

Journal of the House

TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 20, 2013, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Lane was excused on verified illness.

Reps. Hill and Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

Many times when we come to You and ask You to help us,
if we are honest, we really sometimes don't listen to You.

For instance:

help us to relax about insignificant details,
beginning tomorrow at 7:41 a.m.;

help us to consider people's feelings,
even if most of them are hypersensitive;

help us to take responsibility for the consequences of our actions,
even though they're usually not our fault;

help us to not try to run everything –

but, if You need some help, please feel free to ask us;

help us to be more laid back, and help us to do it exactly right;
give us patience, and we mean right now;

help us to do only what we can, and trust You for the rest--
and would You mind putting that in writing?

keep us open to others' ideas, misguided though they may be.

In all seriousness, though, we do seek You and Your wisdom

We know we cannot do what needs to be done
without Your guidance, Your power, and Your strength.

Remind us to today that we “can do all things
through Christ who strengthens us.”

And for this major storm You are sending our way –
please keep us all safe!

It is in Christ Jesus that I pray,

Amen.

The Pledge of Allegiance was led by Rep. Hineman.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HCR 5013**.

Health and Human Services: **HB 2375**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2325** from Committee on Appropriations and referral to Committee on General Government Budget.

COMMUNICATIONS FROM STATE OFFICERS

From Sandy Praeger, Commission of Insurance, Kansas Insurance Department, pursuant to K.S.A. 40-108, 2012 Annual Report, summarizing the activities of the Kansas Insurance Department through December 31, 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 2169** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2143, HB 2145, HB 2152** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2143, AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Hill, Lane, Peterson.

The bill passed.

HB 2145, AN ACT repealing K.S.A. 75-5028; concerning the purchase of real estate by the secretary of transportation, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Hill, Lane, Peterson.

The bill passed.

HB 2152, AN ACT concerning the uniform land sales practices act; amending K.S.A. 2012 Supp. 17-12a601 and repealing the existing section; also repealing K.S.A. 58-3301, 58-3302, 58-3303, 58-3304, 58-3305, 58-3306, 58-3307, 58-3308, 58-3309, 58-3310, 58-3311, 58-3312, 58-3313, 58-3315, 58-3316, 58-3317, 58-3318, 58-3319, 58-3320, 58-3321, 58-3322 and 58-3323 and K.S.A. 2012 Supp. 58-3314, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Hill, Lane, Peterson.

The bill passed.

HB 2122, AN ACT concerning real estate brokers and salespersons; pertaining to licensure; pertaining to technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2012 Supp. 58-3046a, 58-3050, 58-3062 and 58-30,103 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, 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, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Campbell.

Present but not voting: None.

Absent or not voting: Hill, Lane, Peterson.

The bill passed, as amended.

HB 2125, AN ACT concerning real estate brokers and salespersons; relating to license fees; amending K.S.A. 2012 Supp. 58-3063 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 50; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Burroughs, Couture-Lovelady, Carlin, Christmann, Clayton, Concannon, Crum, Davis, Dierks, Doll, Dove, Ewy, Finch, Finney, Frownfelter, Gandhi, Gonzalez, Grant, Hawkins, Hedke, Henry, Hermanson, Hibbard, Hineman, Houston, Huebert, Hutton, Jennings, Johnson, Kelly, Kleeb, Lunn, Lusk, Meier, Menghini, Moxley, Osterman, Pauls, Perry, Phillips, Proehl, Rooker, Rothlisberg, Ryckman Jr., Ryckman Sr., Sawyer, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Swanson, Trimmer, Vickrey, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alcalá, Campbell, Carlson, Carpenter, Cassidy, Claeys, Corbet, DeGraaf, Dillmore, Edmonds, Edwards, Esau, Garber, Goico, Grosserode, Henderson, Highland, Hildabrand, Hoffman, Houser, Howell, Jones, Kahrs, Kelley, Kinzer, Kuether,

Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Peck, Petty, Powell, Read, Rhoades, Rubin, Ruiz, Schroeder, Schwab, Siegfried, Sutton, Thimesch, Tietze, Todd, Victors, Ward, Weber.

