

Journal of the House

SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 23, 2013, 11:00 a.m.

The House met pursuant to adjournment with Speaker Merrick in the chair.

The roll was called with 120 members present.

Reps. Carpenter, Claeys, Peterson, Ruiz and Swanson were excused on excused absence by the Speaker.

Prayer by guest chaplain, William D. Jenkins, State Chaplain, Kansas National Guard, Topeka:

In the Holiness of Your Name on this Military Appreciation Day, we invoke Your Presence on this session of the House by thanking You for all of our Service men and women across each of our Military branches and their respective components. We are particularly mindful of those who are deployed this day and we pray for them and their families; we are also mindful of our Wounded Warriors and pray Your blessing upon their lives and those who support them. For each who has answered our Nation's call whether military or legislative we give You praise and we pray Your blessing and keeping Presence as we serve the greater good. Bless now the proceedings of this House Chambers; for we pray this in the Holiness of Your Name. Amen

The Pledge of Allegiance was led by Rep. Grant.

PERSONAL PRIVILEGE

There being no objection, the following remarks by Rep. Meier are spread upon the Journal:

This morning, our Governor has signed a proclamation designating today, Wednesday, January 23, 2013, as Kansas Armed Forces Appreciation Day. Today, 64 years after the formation of the Department of Defense and the first Armed Forces Day by President Harry S. Truman, the United States military service members are standing ever vigilant at their posts around the world to keep us safe.

In the words of President John F. Kennedy, that still ring true today, "Our Servicemen

and women are serving throughout the world as guardians of peace--many of them away from their homes, their friends and their families. They are visible evidence of our determination to meet any threat to the peace with measured strength and high resolve. They are also evidence of a harsh but inescapable truth--that the survival of freedom requires great cost and commitment, and great personal sacrifice."

Today, our military is deployed in more than 150 countries and they are working here at home to protect America from threats foreign and domestic. Our service members are risking their lives in the mountains of Afghanistan, providing security and peacekeeping missions in places like Djibouti, Kenya, Kosovo and the Sinai. They also are providing humanitarian assistance where the world, our nation, and Kansas have dire need. The Members of our Armed Forces – the Army, Navy, Air Force, Marines, and Coast Guard - are forging a better future for our Nation and the world.

Kansas National Guard and Reserve personnel not only continue their support to emergencies at home but are also deployed themselves. Kansas guardsmen and women make the extra sacrifice of leaving their full time jobs to deploy, and their families are not afforded much of the support that military families on an active duty post receive.

This brings me to another group which deserves special thanks—the spouses of our service members, spouses who take care of the families and raise the children while their service members are at sea or stationed far away, and spouses who have left our shores to be in a faraway land with their service members. As the members of our all volunteer force carry out their missions, their families make their own sacrifices. Military families make a vital contribution to our nation in the support they give to our men and women in uniform. If they were unwilling to endure the absences, the moves between duty stations, and the worry, our service members would not be able to give their full attention to their missions.

The Soldiers, Sailors, Airmen, Marines, and Coastguardsmen who have answered the call to service deserve recognition and gratitude. They have endured the most difficult of conditions to protect America and her highest ideals.

I invite any Representative who has ever served in our Armed Forces to stand and any Representative who is a spouse of someone who served to stand.

Please join me on this special day – Kansas Armed Forces Appreciation Day - and say thank you to those great Americans who proudly serve this great nation by volunteering to serve in our military!

There being no objection, the following remarks by Rep. Goico are spread upon the Journal:

Today when we acknowledge and celebrate Armed Forces Appreciation Day; we also need to give thanks to all the families of the military members. Quite often when the soldiers are deployed the responsibility of maintaining the family falls on the spouse.

The spouse's makes a lot of sacrifices in order to have the military member defend our freedoms.

I want to take this opportunity to thank the House of Representatives for all the legislation that we have passed to help the members of the military. I also want to thank the Armed Forces and their families for all our freedoms.

PERSONAL PRIVILEGE

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

I stand before you this morning to celebrate Dr. Martin Luther King, and I include members of the Kansas African American Legislative Caucus.

Dr. King's last speech was at Kansas State University, Manhattan, Kansas. He died April 4, 1968, at 6:01 p.m.

