

Journal of the House

NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 20, 2012, 11:00 a.m.

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

The roll was called with 95 members present.

Reps. Ballard, Johnson, Roth and Slattery were excused on legislative business.

Reps. Aurand, Dillmore, Donohoe, Flaharty, D. Gatewood, S. Gatewood, Goico, Henderson, Henry, Hill, M. Holmes, Kelley, Kiegerl, Kinzer, Mah, Mesa, Mosier, E'Brien, Osterman, Poeck, Peterson, Rhoades, Ruiz, Schwab, Shulta and Weber were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
 in this group of 125,
 the number one might seem a bit insignificant.
 However, when one vote is needed,
 it only takes one
 for that vote to be provided.
 When the atmosphere is like a ticking bomb,
 it only takes one
 to speak words of peace and calm.
 When disagreements and arguments are in the air,
 it only takes one
 to encourage all to speak and play fair.
 Help each individual to seriously consider
 that at any given time,
 on any given day,
 they may be the one
 who makes the difference.
 In Your Son's Name, I pray, Amen.

The Pledge of Allegiance was led by Rep. Grange.

Kansas Trivia Question – The legislature described Helianthus Annus in this way: “call it gaudy, coarse, and self-asserting if you will – it is persistent, bright, ever reaching upward and turning its face toward the light and so is the emblem of a true

Kansas.” What is *Helianthus Annus*?

Answer: A sunflower.

INTRODUCTION OF GUESTS

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

We all have family of whom we are proud. I would like to introduce today a Kansas Son of whom we can all be proud, Dane Simoneau.

Great leaders are team players- and Dane is both a leader and a team player. After earning all-league honors in baseball at Washburn, he went on to complete his senior season in football and lead the Washburn Ichabods to a school-record 10 wins and Washburn's first ever playoff win.

Dane has earned five All-American honors:

- Runner-up for the Harlon Hill Division II National Player of the Year
- Associated Press Little All-American First Team Quarterback
- American Football Coaches Association All-American First Team
- Don Hansen Football Gazette All-American First Team
- D2 Football.com All-American First Team

Out of 152 teams and over 13,700 NCAAA Division II football players. Dane was the number one D2 quarterback in the nation. He broke his own single-season record passing for 4,089 yards. In the season opener against Sioux Falls, he completed 27 passes for another school record of 452 yards throwing for five touchdowns. He owns 35 Washburn career, season, and single game records.

Dane will be the first to tell you the importance of teamwork. He has demonstrated that working together and a positive attitude are key for success. He leads by example.

Dane's team includes some very special people. The Washburn Ichabod football team and fans, Head Coach Craig Shurig, and his coaching staff, Washburn President Jerry Farley, Athletic Director Loren Ferre, Sports Information , Gene Cassel, friends, family including aunts, uncles, cousins, grandparents (some of whom have joined us today), his sisters Abby and Tayler, and two of his strongest supporters, his parents, Don and Jennifer Simoneau.

It is an honor and privilege to recognize Dane today for “exemplary Leadership and Teamwork as an All-American Quarterback for the Washburn Ichabods and a role model for all Kansans.” Congratulations Dane.

Rep. Tyson presented Dane with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2493, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on

Appropriations.

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, by Committee on Corrections and Juvenile Justice.

HB 2495, AN ACT concerning wildlife, parks and tourism; relating to vessel fees; amending K.S.A. 2011 Supp. 32-1172 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2496, AN ACT concerning law enforcement; relating to law enforcement officers and juvenile justice authority employees; amending K.S.A. 2011 Supp. 74-5602 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2497, AN ACT concerning crimes, criminal procedure and punishment; relating to competence of defendants to stand trial; repealing K.S.A. 22-3301 and 22-3306 and K.S.A. 2011 Supp. 22-3302, 22-3303 and 22-3305, by Committee on Corrections and Juvenile Justice.

HB 2498, AN ACT concerning crimes, criminal procedure and punishment; relating to mental health diversions for certain defendants, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2488**

Education: **HB 2477**

Energy and Utilities: **HB 2489**

Federal and State Affairs: **HB 2476, HB 2491, HB 2492**

Health and Human Services: **HB 2490**

Insurance: **HB 2485, HB 2486, HB 2487**

Judiciary: **HB 2482, HB 2483, HB 2484**

Local Government: **HB 2478**

Taxation: **HB 2479, HB 2480, HB 2481**

COMMUNICATIONS FROM STATE OFFICERS

From Dale Rodman, Secretary, Kansas Department of Agriculture, 2011 Annual Report.

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

REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **HB 2436** be amended on page 1, in line 7, following "131." by inserting "(a)";

On page 2, in line 2, following the second "a" by inserting "common carrier or public"; in line 4, following "application." by inserting "Nothing in this subsection shall preclude an applicant and the commission from agreeing to a waiver or an extension of the 180-day period."; and the bill be passed as amended.

