

Journal of the House

TWENTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 25, 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.

Rep. Kuether was excused on verified illness.

Reps. Bridges, Peterson, Schwab and Siegfried were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Creator God,
We first want to thank you today for watching over
each and every one of us – and our citizens of Kansas
over the last few days of winter storms.
Extreme weather is such a clear reminder
that we are not in control
as much as we may sometime think.
We may go out and “prepare” for the storms—
stocking up on groceries, adjusting schedules, and everything else,
but the underlying fact of all this activity,
is that we are not in control.
You are in charge of that which You have created.
That being said, once again I come to You and ask
that you keep everyone safe this week—
that people will have food to eat, a warm place to stay,
and that the essential emergency personnel
will be safe from any danger and harm.
Our state desperately needs the moisture
and this is apparently how You plan to provide it,
so please watch over us and keep us safe.
And, although it may inconvenience the schedules of all of us,
help us to remember...
we are not in control.
In Christ’s Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2378, AN ACT concerning sales taxation; relating to exemptions; certain machinery and equipment used in surface mining activities; amending K.S.A. 2012 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 1, SB 2.**

Commerce, Labor and Economic Development: **SB 73, SB 74.**

Education: **SB 22, SB 23, SB 104.**

Energy and Environment: **SB 62.**

Federal and State Affairs: **SB 141.**

Financial Institutions: **SB 113.**

Insurance: **SB 85, SB 163.**

Taxation: **SB 83, SB 84.**

Transportation: **SB 96.**

Veterans, Military and Homeland Security: **SB 27.**

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2157** from Committee on Appropriations and rereferral to Committee on Health and Human Services.

Also, the withdrawal of **HB 2301** from Committee on Appropriations and rereferral to Committee on Pensions and Benefits.

Also, the withdrawal of **HB 2336** from Committee on Judiciary and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 56, SB 111.**

Also, announcing adoption of **SCR 1608.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were thereupon introduced and read by title:

SB 56, SB 111; SCR 1608.

CONSENT CALENDAR

No objection was made to **HB 2176, HB 2259** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2169** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2014, AN ACT concerning inheritance rights; relating to revocation upon divorce, 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, 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, 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, Schwartz, Seiwert, Shultz, 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: Bridges, Kinzer, Kuether, Peterson, Schwab, Siegfried.

The bill passed, as amended.

HB 2164, AN ACT concerning jurors; relating to information disqualifying juror from jury service, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 45; Present but not voting: 0; Absent or not voting: 5.

Yeas: Barker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, Davis, DeGraaf, Dove, Edmonds, Edwards, Esau, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Osterman, Pauls, Peck, Petty, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Seiwert, Shultz, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcalá, Alford, Ballard, Becker, Bollier, Burroughs, Campbell, Carlin, Clayton, Dierks, Dillmore, Doll, Ewy, Finch, Finney, Frownfelter, Grant, Henderson, Henry, Hineman, Houston, Jennings, Lane, Lusk, Meier, Menghini, Moxley, Perry, Phillips, Rooker, Ruiz, Sawyer, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bridges, Kuether, Peterson, Schwab, Siegfried.

The bill passed, as amended.

HB 2261, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2012 Supp. 72-965, 72-3607, 72-3715, 72-6414a, 72-6414b, 72-6420, 72-6421,

72-6423, 72-6426, 72-6460, 72-8237, 72-8250, 72-9509 and 72-9609 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, 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, 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, Kinzer, Kleeb, 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, Schwartz, Seiwert, Shultz, 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: Bridges, Kuether, Peterson, Schwab, Siegfried.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2167** be passed.

Committee report to **HB 2077** be adopted; and the bill be passed as amended.

Committee report to **HB 2078** be adopted; and the bill be passed as amended.

Committee report to **HB 2138** be adopted; and the bill be passed as amended.

Committee report to **HB 2177** be adopted; also, on motion of Rep. Schwartz be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2012 Supp. 8-2,127 is hereby amended to read as follows: 8-2,127. Vehicles that are exempt from this act include:

(a) Farm vehicles, defined as follows:

(1) Registered as a farm truck or truck tractor under K.S.A. 8-143, and amendments thereto;

(2) used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;

(3) not used in the operations of a common motor carrier; and

(4) used either:

(A) In intrastate commerce; or

(B) in interstate commerce within 150 air miles of any farm or farms owned or leased by the registered owner of such farm vehicle;

(b) vehicles operated by firefighters and other persons which are necessary to the

preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals and are not subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks, foam or water transport trucks, police SWAT team vehicles, ambulances or other vehicles that are used in response to emergencies;

(c) military vehicles which are operated by military personnel in pursuit of military purposes and all noncivilian operators of equipment owned or operated by the United States department of defense. This applies to any active duty military personnel and members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians, civilians who are required to wear military uniforms and are subject to the code of military justice; and

(d) motor vehicles, which would otherwise be considered commercial motor vehicles, if such vehicles are used solely and exclusively for private noncommercial use and any operator of such vehicles.";

