

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 22, 2012, 10:00 a.m.

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

The roll was called with 123 members present.

Reps. Grange and McLeland were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God of compassion and justice,
(78-68 Thank You!)
In all seriousness, on this Ash Wednesday,
I pray for these leaders and the great people of Kansas
of whom they represent.

When we take the work of others for granted—
please forgive us.

When we diminish the value of human life—
please forgive us.

When we fail to treat all people with the respect which they deserve—
please forgive us.

When we forget our need of one another—
please forgive us.

When we forget the needs of the poor among us—
please forgive us

When our own desire for status or security dulls our senses,
closes our ears, and blinds our sight—
please forgive us.

Gift us with vision to see the world around us with new eyes;
to recognize the light of Your presence in every person;
to discern Godly wisdom in the midst of hard human choices;

Give us courage, I pray,
to stand alongside those in greatest need;
to challenge easy solutions and false assumptions;
to work in partnership with others
where we can make a difference together.

Today as we face the truth
that we are made of dust and to dust we shall return,
remind us of the common humanity that we share;

rekindle Your compassion in our hearts;
reinforce our resolve to seek Your wisdom
 in the responsibilities we hold
 and the choices that we make.
 Please be with Representative Grange and his family
 in the passing of his father-in-law.
 Bring comfort, grace and strength to them in the days ahead.
 In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hermanson.

Kansas Trivia Question – Englishman George Grant was once the biggest landholder in the United States. In 1873 he bought 70,000 acres of land in what Kansas county?
 Answer: Ellis

INTRODUCTION OF GUESTS

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

On behalf of the Olathe delegation, I wish to congratulate the Olathe South High School Football Team, the 2011 Kansas 6A State Champions.

The team motto was, "Taking ourselves to another level."

They had a 12-1 record including playoff wins over Lawrence, Shawnee Mission East, Olathe East and a thrilling 41-37 victory over defending state champions Wichita Heights in the championship game. It was their fourth championship appearance and first win.

Some of the team members present are: Scott Gourley, center and senior captain, who is headed to the Air force Academy; Jared Douglas, a senior captain, headed to William Jewel; Greg Fry, with 89 tackles, 3 interceptions, headed to Benedictine; Taylor Sheffield, a senior captain, with the biggest fumble recovery in Olathe South history on the one yard line in the fourth quarter; Zach Sheffield, a huge inspiration to all his teammates after he ruptured his kidney defending a deep throw against Shawnee Mission East; Remington Whitley, a junior, with 154 tackles; Matt Elliot, with over 500 yards receiving, 400 yards rushing, and a huge fourth and long reception on the final drive of the championship game; Frankie Seure, a junior quarterback who threw for 1,600 yards and a 99-yard touchdown pass in the championship game; and Head Coach Jeff Gourley, the Kansas City Star Metro Coach of the Year.

Coach Gourley was quoted as saying, "Do I feel confident? Absolutely, because we are the best team in this tournament bar none." That confidence and leadership filtered down to every player in the program.

Rep. Kinzer presented a framed House certificate to Coach Gourley.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2766, AN ACT concerning the arts; creating the creative arts industries commission within the department of commerce; transferring the powers, functions and duties from the Kansas arts commission and the Kansas film services commission to the

creative arts industries commission; abolishing the Kansas arts commission and the Kansas film services commission; amending K.S.A. 46-1801, 74-7901 and 75-2249 and K.S.A. 2011 Supp. 8-1,161, 73-2502, 73-2504, 75-2269 and 75-5072 and repealing the existing sections; also repealing K.S.A. 74-5202, 74-5203, 74-5204, 74-5205 and 74-5206 and K.S.A. 2011 Supp. 74-9201 and 74-9202, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Economic Development: **HB 2765**.

Insurance: **HB 2764**.

Pensions and Benefits: **HB 2762**.

Taxation: **HB 2763**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2457**, **HB 2573**, **HB 2633** from Committee on Health and Human Services and referral to Committee on Appropriations.