Dr. King was a minister who worked for all people and a Nobel Peace Prize winner. He believed in life, liberty and the pursuit of happiness and equal rights for all.

I want to share a poem with you this morning. Some of you have heard it before. We have many new legislators and I want them to hear it.

What Will Matter?

By Michael Josephson

Ready or not, some day it will all come to an end.
 There will be no more sunrises, no minutes, hours or days.
 All the things you collected, whether treasured or forgotten
 will pass to someone else.
 Your wealth fame and temporal power will shrivel to irrelevance.
 It will not matter what you owned or what you were owed.
 Your grudges, resentments, frustrations
 and jealousies will finally disappear.
 So too, your hopes, ambitions, plans and to-do lists will expire.
 The wins and losses that once seemed so important will fade away.
 It won't matter where you came from
 or what side of the tracks you lived on at the end.
 It won't matter whether you were beautiful or brilliant.
 Even your gender and skin color will be irrelevant.
 So what will matter?
 How will the value of your days be measured?
 What will matter is not what you bought
 but what you built, not what you got but what you gave.
 What will matter is not your success
 but your significance.
 What will matter is not what you learned
 but what you taught.
 What will matter is every act of integrity,
 compassion, courage, or sacrifice
 that enriched, empowered or encouraged others
 to emulate your example.
 What will matter is not your competence
 but your character.
 What will matter is not how many people you knew,
 but how many will feel a lasting loss when you're gone.
 What will matter is not your memories,

but the memories that live in those who loved you.
What will matter is how long you will be remembered,
by whom and for what.
Living a life that matters doesn't happen by accident.
It's not a matter of circumstance but of choice.
Choose to live a life that matters.

We celebrate the life of Dr. Martin Luther King, who lived a life that mattered. I challenge each of us to continue to choose to live a life that matters.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2049, AN ACT concerning the Kansas department of agriculture; relating to program fees; increasing certain fees; eliminating sunsets on various program fees; exempting certain dairies from fees; amending K.S.A. 2012 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714, 82a-727, 83-302 and 83-402 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2050, AN ACT concerning agriculture; relating to agricultural chemicals, registration; pesticide businesses, liability insurance; repealing the Kansas agricultural liming materials act; amending K.S.A. 2-2448 and K.S.A. 2012 Supp. 2-2204 and repealing the existing sections; also repealing K.S.A. 2-2902, 2-2904, 2-2907, 2-2908, 2-2909 and 2-2910 and K.S.A. 2012 Supp. 2-2901, 2-2903, 2-2905, 2-2906 and 2-2911, by Committee on Agriculture and Natural Resources.

HB 2051, AN ACT concerning water; relating to limited transfer permits; exempting certain dams from jurisdiction; enacting penalties for lack of dam inspection; creating an incentive for multi-year flex accounts; administrative review of certain orders of the chief engineer; amending K.S.A. 2012 Supp. 82a-301, 82a-302, 82a-303b, 82a-736 and 82a-1901 and repealing the existing sections; also repealing K.S.A. 24-105, 24-107, 82a-312, 82a-313 and 82a-314 and K.S.A. 2012 Supp. 24-106, 74-509 and 82a-735, by Committee on Agriculture and Natural Resources.

HB 2052, AN ACT concerning firearms; creating the crime of unlawful discharge of a firearm, by Committee on Federal and State Affairs.

HB 2053, AN ACT concerning the state board of technical professions; amending K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7016, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-7040 and 75-5802 and K.S.A. 2012 Supp. 19-216c, 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the existing sections; also repealing K.S.A. 74-7037 and 74-7042 and K.S.A. 2012 Supp. 74-7041, by Committee on Federal and State Affairs.

HB 2054, AN ACT establishing the community defense act; amending K.S.A. 2012 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2055, AN ACT concerning the personal and family protection act; amending

K.S.A. 2012 Supp. 21-6309 and 75-7c10 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2056, AN ACT concerning taxation; relating to permitted use of tax information; tax liens upon personal property; tax warrants; amending K.S.A. 2012 Supp. 75-5133, 79-3234, 79-3235, 79-3235a and 79-3617 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 75-5133b, 79-3234c and 79-3235b, by Committee on Taxation.

