

# Journal of the House

## TWENTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 11, 2013, 11:00 a.m.

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

The roll was called with 124 members present.

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

Prayer by guest chaplain, Deacon Everett Schultz, First Mennonite Church, Pretty Prairie, and guest of Rep. Seiwert:

Our Father in Heaven,

We come before Thee this morning praising You and thanking you for Your many blessings. We have been so abundantly blessed in our land, and we acknowledge that it is from Your Hand. You are the creator of this land, and we are privileged to live in it because of Your love and mercy. I thank you Father that this great Hall still opens its sessions with prayer.

Dear Father, please give the people in this room wisdom and guidance. I thank you that you have selected them to be elected and to serve in this great House. I pray that you will bless them. And I pray that they will be true to their campaign promises and honor you in truth as they serve. Your Word states that the "*The fear of the Lord is the beginning of wisdom.*" Proverbs 9:10 Therefore, Father, I ask that you will give them wisdom and understanding so that they will be able to make truthful decisions that will meet the needs of this great state not only for us today, but also for our children and grand-children, and honor those who elected them based on their promises. Your Word also states that "*He who walks with integrity, and works righteousness, and speaks truth from his/her heart*", "*will abide in Thy tent.*" Psalm 15:3, 1

Father, I realize there are many different viewpoints in this room. But there is only one state of Kansas. Help these people to be unified with one another, regardless of political party or area of the state, so that the good of the entire state is done, and not their own desires and purposes. Work in each one's heart here today Father to bring unity. I ask that you cause them to do

Your will, and not their own, and may the decisions made reflect  
 Your glory and provide for the betterment of the state of Kansas.  
 I ask these things in Thy holy name O Lord. Amen

The Pledge of Allegiance was led by Rep. Seiwert.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2282**, AN ACT concerning schools; establishing the personal financial literacy incentive program, by Committee on Education.

**HB 2283**, AN ACT concerning nurse aide trainees; criminal background checks, by Committee on Children and Seniors.

**HB 2284**, AN ACT concerning health insurance; pertaining to prescription drug coverage; amending K.S.A. 2012 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representatives Trimmer, Alcalá, Ballard, Bridges, Carlin, Finney, Henderson, Henry, Houser, Houston, Kuether, Lane, Lusk, Menghini, Pauls, Peterson, Ruiz, Sawyer, Sloop, Tietze, Weigel, Wilson, Winn and Wolfe Moore.

**HB 2285**, AN ACT concerning property taxation; relating to definitions; commercial and industrial machinery and equipment; amending K.S.A. 79-102 and repealing the existing section, by Committee on Taxation.

**HB 2286**, AN ACT concerning income taxation; relating to deductions; modifications; net operating losses; amending K.S.A. 2012 Supp. 79-32,117, 79-32,138, 79-32,143 and 79-32,266 and repealing the existing sections, by Committee on Taxation.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce, Labor and Economic Development: **HB 2272, HB 2273, HB 2276, HB 2279.**

Corrections and Juvenile Justice: **HB 2274, HB 2277, HB 2278; SB 16, SB 19, SB 40, SB 58, SB 61.**

Education: **HB 2280.**

Elections: **HB 2266, HB 2271, HB 2281.**

Federal and State Affairs: **HB 2270, SB 21, SB 34, SB 35 .**

General Government Budget: **SB 28.**

Health and Human Services: **SB 46.**

Insurance: **HR 6012; SB 26.**

Judiciary: **HB 2275.**

Taxation: **HB 2267, HB 2268.**

Transportation: **HB 2269.**

### CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2086** from Committee on Taxation and referral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **HB 2192** from Committee on Education and referral to

Committee on Federal and State Affairs.

### **MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Edmonds, **HR 6007**, A resolution designating the Official Robert (Bob) G. Bethell House of Representatives ballot box, was adopted.

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

Before we begin I would request your indulgence in allowing me to invite Bob Bethell's family to join me in the well. With us this morning is Bob's widow, Representative Lorene Bethell. Also with us is Bob and Lorene's daughter Aletha Pelham. She is joined by her husband Todd Pelham.

I had the great good fortune to know Bob Bethell for the last fifteen years of his life. Eight of those years we served together in this House. He was my colleague and my very good friend. He was a fine gentleman, an outstanding legislator, and most of all a devout man of God. I shall always miss him terribly.

Those of us who had the honor to serve with Bob knew him for his substantial intellect, for his great fund of knowledge, particularly in the health care arena, and for his passion to aid and protect society's most vulnerable members. He was a tireless advocate for the elderly, the disabled, and the disadvantaged. Many in this state have been benefitted by Representative Bethell's efforts.

