

Journal of the House

EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 24, 2013, 11:00 a.m.

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

The roll was called with 117 members present.

Reps. Carlson, Concannon, Jennings, Merrick, Peterson, Ruiz, Suellentrop and Swanson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dr. Bruce Emmert, senior pastor, First United Methodist Church of Topeka, and guest of Rep. Tietze:

Lord our God,

Thank you for the men and women of the House of Representatives who come to elected office with the desire to seek what is best for all Kansans.

Their burden, Lord, is heavy. The demands of office are weighty.

Grant our Representatives wisdom as they consider the great issues facing our state and discernment as they listen to all the competing voices which seek to be heard.

Grant our Representatives patience with us who elected them when we want simplistic solutions to the complex issues facing us all.

Grant our Representatives an extra measure of grace when their best intentions are misunderstood, their decisions are questioned or their motives doubted.

And, Lord, grant our Representatives good-humored friendships with one another that transcend political distinctions as they work together for the people of Kansas.

Our thoughts are with Representative Carlson and his family following an accident in which two of his granddaughters were injured.

Lord our God, for the men and women of the Kansas House of Representatives, for Kansas Senate and for our Governor we give you thanks and praise. Amen.

The Pledge of Allegiance was led by Rep. Edwards.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2079, AN ACT regulating traffic; concerning certain right-of-way violations; increasing penalties; amending K.S.A. 2012 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

HB 2080, AN ACT concerning crimes, criminal procedure and punishment; amending K.S.A. 2012 Supp. 21-5807 and 21-5924 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 21-5924a, by Committee on Corrections and Juvenile Justice.

HB 2081, AN ACT concerning civil procedure; relating to the forfeiture of instrumentalities of a crime; amending K.S.A. 2012 Supp. 60-4104 and 60-4105 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2082, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2012 Supp. 22-4606 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2083, AN ACT concerning the public employees relations board; amending K.S.A. 75-4327 and K.S.A. 2012 Supp. 75-4332 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2084, AN ACT concerning income taxation; relating to credits; community services contributions; amending K.S.A. 2012 Supp. 79-32,195 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2085, AN ACT concerning negotiation of working conditions, including labor relations, for certain professional employees; amending K.S.A. 72-5415, 72-5416, 72-5417, 72-5418, 72-5419, 72-5421, 72-5423, 72-5424, 72-5426 and 72-5430 and K.S.A. 2012 Supp. 72-5413 and repealing the existing sections; also repealing K.S.A. 72-5420 and 72-5428a, by Committee on Commerce, Labor and Economic Development.

HB 2086, AN ACT concerning economic development financing; relating to eligible project costs for tax increment financing and community improvement districts; bond repayment pledge requirements; amending K.S.A. 2012 Supp. 12-6a27, 12-1770a and 12-1774 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2087, AN ACT concerning the promoting employment across Kansas act; relating to extension of the benefit term for a qualified company; amending K.S.A. 2012 Supp. 74-50,212 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2088, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 74-50,107, 74-99b34 and 79-4227 and repealing the existing sections, by Committee on Appropriations.

HB 2089, AN ACT concerning historic properties; relating to projects within the environs of such properties; amending K.S.A. 75-2729 and K.S.A. 2012 Supp. 75-2724 and repealing the existing sections, by Committee on Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2049, HB 2050, HB 2051, HB 2073, HB 2076.**

Commerce, Labor and Economic Development: **HB 2053, HB 2069, HB 2077, HB 2077.**

Corrections and Juvenile Justice: **HB 2064, HB 2065, HB 2070.**

Education Budget: **HB 2071.**

Federal and State Affairs: **HB 2052, HB 2054, HB 2055.**

Health and Human Services: **HB 2066, HB 2067, HB 2068; SCR 1606.**

Local Government: **HB 2062, HB 2072, HB 2074, HB 2075.**

Taxation: **HB 2056, HB 2057, HB 2058, HB 2059, HB 2060, HB 2061, HB 2063.**

Veterans, Military and Homeland Security: **HB 2077, HB 2077, HB 2078.**

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2021** from Committee on General Government Budget and referral to Committee on Education Budget.

On motion of Rep. Vickrey, the House resolved into Committee of the Whole with Rep. Brunk in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HR 6004** be adopted; also, on motion of Rep. DeGraaf to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Ward to amend **HR 6004** on page 18, in line 43, by striking the second comma and inserting ": (a)";

On page 19, in line 2, after "bill" by inserting "; or (b) the ending balance in the state treasury that would otherwise be required by law for the applicable fiscal year";

On roll call, the vote was: Yeas 39; Nays 78; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Ballard, Becker, Bollier, Bridges, Burroughs, Campbell, Carlin, Clayton, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Hill, Hineman, Houston, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Rooker, Sawyer, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Bideau, Boldra, Bradford, Bruchman, Brunk, C-Lovelady, Carpenter, Cassidy, Christmann, Claeys, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Montgomery, O'Brien, Osterman, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Jr. Ryckman, Sr.

Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber, Whipple.

Present but not voting: None.

Absent or not voting: Carlson, Concannon, Jennings, Merrick, Peterson, Ruiz, Suellentrop, Swanson.

The motion of Rep. Ward did not prevail.

Also, on further motion of Rep. Ward to amend **HR 6004**, the motion did not prevail and the resolution be adopted as amended.