Also, withdrawal of **HB 2645** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2696** from Committee on Appropriations and rereferral to Committee on Social Services Budget.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2295, AN ACT concerning wildlife, parks and tourism; relating to crossbows; relating to deer hunting; amending K.S.A. 2011 Supp. 32-932, 32-937 and 32-1002 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 101; Nays 22; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Brookens, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosseode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Billinger, Bowers, Burgess, Carlin, Dillmore, Feuerborn, D. Gatewood, S. Gatewood, Grant, Kelley, Kiegerl, Kinzer, Mah, Mast, McCray-Miller, Moxley, Peck, Peterson, Schroeder, Shultz, Sloan, Swanson.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR SPEAKER: When I left the chamber last evening I was undecided on **Sub HB 2295**. I have a friend who keeps me informed of changes regarding bow hunting in Kansas. Call it chance, divine intervention, or dumb luck but as I was driving home my truck violently introduced itself to a deer crossing the road. My truck did not fare well but much better than the doe. The deputy working the accident said it was the second deer accident he worked that night. He described a growing problem with deer accidents. So I apologize to my bow hunting friend. I vote yes on **Sub HB 2295**.—ANTHONY BROWN

HB 2414, AN ACT concerning the division of post audit; amending K.S.A. 2011 Supp. 46-1118 and 46-1121 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 21; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Gordon, Gregory, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Landwehr, LeDoux, Mah, Mast, McCray-Miller, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Feuerborn, D. Gatewood, S. Gatewood, Goodman, Grant, Grosserode, Henderson, Kuether, Lane, Loganbill, Meier, Otto, Peterson, Phelps, Ruiz, Tietze, Trimmer, Tyson, Ward, Winn.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

HB 2416, AN ACT concerning the division of health care finance of the department of health and environment; relating to updating references and corresponding changes due to transfer of powers and duties from the Kansas health policy authority; amending K.S.A. 22-4612 and K.S.A. 2011 Supp. 2-224a, 38-2001, 38-2006, 39-760, 39-7,116, 39-7,118, 39-7,119, 39-7,120, 39-7,121, 39-7,121a, 39-7,121d, 39-7,121e, 39-7,159, 39-968, 40-2134, 40-2136, 40-2251, 40-2252, 40-4702, 40-4706, 46-3501, 65-435a, 65-1685, 65-6801, 65-6803, 65-6804, 65-6805, 65-6806, 65-6807, 65-6809, 65-7405, 75-37,121, 75-5601, 75-6102, 75-7403, 75-7404, 75-7405, 75-7408, 75-7409, 75-7410, 75-7411, 75-7412, 75-7413, 75-7423, 75-7424, 75-7425, 75-7426, 75-7427, 75-7429, 75-7430, 75-7433, 75-7435, 75-7436 and 77-421 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 75-7401, 75-7402, 75-7414, 75-7415, 75-7416, 75-7417, 75-7418, 75-7419, 75-7420, 75-7421, 75-7422 and 75-7428, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Goodman, Ward.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

HB 2429, AN ACT concerning state educational institutions; relating to the state educational institution project delivery construction procurement act and expiration thereof; amending K.S.A. 2011 Supp. 76-7,125 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

HB 2444, AN ACT concerning schools and school districts; relating to seclusion and restraint of pupils, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 41; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bollier, Brown, Brunk, Burgess, Burroughs, Calloway, Carlin, Colloton, Crum, Davis, DeGraaf, Dillmore, Donohoe, Finney, Frownfelter, S. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hoffman, C. Holmes, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Kleeb, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, Meier, Mesa, Montgomery, O'Neal, Osterman, Patton, Pauls, Peterson, Phelps, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ruiz, Scapa, Schroeder, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Tietze, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bethell, Billinger, Boman, Bowers, Brookens, Bruchman, Carlson, Cassidy, Collins, Denning, Fawcett, Feuerborn, Flaharty, Garber, D. Gatewood, Goodman, Grosserode, Hedke, Hildabrand, Hill, Hineman, Howell, Johnson, Kelly, Kerschen, Knox, LeDoux, Meigs, Moxley, O'Brien, O'Hara, Otto, Peck, Roth, Ryckman, Schwab, Schwartz, Smith, Swanson, Trimmer, Tyson.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: I vote no on **HB 2444**. I do care about control in the classroom. I care about the health and safety of teachers and students who come to school to teach or learn and not be hurt by a child who is not allowed to be disciplined. I support local control and this IS an unfunded mandate. Local schools will pay for this bill not the state.—BILL OTTO, VIRGIL PECK, JR.