On page 4, in line 37, after "Supp." by inserting "8-2,127,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "Supp." by inserting "8-2,127," and **HB 2177** be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2051** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub HB 2207** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2272** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2326** be amended on page 1, in line 17, by striking "section" and inserting "47 U.S.C. §§"; in line 18, by striking all after "252"; by striking all in lines 19 through 24; in line 25, by striking "(3)" and inserting ", as in effect on the effective date of this act. For the purposes of this paragraph, the term "state commission" used in 47 U.S.C. §§ 251 and 252 shall mean the state corporation commission established pursuant to K.S.A. 74-601, and amendments thereto;

(3) the authority of the state of Kansas or a political subdivision thereof to manage the use of public rights of way pursuant to K.S.A. 17-1902, and amendments thereto; or (4)";

Also on page 1, in line 33, by striking "28-137" and inserting "28-137b"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2319** be amended on page 1, in line 27, by striking "of education";

On page 2, in line 42, by striking "the provisions of K.S.A. 75-2315 et"; in line 43, by striking "seq., and amendments thereto" and inserting "all laws governing the issuance of general obligation bonds by school districts";

On page 3, in line 23, after "education" by inserting "of a school district"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2349** be amended on page 1, in line 5, after "legislative" by inserting "division of"; also in line 5, by striking "committee"; in line 6, after "audits" by inserting "at the direction of the legislative post audit committee"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2139** be amended on page 1, in line 30, by striking "state general fund" and inserting "unclaimed property claims fund established in K.S.A. 58-3956, and amendments thereto"; in line 34, after "thereto." by inserting "Any programming costs, including technical and functional analysis, incurred by the department of administration to implement the provisions of this subsection shall be preformed and expended within the current resources of the department. No additional funding shall be requested or appropriated for such programming costs."; and the bill be passed as amended.

Committee on **General Government Budget** recommends **HB 2146, HB 2150** be passed.

Committee on **Health and Human Services** recommends **HB 2025** be amended on page 1, in line 7, after "the" by inserting "Robert G. (Bob) Bethell";

On page 2, in line 6, after "plans," by inserting "KanCare provider network data and appeals and grievances made to the KanCare ombudsman,"; in line 9, by striking "of representatives" and inserting "committee on health and human services"; in line 10, by striking "of representatives" and inserting "committee on health and human services"; in line 12, before "appointed" by inserting "committee on public health and welfare"; in line 13, before "appointed" by inserting "committee on public health and welfare"; in line 39, by striking "The joint committee shall meet at least"; by striking all in line 40 and inserting "On and after the effective date of this act, the joint committee shall meet at least three times when the legislature is in regular session and at least once during each of the second, third and fourth calendar quarters, on the call of the chairperson."; in line 43, by striking "and" and inserting a comma;

On page 3, in line 1, after "representatives" by inserting ", the house committee on health and human services and the senate committee on public health and welfare"; in line 6, by striking "of aging" and inserting "for aging and disability services"; in line 9, by striking "department on"; by striking all in line 10 and inserting "Kansas department for aging and disability services."; in line 22, after "procedures" by inserting ", including quantitative case data and summaries of case resolution by the KanCare ombudsman"; in line 29, by striking "and"; in line 33, after "2013" by inserting ";

(G) comparison of caseload information for individuals receiving state medicaid services prior to January 1, 2013, to the caseload information for individuals receiving state medicaid services under the KanCare program after January 1, 2013; and

(H) all written testimony provided to the joint committee regarding the impact of the provision of state medicaid services under the KanCare program upon residents of adult care homes";

Also on page 3, following line 38, by inserting:

"(4) The report submitted under this subsection shall be published on the official website of the legislative research department.

(f) Members of the committee shall have access to any medical assistance report and caseload data generated by the Kansas department of health and environment division of health care finance. Members of the committee shall have access to any report submitted by the Kansas department of health and environment division of health

care finance to the centers of medicare and medicaid services of the United States department of health and human services.";

And by relettering subsections accordingly;

On page 4, in line 3, after "may" by inserting "make recommendations and"; also in line 3, by striking "such"; in line 8, by striking "of aging" and inserting "for aging and disability services"; in line 13, by striking "of aging" and inserting "for aging and disability services"; in line 15, by striking "of aging" and inserting "for aging and disability services"; in line 21, by striking "department on aging" and inserting "Kansas department for aging and disability services"; in line 22, by striking "of aging" and inserting "for aging and disability services"; in line 25, before "joint" by inserting "Robert G. (Bob) Bethell";

On page 1, in the title, in line 1, by striking "creating the joint committee on" and inserting "establishing the Robert G. (Bob) Bethell joint committee on home and community based services and"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2339** 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 **Insurance** recommends **HB 2126** be amended on page 1, in line 30, before "(d)" by inserting "or"; in line 32, by striking all after "causes"; by striking all in lines 33 through 35; in line 36, by striking all before the period;