Present but not voting: Brunk.

Absent or not voting: Hill, Lane, Peterson.

The bill passed.

HB 2140, AN ACT repealing K.S.A. 72-60b03; relating to the effective date of the midwestern higher education compact act, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Hill, Lane, Peterson.

The bill passed.

HB 2142, AN ACT repealing K.S.A. 72-8165, 72-8166, 72-8167, 72-8168, 72-8169, 72-8169a, 72-8170, 72-8171, 72-8172, 72-8173, 72-8174 and 72-8175; concerning land transfers, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Hill, Lane, Peterson.

The bill passed.

HB 2148, AN ACT concerning postsecondary education scholarships; amending K.S.A. 74-3292, 74-3293 and 74-3297 and K.S.A. 2012 Supp. 74-32,100 and repealing the existing sections; also repealing K.S.A. 72-9701, 72-9702, 72-9703, 72-9704, 72-9705, 72-9706, 74-3299, 74-32,112, 74-32,113, 74-32,114, 74-32,115, 74-32,116, 74-32,117, 74-32,118 and 74-32,119 and K.S.A. 2012 Supp. 74-32,107d, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lunn, Lusk, Macheers, Mast, McPherson, Meigs, 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, Vickrey, Waymaster, Weber, Winn, Wolfe Moore.

Nays: Alcalá, Bridges, Burroughs, Carlin, Dillmore, Goico, Grant, Houston, Meier, Menghini, Trimmer, Victors, Ward, Weigel, Whipple, Wilson.

Present but not voting: None.

Absent or not voting: Hill, Lane, Peterson.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2148**. This bill eliminates unfunded scholarship programs such as the Kansas Honors Scholarship and the Kansas Ethnic Minority Fellowship Program. This legislature should invest in scholarship programs that make higher education available to our best and brightest. We should be looking for ways to fund scholarships, not eliminating them. **HB 2148** sends the wrong message. — JIM WARD

HB 2149, AN ACT concerning postsecondary education student loans and tuition grants; amending K.S.A. 74-3241 and repealing the existing section; also repealing K.S.A. 72-7401, 72-7402, 72-7403, 72-7404, 72-7405, 72-7406, 72-7407, 74-3233, 74-3235, 74-3236, 74-3237, 74-3238, 74-3239 and 74-3240, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 14; Present but not voting: 0; Absent or not

voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, 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, Grosserode, Hawkins, Hedke, Henderson, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lunn, Lusk, Macheers, Mast, McPherson, Meigs, 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, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Vickrey, Waymaster, Weber, Whipple, Winn, Wolfe Moore.

Nays: Alcalá, Bridges, Dillmore, Grant, Henry, Houston, Meier, Menghini, Sloop, Trimmer, Victors, Ward, Weigel, Wilson.

Present but not voting: None.

Absent or not voting: Hill, Lane, Peterson.

The bill passed.

HB 2156, AN ACT concerning school finance; relating to area vocational school fund; relating to local effort as applied to U.S.D. No. 450; amending K.S.A. 2012 Supp. 72-6409 and repealing the existing section; also repealing K.S.A. 72-6422 and 72-8189, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, 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: Hill, Lane, Peterson.

The bill passed.

HB 2202, AN ACT concerning transportation; relating to motor carrier regulations, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lunn, 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: Hill, Lane, Peterson.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Alford, Committee of the Whole report, as follows, was adopted: Recommended that **Sub HB 2017** be passed over and retain a place on the Calendar.

On motion of Rep. Rhoades, **HB 2139** be rereferred to Committee on Financial Institutions.

Committee report to **HB 2261** be adopted; and the bill be passed as amended.

Committee report to **HB 2014** be adopted; and the bill be passed as amended.

Committee report to **HB 2164** be adopted; also, on motion of Rep. Rubin to amend, the motion did not prevail.