MR SPEAKER: I vote to have my constituents protected from practices such as seclusion and restraint that should only be used with the proper training, ensuring safety, and only when absolutely necessary. This bill makes a rule out of existing voluntary guidelines. This legislature has always voted for life and to protect children from harm. The dangerous and deadly practices that this bill will curtail have resulted in national consequences of injuries and death to children. We have a responsibility to protect students with developmental disabilities from what I consider child abuse when not implemented properly. I vote YES on **HB 2444**.—MARIO GOICO, JOHN RUBIN

MR. SPEAKER: I vote no on **HB 2444**. The primary concern of our public schools should be the safety of students and staff. A safe learning environment leads to a quality education. **HB 2444** does nothing to increase safety. There have been no substantiated formal complaints regarding seclusion or restraint since the guidelines were put in place in Kansas over six years ago. If the guidelines are not followed, parents already have remedies available to them. **HB 2444** would increase government involvement in our schools and harm local control.--GREG SMITH, AMANDA GROSSERODE, KELLY MEIGS, JIM DENNING

HB 2465, AN ACT concerning crimes, punishment and criminal procedure; relating to lifetime electronic monitoring of certain offenders; amending K.S.A. 2011 Supp. 21-6604 and 22-3717 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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: Grange, McLeland.

The bill passed, as amended.

HB 2485, AN ACT concerning insurance; relating to antifraud plans; amending K.S.A. 2011 Supp. 40-2,118 and repealing the existing section, was considered on final action.

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

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

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed, as amended.

HB 2494, AN ACT concerning crimes, criminal procedure and punishment; relating to the statute of limitations for sexually violent offenders when the victim is a child; amending K.S.A. 2011 Supp. 21-5107 and repealing the existing section, was

considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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: Grange, McLeland.

The bill passed.

HB 2517, AN ACT concerning water; relating to the water right transition assistance program; amending K.S.A. 2011 Supp. 2-1930 and 2-1931 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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: Grange, McLeland.

The bill passed, as amended.

HB 2520, AN ACT concerning public health care; relating to the interstate health care compact, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 37; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, LeDoux, Mast, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Bollier, Brown, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Roth, Ruiz, Schwab, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

EXPLANATION OF VOTE

MR SPEAKER: I vote aye on **HB 2520**. Who can manage money better--federal or state government? Healthcare policy is about who/what is covered. The Health Care Compact is about who decides, and governance reform. Interstate compacts predate the US Constitution; they simply transfer decision-making power and control of funds to the states. No sovereignty is yielded to a compact bureaucracy--if states don't reach agreement, they cannot be forced to do so. In receiving a lump sum federal payment and through better healthcare policy design at state levels, considerable savings could be used on other state programs, or returned to taxpayers through lower taxes.—TerriLois GREGORY

HB 2548, AN ACT concerning property taxation; relating to delinquent taxes; partial payment of certain delinquent personal property taxes; poverty affidavits; amending K.S.A. 79-2024 and repealing the existing section; also repealing K.S.A. 79-2102, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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: Boman.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

Sub HB 2555, AN ACT concerning certain municipalities; relating the conversion of recreation commissions, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Tyson.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The substitute bill passed.

HB 2563, AN ACT designating the annual Kansas wheat festival held in Wellington, Kansas as the official state wheat festival, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Grant, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Kuether, Lane, LeDoux, Loganbill, Mah, McCray-Miller, Meier, 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, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Donohoe, Goodman, Gordon, Gregory, Grosserode, Kinzer, Landwehr, Mast, Meigs, Scapa, Tyson.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed, as amended.

HB 2568, AN ACT concerning the Kansas offender registration act; amending K.S.A. 2011 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 22-4902a and 22-4906a, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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: Grange, McLeland.

The bill passed, as amended.

HB 2631, AN ACT concerning dental care; amending K.S.A. 2011 Supp. 65-1456 and 75-6102 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Denning, Goodman, Tyson.
 Present but not voting: None.
 Absent or not voting: Grange, McLeland.
 The bill passed, as amended.