On page 2, in line 23, by striking the fourth comma and inserting "; (a)"; in line 28, after "other" by inserting "; and (b)(1) specified disease or critical illness riders, or both, meeting the applicable requirements of K.S.A. 40-2201 et seq., and amendments thereto, and article 4 of Kansas administrative regulations, may be incorporated in life insurance policies which shall show the premium charged for specified disease or critical illness, or both, insurance and the premium charged for life insurance; and (2) the insured, at the insured's option, may discontinue the disease or critical illness rider, or both, and continue the life insurance policy by payment of the stated premium"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2012** be amended on page 1, in line 24, by striking "subsection (h), all exceptions to"; in line 25, by striking "disclosure in existence on July 1, 2000, shall expire on July 1, 2005, and" and inserting "subsections (g) and (h)";

On page 2, in line 24, after "system" by inserting ";

(3) has been reviewed and continued in existence twice by the legislature; or

(4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter";

On page 3, in line 16, after "(i)" by inserting "(1)"; by striking all in lines 18 through 20; in line 21, by striking "2009" and inserting "and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g)"; also in line 21, by striking "until July 1, 2015, at which time"; in line 22, by striking "such exceptions shall expire"; in line 24, by striking "17-2036,"; in line 30, by striking "40-5301,"; in line 31, by striking ", (a)(45) and (a)(46)"; in line 34, by striking "60-3351,"; in line 41, by striking "72-972a,";

On page 4, in line 1, by striking "74-99d05,"; in line 2, by striking the last "75-"; in line 3, by striking "53,105,"; following line 5, by inserting:

"(2) Exceptions contained in the following statutes as certified by the revisor of

statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2009 are hereby continued in existence until July 1, 2015, at which time such exceptions shall expire: 17-2036, 40-5301, subsections (a)(45) and (a)(46) of 45-221, 60-3351, 72-972a, 74-99d05 and 75-53,105.";

Also on page 4, in line 6, after "(j)" by inserting "(1)"; by striking all in lines 8 through 10; in line 11, by striking "2010," and inserting "and which have been reviewed and continued in existence twice by the legislature as provided in subsection (g)"; also in line 11, by striking "until July 1, 2016, at which time"; in line 12, by striking "such exceptions shall expire"; also in line 12, by striking "12-5358, 12-5611,"; in line 13, by striking "22-4906, 22-4909, 38-2310, 38-2311, 38-2326,"; also in line 13, by striking "44-1132, 60-3333,"; in line 14, by striking ", 65-6154, 71-218," and inserting "and"; also in line 14, by striking ", 75-457,"; in line 15, by striking "75-712c, 75-723 and 75-7c06"; following line 15, by inserting:

"(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2010 are hereby continued in existence until July 1, 2016, at which time such exceptions shall expire: 12-5358, 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 44-1132, 60-3333, 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.";

Also on page 4, in line 33, after "2012" by inserting "and which have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g)"; in line 34, by striking "until July 1, 2018, at which time such exceptions"; in line 35, by striking "shall expire"; and the bill be passed as amended.

Committee on **Pensions and Benefits** recommends **HB 2352** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 31, by Representative Alford, congratulating Oscar and Pearl Rector on their 79th wedding anniversary;

Request No. 32, by Representative Seiwert, congratulating Dwight D. Eisenhower Middle School for receiving the Governor's Achievement Award for 2011-2012;

Request No. 33, by Representative O'Brien, congratulating Kayla A. Gore on achieving the Girl Scout Gold Award;

Request No. 34, by Representative O'Brien, congratulating Nus L. Haley on achieving the Girl Scout Gold Award;

Request No. 35, by Representative O'Brien, congratulating Emily R. Jardes on achieving the Girl Scout Gold Award;

Request No. 36, by Representative O'Brien, congratulating Brianna L. Spence on achieving the Girl Scout Gold Award;

Request No. 37, by Representative O'Brien, congratulating Anna G. Salvatorelli on achieving the Girl Scout Gold Award;

Request No. 38, by Representative O'Brien, congratulating Allison S. Thompson on achieving the Girl Scout Gold Award;

Request No. 39, by Representative O'Brien, congratulating Logan Brown for receiving the 2013 Prudential Spirit of Community Award;

Request No. 40, by Representative Mast, congratulating Eric Ray MacGregor on achieving the rank of Eagle Scout;

Request No. 41, by Representatives Henderson and Winn, congratulating the Kansas East Jurisdiction Church of God in Christ on their 36th Annual Ministries Operations and Building Fund Banquet on February 23, 2013;

Request No. 42, by Representative Carpenter, congratulating Mary K. Connell on celebrating her 95th birthday;

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

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Ballard to replace Rep. Bridges on Committee on Education for February 25. Rep. Bridges will return to the committee on February 26.

Also, the appointment of Rep. Burroughs to replace Rep. Kuether on Committee on Judiciary for February 25. Rep. Kuether will return to the committee on February 26.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, February 26, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

