

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 31, 2012, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Smith was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Matt Bachtold, Delaware Baptist Church of Fairview, and guest of Rep. Garber :

Lord, Maker of Heaven and earth, You who's Spirit fills every inch of this great state of Kansas. I humbly call upon you today and ask that by your mercy you would bring prosperity and wisdom to this House of Representatives.

Your Word says in Romans 13:1 that you establish all authority on Earth, and that no authority exists without you, so I declare your Lordship over this House today.

May your name be honored by the actions of its members, may they call out to you for wisdom, and would you instill in them the fortitude to stand up for what is right and good, protecting the voice of those who cannot speak for themselves.

As a pastor, I ask you to forgive us, your body for being complacent and self-seeking in our obedience of you, allowing ourselves to focus on dead religious activities instead of doing your work in helping the poor, causing this assembly to believe it must act in our stead. Father, forgive us and bring order to this great state.

Will you protect this house and this state's government from men or women who are corrupt and self-serving. If there are any such persons, please expose and remove them so that your blessings can rest upon us.

Lord, please guide this state and its citizens into prosperity in every area of their lives.

In the powerful name of Jesus, Amen and Amen

The Pledge of Allegiance was led by Rep. Kiegerl.

Kansas Trivia Question – What versatile artist, whose interpretations of western life has defined the concept for generations, operated a sheep ranch south of Peabody in the

late 1800s?

Answer: Frederic Remington

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2575, AN ACT enacting the state government immigration accountability act, by Committee on Federal and State Affairs.

HB 2576, AN ACT concerning immigration; amending K.S.A. 2011 Supp. 21-5918 and 22-2802 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2577, AN ACT concerning the e-verify program and the use thereof by business and governmental entities; penalties, by Committee on Federal and State Affairs.

HB 2578, AN ACT concerning immigration; relating to the enforcement of federal immigration laws; concerning the determination of citizenship; notification; exchange of information; indemnification; implementation; cooperative agreements, by Committee on Federal and State Affairs.

HB 2579, AN ACT concerning unborn children; declaring that life begins at conception, by Committee on Federal and State Affairs.

HB 2580, AN ACT concerning public charter schools; creating the Kansas public charter schools act; amending K.S.A. 2011 Supp. 72-6407 and repealing the existing section; also repealing K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A. 2011 Supp. 72-1906, 72-1907 and 72-1910, by Representatives Garber, Goodman, Gregory, O'Brien and Otto.

HB 2581, AN ACT concerning deductions from wages; prohibiting deductions for political purposes; amending K.S.A. 2011 Supp. 44-319 and repealing the existing section, by Committee on Commerce and Economic Development.

HB 2582, AN ACT relating to the office of the securities commissioner of Kansas; relating to duties and establishing certain special revenue funds and prescribing functions therefor; employees of the securities commissioner; relating to the Kansas uniform securities act; amending K.S.A. 17-12a101, 17-12a102 and 17-12a410 and K.S.A. 2011 Supp. 17-12a601 and 75-6301 and repealing the existing sections, by Committee on Commerce and Economic Development.

HB 2583, AN ACT concerning the Kansas offender registration act; relating to offender registrant admittance to or residence within an adult care home; amending K.S.A. 2011 Supp. 22-4905 and 39-935 and repealing the existing sections, by Committee on Aging and Long-term Care.

HB 2584, AN ACT concerning the regulation of knives; relating to certain criminal statutes; amending K.S.A. 2011 Supp. 21-6301 and 21-6302 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2585, AN ACT concerning property taxation; relating to the appraisal of property; appeals; changes; clerical errors; listing of vessels; amending K.S.A. 79-304 and 79-1475 and K.S.A. 2011 Supp. 74-2433f, 79-1448, 79-1460, 79-1609, 79-1701a and 79-1702 and repealing the existing sections, by Committee on Taxation.

HB 2586, AN ACT concerning property taxation; relating to collection and cancellation of taxes; protesting payment of taxes; amending K.S.A. 2011 Supp. 79-2005 and repealing the existing section, by Representatives LeDoux, Brookens,

Goodman, Grant, Gregory, Grosserode, Hedke, Mesa, O'Hara, Peck, Rubin, Smith and Williams.

HB 2587, AN ACT concerning real property; relating to conservation easements; amending K.S.A. 58-3811 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2588, AN ACT concerning water; relating to debt authorization for water districts; amending K.S.A. 19-3553 and K.S.A. 2011 Supp. 82a-619 and repealing the existing sections, by Committee on Energy and Utilities.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2571**.

Appropriations: **HB 2572**, **HB 2574**.

Health and Human Services: **HB 2573**.