Committee on **Vision 2020** recommends **HB 2096** be amended on page 1, in line 9,

by striking "2010" and inserting "2011"; in line 22, by striking "state conservation commission"; and inserting "division of conservation of the department of agriculture"; in line 35, by striking "state conservation commission"; and inserting "division of conservation of the department of agriculture";

On page 2, in line 1, by striking "state conservation"; in line 2, by striking "commission" and inserting "division of conservation of the department of agriculture"; in line 5, by striking "state conservation"; in line 6, by striking "commission" and inserting "division of conservation of the department of agriculture"; in line 8, by striking "state conservation commission"; and inserting "division of conservation of the department of agriculture"; in line 15, by striking "state conservation commission"; and inserting "division of conservation of the department of agriculture"; in line 30, by striking "state conservation commission"; and inserting "division of conservation of the department of agriculture"; in line 35, by striking "state conservation commission"; and inserting "division of conservation of the department of agriculture"; in line 39, by striking "state"; in line 40, by striking "conservation commission" and inserting "division of conservation of the department of agriculture"; in line 42, following "for" by inserting "any amount up to"; also in line 42, by striking "state conservation"; in line 43, by striking "commission" and inserting "division of conservation of the department of agriculture";

On page 3, in line 19, by striking "in the future for achievement of" and inserting "to protect water supplies and water quality, provide protection against drought and protect recreational opportunities if"; in line 20, by striking "if such agreements";

On page 4, in line 4, by striking "opportunitiy"; and inserting "opportunity"; in line 8, by striking "2010" and inserting "2011";

On page 5, in line 5, by striking "maintainence"; and inserting "maintenance"; in line 18, by striking "2010" and inserting "2011"; in line 24, by striking "The state conservation commission is authorized to adopt rules"; by striking all in line 25; in line 26, by striking "projects."; also in line 26, by striking "state conservation"; in line 27, by striking "commission" and inserting "division of conservation of the department of agriculture"; also in line 27, by striking "state"; in line 28, by striking "conservation commission" and inserting "division of conservation of the department of agriculture"; in line 30, by striking "2010" and inserting "2011"; in line 37, by striking "state conservation commission" and inserting "division of conservation of the department of agriculture";

On page 6, in line 9, by striking "20" and inserting "50";

On page 7, in line 3, by striking "2010" and inserting "2011"; in line 10, by striking "20" and inserting "50"; in line 13, following "project" by inserting ", subject to the provisions of the state water plan storage act, K.S.A. 82a-1301 *et seq.*, and amendments thereto"; also in line 13, by striking "appropriation" and inserting "reservation"; in line 31, by striking "(c)"; in line 37, by striking "The Kansas water office may recover the state's costs incurred in"; by striking all in lines 38 through 43;

On page 8, in line 1, by striking "percent."; in line 2, by striking "2010" and inserting "2011"; in line 9, by striking "20" and inserting "50"; in line 12, following "project" by inserting ", subject to the provisions of the state water plan storage act, K.S.A. 82a-1301 *et seq.*, and amendments thereto"; also in line 12, by striking "appropriation" and inserting "reservation"; by striking all in lines 34 through 37; in line 38, by striking "rights associated with recreation features."; in line 39, by striking "The state may pay

up to 100% of the engineering and"; by striking all in lines 40 through 42; in line 43, by striking "(d)";

On page 9, in line 6, by striking "The Kansas water office may recover the state's costs incurred in"; by striking all in lines 7 through 13; in line 14, by striking "2010" and inserting "2011"; in line 17, by striking "(d)"; in line 24, by striking "20" and inserting "50"; in line 27, following "project" by inserting ", subject to the provisions of the state water plan storage act, K.S.A. 82a-1301 *et seq.*, and amendments thereto"; in line 29, by striking "appropriation" and inserting "reservation";

On page 10, in line 3, by striking "(c)"; in line 9, by striking "The Kansas water office may recover the state's costs incurred in"; by striking all in lines 10 through 16; in line 17, by striking "biological survey in consultation with"; in line 18, by striking "the Kansas"; in line 19, by striking "repository" and inserting "collection and integration"; in line 20, following "state" by inserting "for the purpose of providing and integrating interagency water quantity and quality data"; in line 22, by striking "repository" and inserting "collection and integration"; in line 25, by striking "repository" and inserting "collection and integration"; in line 26, by striking "The Kansas biological survey shall conduct bathymetric"; by striking all in lines 27 through 32; in line 33, by striking "(d)"; in line 35, by striking "repository" and inserting "collection and integration"; also in line 35, by striking "The Kansas biological survey is"; by striking all in lines 36 and 37; in line 38, by striking "(e)" and inserting "(d)"; by striking all in lines 40 through 43;

On page 11, by striking all in lines 1 through 12; in line 13, by striking "11" and inserting "10"; also in line 13, by striking "2010" and inserting "2011"; in line 16, by striking "12" and inserting "11";

On page 1, in the title, in line 2, by striking "repository" and inserting "collection and integration"; also in line 2, by striking "granting preservation easement authority to the"; by striking all in line 3; in line 4, by striking "storage rates" and inserting "relating to conservation and water supply storage"; also in line 4, by striking "2010" and inserting "2011"; and the bill be passed as amended.

(Having been referred separately, **HB 2096** is now in Committee on Agriculture and Natural Resources.)

REPORT OF STANDING COMMITTEE

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

Request No. 3, by Representative Tyson, congratulating Dane Simoneau for exemplary leadership and teamwork as an All-American Quarterback for the Washburn University Ichabods;

Request No. 4, by Representative Bowers, congratulating Lena Harrel on celebrating her 100th birthday;

Request No. 5, by Representative Bowers, congratulating Marie Biery on celebrating her 100th birthday;

Request No. 6, by Representative Bowers, congratulating Tommie Berger on retiring with 38 years of service as a district fisheries biologist for Kansas Wildlife and Parks and Tourism;

Request No. 7, by Representative Bowers, recognizing Dan Stehlik for being

awarded the Honorary American FFA Degree-Teacher;

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

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

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Monday, January 23, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

