

# Journal of the House

TWENTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 18, 2013, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Grant and Hermanson were excused on verified illness.

Reps. Carpenter, Christmann, Johnson and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,  
Today as we continue the business before us,  
help us to remember three important things as we make decisions.  
First, we pray that all the alternatives being considered  
will be positive, constructive, and morally correct.  
Secondly, help us to be sure our decisions are based  
upon choices that emphasize freedom.  
This means we may need to set aside our own preferences  
and preconceptions and strive to be free of social pressures.  
Thirdly, as we go through the process of making decisions,  
help us to realize it will require work  
on our part to make every reasonable effort  
to discern and find Your will.  
Because these three things require our hearts as well as our minds,  
we come before You and ask for clear minds and sensitive hearts.  
Please surround the family of Wayne Owen today  
with your comfort, strength and grace.  
May Your Presence carry them in this time of deep loss and grief.  
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Ward.

## PERSONAL PRIVILEGE

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

During the week of February 16-23 the Kansas FFA Association is celebrating 85 Years of FFA. Our programs are found in both rural and urban areas of Kansas with chapters being located in or very near the cities of Garden City, Hays, Hutchinson, Lawrence, Manhattan, Newton, Olathe, Pittsburg, Salina, and Topeka. FFA members can be found in 87 of the 105 counties across Kansas.

Look around, you will see FFA members volunteering for a cause, promoting hunger-awareness initiatives, and educating the general public about premier leadership, personal growth and career success they are experiencing in Agriculture Education & FFA.

Much has changed over the past 85 years with agricultural education, the National FFA Organization, and Kansas FFA Association. We have opened the door to female membership (1969); grown in numbers (8,300 Kansas FFA members from 165 FFA Chapters across the state); and have adjusted programming to remain relevant in today's societal needs by expanding agricultural opportunities encompassing science, business and technology, in addition to production farming.

The Kansas FFA Association is led by the state officer team - six students who are attending college.

The 2012-13 State FFA Officer Team members are:

Emily Beneda from Wilson, a freshman at Kansas State University majoring in Food Science & Management.

Glendolyn Neely from Humboldt, a junior at Kansas State University majoring in Agriculture Communication & Communication Sciences & Disorders.

Chelsey Smith from Hays, a sophomore at Kansas State University majoring in Agriculture Education.

Kayla Clapp from Caney, a freshman at Kansas State University majoring in Food Science & Management.

Justin Haun from Fredonia, a freshman at Kansas State University majoring in Agriculture Education.

Denver Johnston from Garnett, a freshman at Kansas State University majoring in Milling Science & Management

A new team of state FFA officers will be elected at the 85th Kansas FFA Convention at the closing session of the convention on May 31. You are welcome to join us at this celebratory convention held on the Kansas State University campus May 29-31.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2369**, AN ACT concerning health insurance; relating to employer contributions; providing modification to federal adjusted gross income for Kansas income tax purposes; amending K.S.A. 2012 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

**HB 2370**, AN ACT concerning income taxation; relating to certain net operating losses; amending K.S.A. 2012 Supp. 79-32,143 and repealing the existing section, by Committee on Taxation.

**HB 2371**, AN ACT concerning the low-income family postsecondary savings account incentive program; amending K.S.A. 2012 Supp. 75-650 and repealing the existing section, by Committee on Appropriations.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2359, HB 2362, HB 2363.**

Appropriations: **HB 2360.**

Elections: **HB 2364.**

Energy and Environment: **HB 2365, HB 2366, HB 2367.**

Health and Human Services: **HB 2368; SB 107.**

Judiciary: **HB 2361.**

Transportation: **HB 2356, HB 2357, HB 2358.**

**CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2029** from Committee on Health and Human Services and referral to Committee on Social Services Budget.

Also, withdrawal of **HB 2117** from Committee on Judiciary and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2157** from Committee on Health and Human Services and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2345** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2354** from Committee on Elections and referral to Committee on General Government Budget.

**COMMUNICATIONS FROM STATE OFFICERS**

From Robert Moser, M..D., Secretary and State Health Officer, Kansas Department of Health and Environment, Annual Report, 2012.

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

**CONSENT CALENDAR**

No objection was made to **HB 2143, HB 2145, HB 2152** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2106, HB 2140, HB 2142, HB 2148, HB 2149, HB 2156** appearing on the Consent Calendar for the second day.

Objection was made to **HB 2151** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2035**, AN ACT concerning education requirements for certain contractors; amending K.S.A. 2012 Supp. 12-1509, 12-1526 and 12-1542 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutton, Jennings, 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, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: DeGraaf, Howell.

Present but not voting: None.

Absent or not voting: Carpenter, Christmann, Grant, Hermanson, Johnson, Peterson.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: **HB 2035** nearly quadruples education requirements for certain contractors who elect to satisfy part of the licensing requirement for their profession with trade-related schooling, as allowed by statute. The bill does not necessarily reduce classroom hours in lieu of additional program hours which includes classroom hours. It is unclear if the trainee pays for the program hours or if they receive a wage. This bill unnecessarily grows regulations possibly limiting the pool of skilled workforce and may raise the cost of service to their clientele. This may also raise the cost of training and make entering these professions more difficult. I vote no on **HB 2035**. – JIM HOWELL,  
PETE DEGRAAF

**HB 2130**, AN ACT concerning elections; relating to petitions; amending K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, 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, Ward, Waymaster, Weber,

Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Finch.