COMMUNICATIONS FROM STATE OFFICERS

From John W. Mitchell, Director, Division of Environment, Kansas Department of Health and Environment, reports of the following bureaus: Bureau of Air, Bureau of Environmental Remediation, Bureau of Waste Management, Bureau of Water.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6006**—

By Representatives O'Neal, 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, Grange, 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, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley

A RESOLUTION in memory of Representative Rocky Fund.

WHEREAS, Representative Rocky Fund, 60, of Hoyt, died April 28, 2011. A Kansas legislator, he was elected to the House of Representatives starting in 2006 and was serving his third term; and

WHEREAS, Representative Fund was born August 5, 1950, in Sabetha, Kansas, to

Marty and Aleck Fund. He attended school in Goff, Kansas and graduated from Wetmore High School. He later completed a bachelor's degree at Wichita State University. He was a specialist in equine foot care, also known as a farrier, in Wichita and northeast Kansas. He worked at Learjet before earning a farrier's license from Oklahoma Farrier's College; and

WHEREAS, Representative Fund is remembered for his commitment to his constituency from House district number 50, for serving as a member of the agriculture and natural resources committee, federal and state affairs committee, joint committee on special claims against the state, committee on energy and natural resources and as the vice chairperson of the committee on government efficiency and fiscal oversight; and

WHEREAS, Representative Fund proudly served in the United States military during the Vietnam era. After graduation, he joined the air force and was stationed at McConnell Air Force Base in Wichita and served in southeast Asia during the Vietnam war; and

WHEREAS, Representative Fund leaves a wife, Linda; a daughter, Jesse Davis and her husband Chris; a son, Matt, and his wife Angalee Van Meter and a granddaughter, Layla Fund.

WHEREAS, A lifelong Kansan, representative Fund was very involved in his community and was committed to education and water issues. He was an Optimist, a member of the American Legion and Veterans of Foreign Wars. He was also a teacher and coach at Royal Valley and Jackson Heights for 21 years. He served on the Rural Water District #3 Jackson County Water Board for 16 years before becoming its District Manager for 10 years: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family and friends of Rocky Fund and thank him for the years of public service he gave to his state and community; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to Linda Fund, Jesse Dais and Matt Fund.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2490, HB 2428** be passed.

Committee report to **HB 2273** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 191** be adopted; also, on motion of Rep. Schroeder, be amended on page 1, in line 8, by striking all after "(a)"; by striking all in lines 9 through 36, and inserting the following, "The secretary of agriculture may fix, charge and collect fees for providing laboratory testing of samples from other states upon request. The fees shall be fixed in order to recover all or part of the costs incurred to provide the services and any other necessary and incidental expenses incurred in conjunction with such laboratory testing.

(b) The secretary of agriculture shall remit all moneys received by or for the secretary from fees collected under this section 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 to the

credit of the laboratory testing services fee fund.

(c) The secretary of agriculture may adopt rules and regulations to establish fees and to implement and administer the provisions of this section for such laboratory testing.";

And by renumbering sections accordingly;

In line 1, in the title, by striking all after "ACT"; in line 2, by striking all before "Kansas" and inserting "concerning the"; in line 3, by striking all after the first "certain"; by striking all in line 4; in line 5, by striking all before the period, and inserting "fees; creating the laboratory testing services fee fund"; and **H Sub for SB 191** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2502** be amended on page 1, in line 8, after "permit" by inserting "or deny"; in line 16, by striking "10%" and inserting "5%"; in line 21, by striking "countywide" and inserting "state, county or special"; in line 30, by striking "10%" and inserting "5%";

On page 2, in line 20, after "facility?" by inserting "Such facility shall be in compliance with rules and regulations of the Kansas department of health and environment, the Kansas department of agriculture and any other state agency.";

On page 3, in line 40, after "permit" by inserting "or deny";

On page 4, in line 5, by striking "10%" and inserting "5%"; in line 10, by striking "countywide" and inserting "state, county or special"; in line 19, by striking "10%" and inserting "5%";

On page 5, in line 2, after "facility?" by inserting "Such facility shall be in compliance with rules and regulations of the Kansas department of health and environment, the Kansas department of agriculture and any other state agency."; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2456** be passed.

Committee on **Energy and Utilities** recommends **HB 2446** be amended on page 1, in line 34, by striking "that has a"; in line 35, by striking "nameplate rating of 10 megawatts or less"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

HB 2589, AN ACT concerning institutions of higher learning and student athletes, by Representative McCray-Miller.

PERSONAL PRIVILEGE

I would like to take a minute to introduce my newest grandson, Michael Joseph Weninjer, who is 6 weeks old. Born December 16th, he plans on taking my place. Already, he doesn't like being here. Now, however, your applause seems to settle him down.

On motion of Rep. Siegfried, the House adjourned until 11:00 a.m., Wednesday, February 1, 2012.

JANUARY 31, 2012

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SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