HB 2057, AN ACT concerning property taxation; relating to county appraisers; appointing interim appraiser; amending K.S.A. 2012 Supp. 19-430 and repealing the existing section, by Committee on Taxation.

HB 2058, AN ACT concerning mineral severance tax; relating to taxation of helium and other gases; prohibiting certain refunds related thereto; amending K.S.A. 79-4226 and K.S.A. 2012 Supp. 79-4216 and repealing the existing sections, by Committee on Taxation.

HB 2059, AN ACT concerning taxation; relating to income tax deductions and modifications; severance tax; sales tax; amending K.S.A. 79-32,109 and K.S.A. 2012 Supp. 79-32,118, 79-32,266, 79-3620 and 79-4217 and repealing the existing sections; also repealing K.S.A. 79-3632 and K.S.A. 2012 Supp. 79-32,117n and 79-3639a, by Committee on Taxation.

HB 2060, AN ACT concerning taxation; relating to food sales tax refunds and homestead property tax refunds; certain confined persons; amending K.S.A. 79-4505 and K.S.A. 2012 Supp. 79-4502 and repealing the existing sections, by Committee on Taxation.

HB 2061, AN ACT concerning income taxation; relating to Kansas adjusted gross income; addition modifications; losses by certain subchapter S corporations; amending K.S.A. 2012 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2062, AN ACT concerning certain fire districts; amending K.S.A. 19-3631 and repealing the existing section, by Representative Sloan.

HB 2063, AN ACT concerning income taxation; relating to credits; homestead which has sustained substantial damage and is located in a disaster area, by Representatives Whipple, Edwards, Bradford, Christmann, DeGraaf, Hermanson, Howell and Osterman.

HB 2064, AN ACT concerning criminal procedure; relating to law enforcement agency liability to health care providers for persons in custody; amending K.S.A. 2012 Supp. 22-4612 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2065, AN ACT concerning crimes and punishment; creating the crime of home improvement fraud, by Committee on Corrections and Juvenile Justice.

HB 2066, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2012 Supp. 65-2921 and repealing the existing section, by Committee on Health and Human Services.

HB 2067, AN ACT concerning the board of nursing; relating to the assistant attorneys general; amending K.S.A. 74-1111 and repealing the existing section, by Committee on Health and Human Services.

HB 2068, AN ACT enacting the Kansas death with dignity act, by Committee on Health and Human Services.

HB 2069, AN ACT concerning employer leave policies for employees; declaring

certain city ordinances and county resolutions to be against public policy, by Committee on Commerce, Labor and Economic Development.

HB 2070, AN ACT concerning criminal procedure; relating to appearance bonds; surety or agent of surety; amending K.S.A. 22-2803 and 22-2809a and K.S.A. 2012 Supp. 22-2802 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 22-2802c, by Committee on Judiciary.

HB 2071, AN ACT authorizing the conveyance of certain real property to the Kansas university endowment association and authorizing the acceptance and conveyance of certain real property owned by the Kansas university endowment association to the state board of regents, by Legislative Educational Planning Committee.

HB 2072, AN ACT concerning certain municipalities; dealing with solid waste and recycling restrictions, by Committee on Local Government.

HB 2073, AN ACT concerning streams, dams and obstructions; amending K.S.A. 82a-307 and K.S.A. 2012 Supp. 82a-301, 82a-303b and 82a-326 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 82a-326a, by Committee on Local Government.

HB 2074, AN ACT concerning cities and counties; relating to certain solid waste disposal areas and restrictions, by Committee on Local Government.

HB 2075, AN ACT concerning cities; relating to the qualifications and rehabilitation of abandoned property; amending K.S.A. 2012 Supp. 12-1750 and 12-1756a and repealing the existing sections, by Committee on Local Government.