Also, on motion of Rep. McPherson to amend **HB 2164**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Rubin to amend **HB 2164** on page 1, in line 10, before "as" by inserting "in a form and manner approved by the secretary of state and"

On roll call, the vote was: Yeas 65; Nays 54; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Barker, Boldra, Bradford, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Christmann, Claeys, Corbet, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Garber, Goico, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, Montgomery, O'Brien, Osterman, Pauls, Petty, Powell, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcala, Ballard, Becker, Bideau, Bollier, Bridges, Bruchman, Burroughs, Carlin, Cassidy, Clayton, Concannon, Davis, Dierks, Dillmore, Ewy, Finch, Finney,

Frownfelter, Gandhi, Gonzalez, Grant, Henderson, Henry, Hibbard, Hineman, Houston, Jennings, Kuether, Lusk, Meier, Meigs, Menghini, Moxley, Perry, Phillips, Proehl, Rooker, Ruiz, Sawyer, Schroeder, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Doll, Hill, Kelly, Lane, Peck, Peterson.

The motion of Rep. Rubin prevailed; and **HB 2164** be passed as amended.

PERSONAL PRIVILEGE

There being no objection, the following joint remarks of Reps. Ward and Hawkins are spread upon the Journal:

I bring you super star scholars from Wichita. Today I have the Barton and Gore Scholarship recipients. These scholars come from two very different and diverse high schools. One is from Wichita East, our oldest high school with roots dating back to the 1870s, and the largest high school in the State of Kansas. Wichita East has an enrollment of 2,300 students, 68% are free and reduced lunch, 17% speak English as a second language, 18% are African American, 30% are Hispanic, 33% are Caucasian and 12% use special education services. East High has 89 members of the National Honor Society.

The other is from Wichita Northwest, the newest high school in USD 259, opening in 1978. Northwest has 1,400 students and is the 22nd largest high school in Kansas. Forty-two percent are free and reduced lunch, 11% African American, 16% Hispanic, 58% Caucasian and 14% use special education services. Among its many distinguished graduates are Zach and Emily Ward.

The Barton scholarship is the largest business scholarship offered in Kansas. The 2013-2014 winner of the Barton Scholarship is Kiah Duggins of Wichita East High School. Kiah plans to attend Wichita State University majoring in international business with a minor in economics. She hopes to work at State Department or the U.S. Agency for International Development. In her spare time, she is a dancer, member of Spanish Club, National Honor Society, member of Global Awareness and Peace Promoters. She serves as the student body vice-president.

The Gore scholarship recognizes leadership and academic skills and is one of the largest undergraduate scholarships awarded in Kansas. The 2013-2014 winner of Harry Gore Memorial Scholarship is Amanda Johnson from Wichita Northwest High School. Amanda also plans to attend Wichita State University where she will study finance. Amanda is the vice president of Youth Entrepreneurship of DECA, member of National Honor Society, and sports editor for the Northwest Explorer student newspaper. She is a four year varsity athlete qualifying for State in track and field for two years.

Reps. Ward and Hawkins presented House certificates to Kiah and Amanda.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2044** be amended on page 1, in line 7, by striking "the" and inserting "great bodily harm results from the use of such"; in line 8, by striking "distributed causes or contributes to an effect on the body"; in line 9, by striking "resulting in great bodily harm to a user of such controlled

substance"; in line 12, by striking "the" and inserting "death results from the use of such"; also in line 12, by striking "distributed causes or"; by striking all in line 13; in line 14, by striking "controlled substance"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2302** be amended on page 1, in line 6, before "Section" by inserting "New"; by striking all in lines 24 through 32;

And by redesignating subsections accordingly;

On page 2, in line 10, by striking "periodic drug screenings and "; following line 11, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor or attorney general and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

- (1) The office of governor, lieutenant governor or attorney general;
- (2) any safety sensitive position;
- (3) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- (4) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;
- (5) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or
- (6) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) "Safety sensitive positions" means the following:

(1) All state law enforcement officers who are authorized to carry firearms;

(2) all state corrections officers;

(3) all state parole officers;

(4) heads of state agencies who are appointed by the governor and employees on the governor's staff;

(5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2012 Supp. 21-5914, and amendments thereto;

(6) all employees of a juvenile correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto; ~~and~~

(7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions; and

(8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment.