Committee report to **SCR 1604** be adopted; also, on motion of Rep. Rubin to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Schroeder to amend **SCR 1604** on page 8, by striking all in lines 32 through 41;

On roll call, the vote was: Yeas 49; Nays 68; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Ballard, Becker, Bideau, Bollier, Bridges, Burroughs, Campbell, Carlin, Carpenter, Clayton, Davis, Dierks, Dillmore, Doll, Finch, Finney, Frownfelter, Gandhi, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Phillips, Rooker, Sawyer, Schroeder, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Boldra, Bradford, Bruchman, Brunk, C-Lovelady, Cassidy, Christmann, Claeys, Corbet, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Ewy, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Montgomery, O'Brien, Osterman, Peck, Petty, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Jr. Ryckman, Sr. Ryckman, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Present but not voting: None.

Absent or not voting: Carlson, Concannon, Jennings, Merrick, Peterson, Ruiz, Suellentrop, Swanson.

The motion of Rep. Schroeder did not prevail.

Also, on motion of Rep. Sawyer to amend **SCR 1604**, the motion did not prevail and the resolution be adopted as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **HCR 5002** be amended on page 4, in line 4, by striking "nomination or"; in line 9, before "Any" by inserting:

"The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision

of the court of appeals.

(2)";

And by redesignating paragraphs accordingly;

On page 6, in line 1, by striking "nomination or"; by striking all in lines 6 and 7;

On page 9, in line 2, by striking "August" and inserting "November"; and the resolution be adopted as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 1, by Representative O'Brien, congratulating Joseph Hrenchir on achieving the rank of Eagle Scout;

Request No. 2, by Representative Peck, congratulating Chalmer Haworth on celebrating his 98th birthday;

Request No. 3, by Representative Meier, congratulating Crystal M. Harris on celebrating her 100th birthday;

Request No. 4, by Representative Trimmer, congratulating Tristan Slayden on achieving the rank of Eagle Scout;

Request No. 5, by Representative Bradford, congratulating Laura J. Moyers on achieving 2013 Regional Teacher of the Year, Kansas Teacher of the Year Program;

Request No. 6, by Representative Hedke, congratulating Dyane Smokorowski on achieving 2013 Kansas Teacher of the Year, Kansas Teacher of the Year Program;

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. Vickrey, the committee report was adopted.

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

The following bills were introduced and read by title:

HB 2090, AN ACT concerning livestock; relating to the establishment of the Kansas equine education and promotion board, by Committee on Agriculture and Natural Resources.

HB 2091, AN ACT concerning delinquent personal property taxes; amending K.S.A. 19-547 and repealing the existing section, by Committee on Local Government.

HB 2092, AN ACT concerning employee privacy; relating to social media access by employers, by Committee on Vision 2020.

HB 2093, AN ACT concerning crimes, criminal procedure and punishment; relating to identity theft; relating to unlawful acts concerning computers; amending K.S.A. 2012 Supp. 21-5839 and 21-6107 and repealing the existing sections, by Committee on

Vision 2020.

HB 2094, AN ACT concerning public and private postsecondary educational institutions; relating to student electronic privacy, by Committee on Vision 2020.

HB 2095, AN ACT concerning the governmental ethics commission; amending K.S.A. 2012 Supp. 25-4119a and repealing the existing section, by Committee on Elections.

HB 2096, AN ACT concerning local governing bodies; relating to investment of public moneys, conditions and limitations; amending K.S.A. 2012 Supp. 12-1675 and repealing the existing section, by Committee on Financial Institutions.

HB 2097, AN ACT concerning the Kansas electric transmission authority; relating to the composition of the board of directors; amending K.S.A. 2012 Supp. 74-99d03 and 74-99d04 and repealing the existing sections, by Committee on Energy and Environment.

HB 2098, AN ACT concerning the personal and family protection act; relating to the licensure of certain officers; amending K.S.A. 2012 Supp. 75-7c05 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2099, AN ACT concerning insurance; pertaining to updating of certain statutory references; amending K.S.A. 39-719e, 40-1612 and 40-19a10 and K.S.A. 2012 Supp. 40-19c09 and repealing the existing sections; also repealing K.S.A. 40-254, by Committee on Insurance.

HB 2100, AN ACT concerning utilities; relating to renewable energy, purchasing and contracting, by Committee on Energy and Environment.

HB 2101, AN ACT concerning utilities; relating to electric transmission, interstate siting compact, by Committee on Energy and Environment.

HB 2102, AN ACT concerning courts; relating to the commission on judicial performance; docket fees; judicial performance fund; amending K.S.A. 2012 Supp. 20-367, 20-3201, 28-172a, 28-179, 59-104, 60-2001, 61-2704 and 61-4001 and repealing the existing sections, by Committee on Judiciary.

HB 2103, AN ACT concerning sales and use taxation; relating to nexus; amending K.S.A. 2012 Supp. 79-3702 and repealing the existing section, by Committee on Taxation.

HB 2104, AN ACT concerning telecommunications; relating to the use of alternative technology, carrier of last resort; amending K.S.A. 2012 Supp. 66-2009 and repealing the existing section, by Committee on Utilities and Telecommunications.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Mast announced the appointment of Rep. Burroughs to replace Rep. Ruiz as a member of the Committee on Commerce, Labor and Economic Development effective today.

Also, the appointment of Rep. Mast to replace Rep. Suellentrop as Vice-Chair of the Committee on Commerce, Labor and Economic Development and the appointment of Rep. Lunn to replace Rep. Carlson as a member of the Committee on Commerce, Labor and Economic Development for January 23-25.

On motion of Rep. Vickrey, the House adjourned pro forma until 8:00 a.m., Friday, January 25, 2013

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