HB 2076, AN ACT concerning wildlife, parks and tourism; relating to hunting and fishing; relating to licenses for disabled veterans; amending K.S.A. 2012 Supp. 32-906, 32-919 and 32-988 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2077, AN ACT concerning licensing bodies; relating to licensure and military service members; amending K.S.A. 2012 Supp. 48-3406 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2078, AN ACT concerning certain licensing boards; relating to licensure and military service members; amending K.S.A. 2012 Supp. 65-1116 and 65-6129 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2041, HB 2043, HB 2044; ERO 42.**

Elections: **HB 2038, HB 2039.**

Federal and State Affairs: **HB 2037.**

Financial Institutions: **HB 2036.**

Judiciary: **HB 2040.**

Taxation: **HB 2042, HB 2047, HB 2048.**

Transportation: **HB 2045, HB 2046.**

COMMUNICATIONS FROM STATE OFFICERS

From Kirk D. Thompson, Director, Kansas Bureau of Investigation, in compliance

with K.S.A. 60-4117, report of the KBI State Forfeiture Fund.

From Scott Frank, Legislative Post Auditor, Legislative Division of Post Audit, Annual Report to the 2013 Legislature.

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

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1606**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was introduced and read by title:

SCR 1606.

REPORTS OF STANDING COMMITTEES

Committee on **Rules and Journal** recommends **HR 6004** be amended on page 2, after line 43, by inserting the following:

"Rule 108. Rulings on Germaneness, Division of Amendments, Points of Order and Procedural Motions. Any member, upon recognition by the presiding officer, may request a ruling upon the germaneness of any amendment to a bill or resolution, the division of an amendment to a bill or resolution, a point of order or a procedural motion. Any such ruling shall be made by the chairperson of the House Committee on Rules and Journal, or in the absence of the chairperson the vice chairperson of the Committee. At the time of making such ruling, the chairperson, or vice chairperson, shall state the reasons or basis for such ruling. Appeals from rulings of the chairperson, or vice chairperson, may be taken upon the motion of any member. Such appeals shall be in order at the time of the making of the ruling and shall take precedence over any question pending at the time the chairperson, or vice chairperson, makes such ruling.

Appeals from rulings on questions of germaneness of an amendment shall be debatable only by the member making the motion to amend which is the subject of the ruling, the member carrying the measure sought to be amended, the Majority Leader or a member designated by the Majority Leader and the Minority Leader or a member designated by the Minority Leader. Appeals from rulings on requests for division of an amendment shall be debatable only by the member requesting division of the motion to amend, the member making the motion to amend which is the subject of the ruling, the member carrying the measure sought to be amended, the Majority Leader or a member designated by the Majority Leader and the Minority Leader or a member designated by the Minority Leader. Appeals from rulings on a point of order or procedural motion shall be debatable only by the member raising the point of order or making the procedural motion which is the subject of the ruling, the member appealing the ruling, the Majority Leader or a member designated by the Majority Leader and the Minority Leader or a member designated by the Minority Leader. Each member may speak no more than two minutes. Debate shall be limited to the question of the ruling of the chairperson, or vice chairperson, and, in the case of division of an amendment, shall be limited as provided in Rule 2105.

At the conclusion of debate the presiding officer shall inquire: "Shall the chairperson's (or vice chairperson's) ruling be sustained?";

On page 16, by striking all in lines 11 through 27; in line 43, by striking the first "chairperson" and inserting "presiding officer"; also in line 43, by striking the second "chairperson" and inserting "presiding officer";

On page 17, in line 11 by striking "chairperson" and inserting "presiding officer"; in line 15 by striking "chairperson" and inserting "presiding officer"; in line 19 by striking "chairperson" and inserting "presiding officer"; in line 22, by striking all after "(d)"; by striking all in line 23 through 26; in line 27, by striking "(e)"; in line 29, after "chairperson" by inserting "of the Committee on Rules and Journal, or in the chairperson's absence the vice chairperson of the Committee,"; in line 31, after "chairperson" by inserting ", or vice chairperson,,"; and the resolution be adopted as amended.

Committee on **Rules and Journal** recommends **SCR 1604** be amended on page 3, in line 20, by striking “, but if” and inserting “and the motion to concur may be renewed but not on the same legislative day. If”;

On page 8, in line 31, following “**Joint rule 6.**” by inserting “**Floor Amendments to Bills Making Appropriations.**” and the resolution be adopted as amended.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, January 24, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