EXPLANATIONS OF VOTE

MR SPEAKER: I vote yes on **HB 2631**. Unfortunately, Kansas does not cover dental services under Medicaid for adults. So today we should particularly praise dental care professionals at all levels who participated last weekend in the Kansas Mission of Mercy in KC providing free dental care, for those who in their practices provide charity care and for those professionals who have come together to bring us **HB 2631**, a comprehensive oral health initiative. They have taken care of 2,144 patients, \$1.5 million in care and 1500 volunteers.—Stan FROWNELTER, TOM BURROUGHS, BRODERICK HENDERSON, MICHAEL PETERSON, LOUIS RUIZ, VALDENIA WINN, KATHY WOLFE MOORE

MR SPEAKER: During the past two years we have seen and heard a lot about the need for dental services throughout our state. **HB 2631** includes several measures designed to increase access to important services. One provision will allow dental hygienists with advanced training to provide both preventive and some restorative procedures in nursing homes, schools, community health centers and FQHCs. Moreover **HB 2631** was developed as a cooperative effort with many stakeholders including Oral Health Kansas, hygienists and dentists. I vote yes.—JIM KELLY

Sub HB 2659, AN ACT relating to speech-language pathologists and audiologists; amending K.S.A. 65-6501, 65-6502 and 65-6503 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, 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, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Feuerborn, Goodman, Tyson.
 Present but not voting: None.
 Absent or not voting: Grange, McLeland.
 The substitute bill passed.

HB 2660, AN ACT concerning the department of health and environment; relating to the licensure of maternity centers and child care facilities; amending K.S.A. 2011 Supp.

65-503, 65-504, 65-506, 65-508, 65-516, 65-523 and 65-524 and repealing the existing sections; also repealing K.S.A. 65-502, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

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

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

EXPLANATION OF VOTE

MR SPEAKER: I vote No on **HB 2660**. My mother taught me to do a job correct the first time. This is the wrong direction. We should be looking at people who care for children not the building they are cared for in.—BILL OTTO

SB 289, AN ACT concerning the veterinary practice act; relating to records inspection fee; powers of the board of veterinary examiners; grounds to suspend or revoke a license; amending K.S.A. 47-821 and K.S.A. 2011 Supp. 47-822, 47-830 and 47-842 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Gordon, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, LeDoux, Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, 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, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Brunk, DeGraaf, S. Gatewood, Goodman, Howell, Kiegerl, Kinzer, Montgomery, Patton, Ward.

Present but not voting: None.

Absent or not voting: Grange, McLeland.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2614, HB 2509, HB 2621, HB 2737** be passed.

HB 2498, HB 2638; Sub. HB 2106 be passed over and retain a place on the Calendar.

Committee report to **HB 2599** be adopted; and the bill be passed as amended.

Committee report to **HB 2417** be adopted; and the bill be passed as amended.

Committee report to **HB 2666** be adopted; also, roll call was demanded on motion of Rep. Tietze to amend on page 6, following line 28, by inserting:

"New Sec. 4. (a) As used in this section:

(1) "Construction services" means the construction, alteration, renovation, repair or maintenance of a building, structure, highway, road, bridge, water line, sewer line, oil line, gas line, appurtenance or other improvement to real property, including any moving, demolition or excavation.

(2) "Division of purchasing" means the division of purchasing of the department of administration.

(3) "Kansas worker" means any individual having a residence in Kansas as determined by the employment records of such individual held by the individual's employer.

(4) "State agency" means any state office or officer, department, board, commission, institution or bureau, or any agency, division or unit thereof.

(5) "State contract" means any agreement entered into on and after January 1, 2013, by a state agency for the procurement of services with an annual cost to the state agency of at least \$100,000, excluding lease agreements, lease-purchase agreements and agreements entered into solely for the acquisition of goods or commodities by the state agency.

(b) Any contractor entering into a state contract, including any subcontractors contracted by such contractor to perform work required by such state contract, shall employ a sufficient number of Kansas workers such that at least 70% of the employees assigned by such contractor to perform work under the state contract shall be Kansas workers. An employee shall be considered assigned to perform work under the state contract if the employee performs any work that is directly related to fulfilling the contractor's obligations under the state contract regardless of the proportion of such work to the employee's regular employment duties.

