, I went to our local newspaper and placed an ad thanking my supporters and urging them all to support Rocky. As I said then "Rocky Fund is a good man, and he will serve us well". My friends, he did exactly that; for the ensuing five years Rocky Fund served his neighbors back home ably.

So today, Mr. Speaker, I rise to honor Rocky's memory and to give thanks for his selfless service to Kansas. To his wife, Linda, and his children Matt and Jesse, I say thank you for sharing your husband and father with the rest of us.

And to Representative Rocky Fund, Godspeed. Well done, good and faithful servant. Well done.

REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **HB 2489**, **HB 2526** be passed.

Committee on **Health and Human Services** recommends **HB 2525** be amended on page 2, in line 5, by striking "punctual" and inserting "punctal";

On page 21, following line 39, by inserting:

"Sec. 12. K.S.A. 2011 Supp. 74-1503 is hereby amended to read as follows: 74-1503. (a) At the regular meeting of the board in April of every year it shall elect from its own membership a president, a vice-president and a secretary-treasurer. Members of the board of examiners in optometry attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The board may appoint a secretary-treasurer who shall be in the unclassified service of the Kansas civil service act. The secretary-treasurer shall receive an annual salary which shall be fixed by the board and approved by the state finance council.

(b) The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the optometry fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or by a person or persons designated by the president.

(c) There is hereby created in the state treasury the optometry litigation fund. All moneys credited to the fund shall be used to pay all costs and fees associated with litigation expenses of the board of examiners in optometry. The unencumbered balance in such fund shall not exceed \$400,000. The fund shall be administered by the board. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.;

And by renumbering sections accordingly;

Also on page 21, in line 42, after "4101" by inserting ", 74-1503";

On page 1, in the title, in line 3, after "65-4101" by inserting ", 74-1503"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 211** be amended on page 1, in line 6, by striking "2010" and inserting "2011"; in line 23, by striking "legend" and inserting "prescription";

On page 3, in line 14, by striking "2010" and inserting "2011";

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

Committee on **Taxation** recommends **HB 2212** be amended on page 1, in line 32, by striking "2010" and inserting "2011";

On page 2, in line 21, by striking "2010" and inserting "2011";

On page 1, in the title, in line 3, by striking "2010" and inserting "2011"; 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 introduced and read by title:

HB 2636, AN ACT concerning crimes, criminal procedure and punishment; relating to denial of civil rights; relating to sexual orientation and gender identity; amending K.S.A. 2011 Supp. 21-6102 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2637, AN ACT concerning workers in shared employment arrangements; amending K.S.A. 2011 Supp. 40-955 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2638, AN ACT concerning the employment security law; pertaining to the state employee security advisory council; pertaining to benefits; pertaining to notice for experience ratings; pertaining to rates; amending K.S.A. 2011 Supp. 44-704, 44-710a, 44-710b and 44-714 and repealing the existing sections, by Committee on Commerce and Economic Development.

HB 2639, AN ACT concerning municipalities; relating to commercial solid waste activity, by Committee on Local Government.

REPORT ON ENROLLED RESOLUTIONS

HR 6007 reported correctly enrolled and properly signed on February 6, 2012.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