Sec. 3. K.S.A. 2012 Supp. 75-4362 is hereby repealed.;

Also on page 2, in line 13, by striking "Kansas register" and inserting "statute book"; And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "employees" by inserting "; amending K.S.A. 2012 Supp. 75-4362 and repealing the existing section"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2322** be amended on page 6, in line 2, before "There" by inserting "(a)"; following line 12, by inserting:

"(b) Whenever the division of health, or words of like effect, are referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the division of public health."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2144** be passed.

Committee on **Judiciary** recommends **HB 2259** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Local Government** recommends **HB 2172** be amended on page 2, in line 42, by striking "15" and inserting "30";

On page 4, in line 29, by striking "space"; also in line 29, before the semicolon, by inserting "lot"; and the bill be passed as amended.

Committee on **Social Services Budget** recommends **HB 2160** be passed.

Committee on **Taxation** recommends **HB 2174** be passed.

Committee on **Taxation** recommends **HB 2042** be amended on page 3, in line 16, by striking "either at" and inserting "within 30 calendar days following"; in line 17, after "or" by inserting "within 30 calendar days following"; in line 39, after "appeal" by inserting "within 30 calendar days following the informal meeting";

On page 4, by striking all in lines 25 through 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 32;

On page 7, in line 15, by striking "at the time of" and inserting "within 30 calendar days following";

And by renumbering sections accordingly;

On page 9, in line 13, by striking "K.S.A. 79-1475 and"; in line 14, by striking "79-1460,";

On page 1, in the title, in line 1, by striking the first period; in line 2, by striking "79-1475 and K.S.A."; also in line 2, by striking "79-1460,"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2176** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2177** be amended on page 2, in line 25, after "carrier," by inserting "except the driver of a farm vehicle,"; in line 27, by striking all after the period; by striking all in line 28; in line 29, by striking "age."; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2269** be amended on page 1, in line 9, by striking "Bowers" and inserting "Bower"; in line 11, by striking "Bowers" and inserting "Bower";

On page 1, in the title, in line 1, by striking "Bowers" and inserting "Bower"; 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 2376, AN ACT enacting the Kansas apology and disclosure of unanticipated medical outcomes and medical errors act; concerning required disclosure policies for unanticipated medical outcomes and medical errors by medical care providers and health care facilities; evidence in civil actions; expressions of apology, sympathy, compassion or benevolent acts by medical care providers or health care administrators not admissible as evidence of an admission of liability or as evidence of an admission against interest, by Committee on Taxation.

HB 2377, AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; amending K.S.A. 2012 Supp. 8-2107, 8-2110, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **SB 91** from Committee on Appropriations and referral to Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6016**—
By Representative Schwab

A RESOLUTION honoring the life of Jim Weaver.

WHEREAS, Jim Weaver was a doorman for the Kansas House of Representatives for six years, and he passed away on September 19, 2012, after a battle with cancer; and

WHEREAS, Jim was born on December 22, 1938, in Bettie, Texas. He was raised in Bettie and graduated from Valley View High School. Jim also continued his education later in life at Washburn University; and

WHEREAS, Jim worked for Heinz for 35 years, and he retired as their Safety Coordinator in 1995. He also worked for Colmery-O'Neil VA Hospital, Dupont, and General Foods in addition to the time he spent serving the State of Kansas; and

WHEREAS, Faith was a very important part of Jim's life. He was a lifetime member of Antioch Missionary Baptist Church where he was an ordained deacon and former chairman of the Deacon Board. Jim also served as a member of the Trustee Board, kitchen coordinator, environmental technician and as a Sunday School teacher; and

WHEREAS, Jim leaves behind his loving wife, Josie Weaver, who was able to share a lifetime of loving memories with Jim before his passing: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we memorialize the life of Jim Weaver and thank him for his service to the State of Kansas.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide five enrolled copies of this resolution to Representative Schwab.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Tietze to replace Rep. Bridges on Committee on Judiciary for February 21, 22 and 25. Rep. Bridges will return to the committee on February 26.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 21, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