(c) All state agencies shall provide a copy of any state contract to the division of purchasing for verification that the contractor is in compliance with this section. A contractor subject to the requirements of this section shall provide any personnel

information to the division of purchasing as required by the secretary of administration. The division of purchasing shall determine if the contractor's employees are Kansas workers and verify whether the contractor is in compliance with this section. The division of purchasing shall submit a report to the state agency contracting with the contractor stating whether the contractor is in compliance with this section.

(d) A determination by the division of purchasing that a contractor is not in compliance with this section is subject to review pursuant to the Kansas administrative procedure act upon request by the contractor. Any contractor aggrieved by the final decision under the Kansas administrative procedure act may seek review of such decision under the Kansas judicial review act.

(e) An employee who performs work under a state contract and is not a Kansas worker may be exempt from the requirements of this section if such employee provides expertise in a field necessary to fulfillment of the contractor's contractual obligations, and such expertise cannot reasonably be provided by a Kansas worker. A contractor may submit an application to the division of purchasing for an exemption from this section for such employees classified as experts. Such application shall include the name, residence, position and job description of the employee, a detailed explanation as to why such employee is an expert, a detailed explanation as to why such expertise cannot reasonably be provided by a Kansas worker, and such other information as required by the secretary of administration. The division of purchasing shall determine whether such employee shall be exempt from this section and shall include such determination in its report to the state agency pursuant to subsection (c).

(f) The provisions of this section shall not apply to a state contract for construction services if the contractor entering into such state contract maintains an apprenticeship program registered with the Kansas apprenticeship council pursuant to K.S.A. 44-662, and amendments thereto.

(g) The secretary of administration shall adopt such rules and regulations the secretary deems necessary to implement and enforce the provisions of this section.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "contractors; relating to"; also in line 1, after "experience" by inserting "and employment";

On roll call, the vote was: Yeas 36; Nays 77; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Huebert, Kuether, Lane, LeDoux, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gregory, Grosserode, Hayzlett, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kinzer, Kleeb, Knox, Mast, Meigs, Mesa, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, T. Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Gordon, Grange, Hedke, Hill, Kelley, Kiegerl, Landwehr, McLeland, Montgomery, Peck, Peterson, Sloan.

The motion of Rep. Tietze did not prevail; and **HB 2666** be passed as amended.

Committee report to **HB 2435** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2477** be adopted; and the substitute bill be passed.

On motion of Rep. Otto to amend **HB 2430**, the motion did not prevail; and the bill be passed.

Committee report to **HB 2437** be adopted; and the bill be passed as amended.

Committee report to **HB 2533** be adopted; also, on motion of Rep. Meier be amended on page 2, in line 28, by striking "and"; in line 32, by striking the period and inserting "; and"; also on page 2, following line 32, by inserting "(9) any animal control officer, as defined by K.S.A. 47-1701, and amendments thereto."; and the bill be passed as amended.

On motion of Rep. Peck to amend **HB 2454**, the motion did not prevail; and the bill be passed.

Committee report to **HB 2534** be adopted; and the bill be passed as amended.

Committee report to **HB 2637** be adopted; also, on motion of Rep. Kleeb be amended on page 5, by striking all in lines 12 through 14; in line 16, after "after" by inserting "March 31, 2013, and"; and the bill be passed as amended.

Committee report to **HB 2730** be adopted; and the bill be passed as amended.

Committee report to **HB 2562** be adopted; and the bill be passed as amended.

Committee report to **HB 2647** be adopted; also, on motion of Rep. Bruchman to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2557** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-term Care** recommends **HB 2697** be amended on page 1, in line 24 after "insured." by inserting "The collateral assignment shall be irrevocable as established by a written agreement binding on the holder of the life insurance policy to not affect or otherwise use the cash surrender value of such policy after the irrevocable assignment pursuant to rules and regulations promulgated by the secretary of the department of health and environment."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2018**, be amended by adoption of the amendments recommended by the House Committee on Education as reported in the Journal of the House on February 3, 2011, and the bill, as printed with amendments by House Committee, be further amended on page 1, in line 6, by striking "2010" and inserting "2011"; in line 15, by striking all after "(3)"; by striking all in lines 16 through 24; by striking "(4)" in line 25; in line 28, by striking "2012-"; in line 29, by striking "2013" and inserting "2013-2014"; in line 31, by striking "2012-2013" and inserting "2013-2014";

On page 2, in line 23, by striking "2010" and inserting "2011"; in line 31, by striking "If a school district becomes ineligible for medium density at-"; by striking all in lines 32 through 39;

On page 3, in line 1, by striking "(d)"; in line 4, by striking "2012-2013" and

inserting "2013-2014"; in line 6, 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 **Education** recommends **HB 2634** be amended on page 1, by striking all in lines 8 through 36;

By striking all on page 2.