Some of us were also privileged to have known Bob in his pastoral capacity. While serving the 113<sup>th</sup> district in the House, Bob also pastored two churches in Rice County, one at Alden and the other at Raymond. Bob included my own family amongst his extended flock, presiding at grave side services for my father-in-law's funeral here in Topeka and later doing the same at my mother's funeral in Lost Springs. The Edmonds and Larsen families will always hold Pastor Bethell in high esteem.

Perhaps a less expected aspect of Bob's persona might be the surprisingly talented and versatile Craftsman Bethell, or perhaps more aptly, Bob the Builder. It turns out that Bob could express himself as well with his hands as he could with his mind and his voice. Bob could build on the macro level, producing wonderfully serviceable buildings such as his monitor-style barn and the locally famous Garage-Mahal. He did beautiful and utilitarian work which can be seen today in the extensive remodel and restoration which he and Lorene performed on their handsome residence in Alden. Bob could build and finish fine furniture. He could make and repair chiming clocks, both antique and modern. There was precious little to which he could not successfully turn his hand.

Which brings us to today's business.

It seems that, after the completion of the 2002 leadership elections, Bob zinged Jeff Russell about using a shoe box as a ballot box for the recently completed elections. Bob is said to have asked Jeff if that was the best he could do. According to the Hutch News, Jeff responded "I understand you're a wood worker. Why don't you do something better?" Bob is said to have answered him, "Well, I will."

And he did.

Since 2004, the House leadership elections have been conducted using the beautiful

walnut ballot box which Bob and Lorene Bethell made. This is the box. If you look at it closely, and I invite you to do so, I think you will agree with me that it is an exquisite piece of craftsmanship. Lorene has graciously donated it to the House to be kept in perpetuity for use in leadership elections.

Mr. Speaker, would you please direct the Sargent at Arms to come to the well now and receive custody of the Official Robert (Bob) G. Bethell Ballot Box?

Representative Bethell, on behalf of the House I want to thank you for this noble gift.

Former Rep. Lorene Bethell also addressed a few remarks to the members of the House.

### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

Speaker Merrick announced that order of business, Final Action on Bills and Concurrent Resolutions, would be delayed until after Committee of the Whole.

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

### **COMMITTEE OF THE WHOLE**

On motion of Rep. Garber, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2015** be passed.

**HB 2030** be passed over and retain a place on the calendar.

Committee report to **HB 2081** be adopted; and the bill be passed as amended.

Committee report to **HB 2034** be adopted; and the bill be passed as amended.

### **REPORTS OF STANDING COMMITTEES**

Committee on **Education** recommends **HB 2141** be passed.

Committee on **Financial Institutions** recommends **HB 2096** be passed.

Committee on **Local Government** recommends **HB 2035** be passed.

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 thereupon introduced and read by title:

**HB 2287**, AN ACT creating the Kansas inspector general act; amending K.S.A. 25-4001 and 25-4002 and K.S.A. 2012 Supp. 21-5904, 45-217, 45-221, 46-247, 74-5602, 75-2973 and 75-7024 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 45-221j, 45-221k and 75-7427, by Committee on Federal and State Affairs.

**HB 2288**, AN ACT concerning crimes, criminal procedure and punishment; relating to offender registration; relating to postrelease supervision; amending K.S.A. 2012 Supp. 22-3717 and 22-4906 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2289**, AN ACT concerning schools; relating to curriculum standards; amending

K.S.A. 2012 Supp. 72-6439 and repealing the existing section, by Committee on Education.

**HB 2290**, AN ACT concerning school districts; relating to school finance litigation and the funding thereof; amending K.S.A. 2012 Supp. 72-64b01 and repealing the existing section, by Committee on Education.

**HB 2291**, AN ACT concerning municipalities; relating to elections for bonds; expanding notice and ballot requirements; amending K.S.A. 10-120a and 12-6,122 and repealing the existing sections, by Committee on Education.

**HB 2292**, AN ACT concerning agriculture; relating to agricultural activities; protection of farmland and agricultural activities from certain nuisance actions; amending K.S.A. 2-3202 and 2-3203 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

**HB 2293**, AN ACT concerning Kansas racing and gaming commission; relating to meeting and compensation of members; amending K.S.A. 74-8803 and repealing the existing section, by Committee on Appropriations.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**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. 79-32,117, 79-32,118, 79-32,266, 79-3620 and 79-4217 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Dillmore, Ward.

Present but not voting: None.

Absent or not voting: Peterson.

The bill passed, as amended.

**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, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: Peterson.

The bill passed.

#### **REPORT ON ENGROSSED BILLS**

**HB 2059** reported correctly engrossed February 8, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, February 12, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