Present but not voting: None.

Absent or not voting: Carpenter, Christmann, Grant, Hermanson, Johnson, Peterson.

The bill passed.

**HB 2154**, AN ACT concerning the board of cosmetology; relating to licensure and renewal; amending K.S.A. 65-1904a and K.S.A. 2012 Supp. 65-1904b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, 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, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Carpenter, Christmann, Grant, Hermanson, Johnson, Peterson.

The bill passed, as amended.

**HB 2155**, AN ACT concerning cosmetology; relating to licensure and renewal; amending K.S.A. 2012 Supp. 65-1905, 65-1943, 65-1945 and 65-1950 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, 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, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Carpenter, Christmann, Grant, Hermanson, Johnson, Peterson.

The bill passed, as amended.

**HB 2201**, AN ACT concerning telecommunications; relating to the state corporation commission, regulation; concerning the Kansas universal service fund, eligibility and disbursements; establishing the telecommunications study committee; amending K.S.A. 66-1,188, 66-1,191, 66-1,195, 66-2002, 66-2003 and 66-2007 and K.S.A. 2012 Supp. 66-1,187, 66-2005, 66-2006, 66-2008 and 66-2009 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleebe, 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: Hibbard.

Present but not voting: None.

Absent or not voting: Carpenter, Christmann, Grant, Hermanson, Johnson, Peterson.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I voted "No" on **HB 2201**. By decreasing payments into the Kansas Universal Service Fund, this bill will allow price discrimination based on geographic location. For Kansans living in outlying areas, landlines are a necessity. Until technology provides us with good cellphone reception and a phone product that is simplified enough for elderly people to understand and use, this fund should be kept intact.

This bill may come back to haunt rural Kansas. – LARRY P. HIBBARD

MR. SPEAKER: I vote Aye on **HB 2201**, but urge my fellow legislators and the telecommunications industry to address the Federal Communications Commission's Order regarding text messaging and next generation E-911 services. If PSAPs are unable to receive the messages from the telecom provider, the person in distress will not receive the assistance he/she needs. This is a safety issue and the necessary funding to ensure PSAP capabilities should be a priority. – TOM SLOAN, JOHN WILSON

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

### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2125** be passed.

Committee report to **HB 2202** be adopted; and the bill be passed as amended.

Committee report to **HB 2122** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2001** be adopted; also, on motion of Rep. Swanson, be rereferred to Committee on Veterans, Military and Homeland Security.

### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2195** be amended on page 1, in line 7, by striking "year" and inserting "years"; also in line 7, after the second comma, by inserting "June 30, 2014, June 30, 2015, and June 30, 2016,";

On page 4, in line 13, by striking all after "On"; in line 14, by striking all before "for" and inserting "July 1, 2013, the department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund of the department of revenue"; also in line 14, by striking "owed" and inserting "claimed"; in line 23, by striking all after the second comma; in line 24, by striking all before "for" and inserting "the department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund of the department of revenue"; also in line 24, by striking "owed" and inserting "claimed"; in line 32, by striking all after the second comma; in line 33, by striking all before "for" and inserting "the department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund of the department of revenue"; also in line 33, by striking "owed" and inserting "claimed"; in line 41, by striking "the effective date of this act" and inserting "July 1, 2013,";

On page 5, in line 1, after "reimbursements" by inserting "to the following claimant"; following line 1, by inserting:

"City Treasurer";

Also on page 5, in line 8, after "reimbursements" by inserting "to the following claimant"; following line 9, by inserting:

"City Treasurer";

Also on page 5, in line 16, after "reimbursements" by inserting "to the following claimant"; following line 17, by inserting:

"City Treasurer";

Also on page 5, in line 22, by striking all after "fund"; in line 23, by striking "operating expenditures account"; following line 24, by inserting:

"County Treasurer"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2069** be amended on page 1, in line 7, by striking all after "resolution"; in line 8, by striking all before "which" and inserting "or law"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2083** be amended on page 3, in line 29, after the period by inserting "For the purposes of this subsection, the term "costs" shall include amounts expended by the board for printing of ballots and necessary postage.";

On page 5, in line 20, by striking all after "(g)"; by striking all in lines 21 and 22; in line 23, by striking all before "shall" and inserting "The cost for the fees of court reporters and fact finders provided by the secretary of labor upon the request of the board";

On page 1, in the title, in line 1, by striking "employees" and inserting "employee"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2181** be passed.

Committee on **Education** recommends **HB 2261** be amended on page 9, in line 21, before "At" by inserting "It is the public policy goal of the state of Kansas that"; and the bill be passed as amended.

Committee on **Utilities and Telecommunications** recommends **HB 2138** be amended on page 1, in line 6, after "55-105," by inserting "55-106,";

On page 1, in the title, in line 1, after "55-105," by inserting "55-106,"; 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

The following bills were thereupon introduced and read by title:

**HB 2372**, AN ACT concerning certain municipalities; relating to disclosures regarding fluoride in water supplies, by Committee on Federal and State Affairs.

**HB 2373**, AN ACT concerning minors; relating to awarding of high school diplomas to certain persons; amending K.S.A. 2012 Supp. 38-2285 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2374**, AN ACT concerning treatment facilities; relating to substance abuse services, by Committee on Federal and State Affairs.

## REPORT ON ENGROSSED BILLS

**HB 2154, HB 2155, HB 2201** reported correctly engrossed February 15, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Tuesday, February 19, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