On page 3, by striking lines 1 through 10 and inserting:

"New Section 1. (a) (1) The board of education of each school district may apply to the state board for a grant of state moneys for the purpose of paying the costs for a probationary teacher or administrative employee to attend mentor programs. The state board shall award such grants of state moneys in accordance with the provisions of this section.

(2) To be eligible to receive a grant of state moneys, a board of education shall submit to the state board an application for a grant. The application shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of the application is prerequisite to the award of a grant.

(3) Each board of education which is awarded a grant shall make such periodic and special reports of statistical, financial and such other information to the state board as the state board may request.

(b) The state board may adopt rules and regulations, which establish:

(1) Standards and criteria for evaluating and approving mentor programs and applications of school districts for grants; and

(2) the evaluation and approval of mentor programs.

(c) Within the limitations of appropriations therefor, the state board shall determine the amount of grants to be awarded to each school district by considering the number of probationary teachers and administrative employees participating in a mentor program. Upon receipt of a grant of state moneys, in accordance with this section, the amount of the grant shall be deposited in the general fund of a school district. Moneys deposited in the general fund of a school district under this subsection shall be considered reimbursements for the purpose of the school district finance and quality performance act. The full amount of the grant shall be allocated among the probationary teachers and administrative employees employed by the school district.

(d) The state board shall provide any board of education of any school district, upon request, with technical advice and assistance regarding an application for a grant of state moneys.

(e) This section shall be part of and supplemental to the provisions of article 14 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.";

Also on page 3, in line 13, by striking "Objective" and inserting "Multiple"; in line 14, by striking "Such objective measures shall include:"; by striking all in lines 15 through 24 and inserting "Such multiple measures shall be determined by the state board of education."; in line 32, by striking "the following allocations to"; by striking all in line 33; in line 34, by striking "(A) Fifty percent based on"; in line 35 by striking the semicolon and inserting "as the primary factor for the evaluation."; by striking all in lines 36 through 41;

On page 4, in line 1, after "board" by inserting "of education"; in line 11, by striking "within 90 school days from the date the plan of assistance is"; in line 12, by striking

"implemented"; in line 19, after "board" by inserting "of education"; in line 22, after "board" by inserting "of education"; by striking all in lines 27 through 43;

By striking all on page 5;

On page 6, by striking lines 1 through 42 and inserting:

"Sec. 4. K.S.A. 72-1412 is hereby amended to read as follows: 72-1412. As used in K.S.A. 72-1412 through 72-1415 and section 1, and amendments thereto: (a) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity, and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto.

(b) "Mentor program" means any research-based mentoring program approved by the state board for the purpose of providing probationary teachers and administrative employees with professional support

(c) "Mentor teacher program" means a program established and maintained by the board of education of a school district for the purpose of providing probationary teachers with professional support and the continuous assistance of an on-site mentor teacher.

~~(b)~~(d) "Mentor teacher" means a certificated teacher who has completed at least three consecutive school years of employment in the school district, has been selected by the board of education of the school district on the basis of having demonstrated exemplary teaching ability as indicated by criteria established by the state board of education, and has participated in and successfully completed a training program for mentor teachers provided for by the board of education of the school district in accordance with guidelines prescribed by the state board of education. The primary function of a mentor teacher shall be to provide probationary teachers with professional support and assistance. A mentor teacher may provide assistance and guidance to not more than two probationary teachers.

~~(e)~~(e) "Probationary teacher" means a certificated teacher to whom the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply.

(f) "State board" means the state board of education."

On page 8, in line 26, after "(A)" by inserting "(i)"; in line 35, before "each" by inserting "professional employee appraisal procedures in accordance with state law and subject to the limitations in subsection (I)(1)(A)(ii)"; in line 38, after "system;" by inserting "(ii) on and after the state board of education adopts, by rules and regulations, the Kansas education evaluation protocol or a statewide evaluation system substantially similar to the Kansas education evaluation protocol, for a board of education of any school district, the term "terms and conditions of professional service" does not include professional employee appraisal procedures;"

On page 9, following line 35, by inserting:

"Sec. 6. K.S.A. 72-5442 is hereby amended to read as follows: 72-5442. The hearing officer may:

- (a) Administer oaths;
- (b) issue subpoenas for the attendance and testimony of witnesses and the production of books, papers and documents relating to any matter under investigation;
- (c) authorize depositions to be taken;
- (d) receive evidence and limit lines of questioning and testimony which are repetitive, cumulative or irrelevant;

(e) call and examine witnesses and introduce into the record documentary and other evidence;

(f) regulate the course of the hearing and dispose of procedural requests, motions and similar matters; and

(g) take any other action necessary to make the hearing accord with administrative due process.

Hearings under this section shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court, except that, the burden of proof shall initially rest upon the board in all instances other than when the allegation is that the teacher's contract has been terminated or nonrenewed by reason of the teacher having exercised a constitutional right. All relevant evidence shall be admissible, except that the hearing officer, in the hearing officer's discretion, may exclude any evidence if the hearing officer believes that the probative value of such evidence is substantially outweighed by the fact that its admission will necessitate undue consumption of time. A hearing officer shall consider an evaluation as evidence.;

On page 10, in line 28, after "(d)" by inserting "(1)"; also in line 28, after "herein" by inserting "and in subsection (d)(2)"; following line 36, by inserting:

"(2) if a teacher receives a rating designation of progressing or ineffective pursuant to K.S.A. 72-9001 *et seq.*, and amendments thereto, in such teacher's most recent evaluation, such teacher shall be evaluated at least one time per semester by not later than the 60th school day of the semester;"

On page 11, by striking all in lines 28 through 34; in line 35, by striking "(h)" and inserting "(g)";

And by renumbering sections accordingly;

On page 12, in line 43, by striking "72-1413, 72-1414, 72-1415," and inserting "72-5442,";

On page 1, in the title, in line 1, by striking the second "pertaining"; in line 2, by striking the first "to"; also in line 2, by striking "pertaining to"; in line 3, by striking "72-1413, 72-"; in line 4, by striking "1414, 72-1415," and inserting "72-5442,"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2519** be amended on page 16, following line 8, by inserting:

"Sec. 4. K.S.A. 2011 Supp. 40-4905 is hereby amended to read as follows: 40-4905. (a) Subject to the provisions of K.S.A. 2011 Supp. 40-4904, and amendments thereto, it shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act.

(b) Any person applying for a resident insurance agent license shall make application on a form prescribed by the commissioner. The applicant shall declare under penalty of perjury that the statements made in the application are true, correct and complete to the best of the applicant's knowledge and belief. Before approving the application, the commissioner shall determine that the applicant:

(1) Is at least 18 years of age;

(2) has not committed any act that is grounds for denial pursuant to this section or suspension or revocation pursuant to K.S.A. 2011 Supp. 40-4909, and amendments thereto;

(3) is a citizen of the United States or is an alien lawfully present in the United

States:

~~(3)~~(4) has paid a nonrefundable fee in the amount of \$30; and
~~(4)~~(5) has successfully passed the examination for each line of authority for which the applicant has applied.

(c) If the applicant is a business entity, then the commissioner shall make the following additional determinations in addition to those required by subsection (a):

(1) The name and address of a licensed agent who shall be responsible for the business entity's compliance with the insurance laws of this state and the rules and regulations promulgated thereunder;

(2) that each officer, director, partner and employee of the business entity who acts as an insurance agent is licensed as an insurance agent;

(3) that the business entity has disclosed to the department all of its officers, directors and partners whether or not such officers, directors, partners and employees are licensed as insurance agents; and

(4) that the business entity has disclosed to the department each officer, director, partner and employee who is licensed as an insurance agent.

(d) Any business entity which acts as an insurance agent and holds a direct agency appointment from an insurance company shall be required to obtain an insurance agent license.

(e) The commissioner may require the applicant to furnish any document or other material reasonably necessary to verify the information contained in an application.

(f) Each insurer that sells, solicits or negotiates any form of limited line credit insurance shall provide a program of instruction that may be approved by the commissioner to each individual employed by or acting on behalf of such insurer to sell, solicit or negotiate limited line credit insurance.

(g) (1) Each licensed insurance agent shall notify the commissioner of any officer, director, partner or employee of such insurance agent who:

(A) Is licensed as an individual insurance agent; and

(B) was not disclosed in such insurance agent's application for a license or any renewal thereof.

(2) Each licensed insurance agent shall notify the commissioner of any of its officers, directors, partners or employees who:

(A) Have terminated such relationship as an officer, director, partner or employee of such insurance agent; and

(B) has been previously disclosed in such insurance agent's application for a license or any renewal thereof.

(3) Each licensed insurance agent shall notify the commissioner within 30 working days of occurrence of any event required to be reported under paragraphs (1) or (2) of this subsection. Failure to provide the commissioner with the information required by this subsection shall subject the licensee to a monetary penalty of \$10 per day for each working day the required information is late subject to a maximum of \$50 per person per licensing year.

(h) Any applicant whose application for a license, is denied shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(i) (1) For the purposes of determining citizenship of the applicant, the commissioner may rely upon any document submitted by the applicant and which is

specified in subsection (l) of K.S.A. 2011 Supp. 25-2309, and amendments thereto.

(2) For the purposes of determining whether an alien is lawfully present in the United States, the commissioner shall make a reasonable attempt, when practicable, to determine the immigration status of the applicant. Such determination shall be made by contacting the federal government pursuant to 8 U.S.C. § 1373(c) and relying on the verification provided by the federal government.";

And by renumbering sections accordingly;

Also on page 16, in line 10, by striking "and" and inserting a comma; also in line 10, after "22-2410a" by inserting "and 40-4905";

On page 1, in the title, in line 1, by striking "expungement" and inserting "licensure of insurance agents"; in line 2, after "license" by inserting "; allowing the insurance department access to expungement records of applicants for insurance agent license"; also in line 2, by striking "and" and inserting a comma; in line 3, after "2410" by inserting "and 40-4905"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2260** be amended on page 1, in line 13, by striking the colon; by striking all in lines 14 through 17; in line 18, by striking "(B)"; also in line 18, by striking "all forms of cruelty,"; in line 19, by striking "neglect, degradation and inhumanity" and inserting "abuse and neglect as defined by state law"; in line 20, by striking "shall not include" and inserting "includes the"; in line 23, by striking "except"; in line 24, after "States." by inserting "'Compelling governmental interest" with respect to the prohibition of a practice or policy of discrimination against individuals in employment relations, in access to free and public accommodations or in housing shall not include any additional prohibitions not set forth in K.S.A. 44-1001 *et seq.*, and amendments thereto, and the laws and constitution of the United States."; in line 27, after the first "the" by inserting "free exercise clause of the"; in line 29, by striking "tenant" and inserting "tenet"; in line 31, by striking "tenants" and inserting "tenets";

On page 2, in line 19, after the semicolon by inserting "or"; in line 20, by striking the semicolon and inserting a period; by striking all in lines 21 and 22; in line 27, after "parent" by inserting ", or create any new right,"; in line 31, after "children" by inserting "as set forth in the laws and constitution of the state of Kansas and of the United States"; in line 33, by striking the first "15" and inserting "16"; in line 43, after "(b)" by inserting "Except as provided in subsection (c).";

On page 3, following line 3, by inserting:

"(c) This act shall not apply to penological rules and regulations, conditions or policies established by a jail, correctional institution or juvenile detention facility or an entity supervising offenders in the community that are reasonably related to the safety and security of incarcerated persons, staff, visitors, supervised offenders or the public, or to maintenance of good order and discipline in any jail, correctional institution or juvenile detention facility."; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2018** from the Calendar under the heading General Orders and rereferral to Committee on Appropriations.

Also, the withdrawal of **HB 2634**, **HB 2718** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2693** from Committee on Education Budget and referral

to Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2485, HB 2517, HB 2631 reported correctly engrossed February 21, 2012.

Also, **Sub HB 2295; HB 2444, HB 2465, HB 2563, HB 2568** reported correctly engrossed February 22, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m. Thursday, February 23, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

