

# Journal of the House

## THIRTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 28, 2013, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Siegfried was excused on verified illness.

Prayer by guest chaplain, the Rev. Tracy Roby, pastor, Overland Park Baptist Church, and guest of Rep. Macheers:

Father, thank you for your presence today, and we praise you for the wisdom you promised to bestow on those who ask. May you grant that wisdom for every discussion and decision that takes place in this session? We come before you in humility as servants ready to follow your will and desires. Fill these men and women with a knowledge that comes only from you. I thank you for these public servants who are willing to invest their time and service for the people of Kansas. Father, bless them according to their efforts. We thank you for your patience, mercy, and grace in dealing with our shortcomings. We pray that in everything that is done today you will receive the glory, honor, and praise that you deserve. In your holy and precious name we bring these requests before you, Amen.

The Pledge of Allegiance was led by Rep. Sloop.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Elections: **HB 2381**.

### CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **Sub HB 2027** from Committee on Appropriations and rereferral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **HB 2166** from Committee on Appropriations and rereferral to Committee on Judiciary.

Also, the withdrawal of **HB 2258** from Committee on Appropriations and rereferral

to Committee on Commerce, Labor and Economic Development.

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

On motion of Rep. Schwab, **HR 6016**, A resolution honoring the life of Jim Weaver, was adopted.

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

I am humbled and honored today to honor the wonderful life and creation of Jim Weaver. His wife Josie is here with me, and are his children James Weaver Jr. (his fiancé Jamie Williamson), Anita Woods (daughter), His grandchildren, Dominique Weaver, Sentia Woods, Dar'el Weaver, and A'nitra Weaver.

I thought over the last week of trying to make a joke about how a door man and a sergeant at arms met St. Peter at the gate of Heaven, but I just could not come up with anything.

Jim guarded the North door by the Majority Leader's office faithfully for years. Early and often late, Jim was there, and as we walked by, he faithfully asked us by name how we were doing.

Often his wife and he would have fellow legislators over their house for dinner. There he would showcase his wonderful trophy garden. Many of you may of heard Dillons grocery selling Georgia Sweet Potatoes.

Jim would let you know that "Them's Jim's potatoes."

One day, shortly before my own father passed of prostate cancer, our House chaplain Eunice, Jim and I were visiting. She then looked over at Jim and made a frowned face. I asked what was the matter. He said the cancer was back.

But then he just nodded and said, "It's alright, it's alright, I'll be fine." And even when in severe pain, he stood his post, right there.

Mrs. Weaver, we just wanted to take a moment to thank you for sharing some of Jim's life with us. We want you to know we love him, and we too miss him dearly. This resolution is a meager attempt to show the deep gratitude for the treasure you shared in Jim Weaver in this chamber. Thank you, thank you, thank you. Jim, you are missed. God Speed.

### **CONSENT CALENDAR**

No objection was made to **HB 2147**, **HB 2312**, **HB 2357** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2339** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

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

**HB 2339**, AN ACT concerning insurance; relating to adverse underwriting decisions; allowing return of premiums separate from notice; amending K.S.A. 40-2,112 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed.

**HB 2007**, AN ACT concerning insurance holding companies; amending K.S.A. 40-3302, 40-3304, 40-3305, 40-3306, 40-3307, 40-3308, 40-3309, 40-3311 and 40-3311a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 20; 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, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Dillmore, Doll, Dove, Ewy, Finch, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Grant, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houston, Huebert, Hutton, Jennings, Johnson, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Mast, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Christmann, DeGraaf, Edmonds, Edwards, Esau, Garber, Grosserode, Hildabrand, Houser, Howell, Jones, Kahrs, Kelley, Kinzer, Macheers, McPherson, Montgomery, J. Powell, Rubin, Sutton.

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed.

**HB 2012**, AN ACT concerning public records; relating to legislative review of exceptions to disclosure; amending K.S.A. 2012 Supp. 45-229 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed, as amended.

**Sub HB 2017**, AN ACT concerning criminal procedure; relating to appeals from municipal court; amending K.S.A. 12-4601 and K.S.A. 2012 Supp. 22-3609 and 22-3609a 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: McPherson, Todd.

Present but not voting: None.

Absent or not voting: Siegfried.

The substitute bill passed.

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

considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed, as amended.

**HB 2112**, AN ACT concerning certain public officers and employees; relating to the use of unexpended campaign funds; amending K.S.A. 25-4142 and K.S.A. 2012 Supp. 25-4143 and 25-4157a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 29; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lane, Lunn, Macheers, Mast, McPherson, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Peck, Perry, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Victors, Ward, Waymaster, Weber.

Nays: Alcalá, Ballard, Bridges, Burroughs, Campbell, Carlin, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Houston, Kuether, Lusk, Meier, Pauls, Peterson, Petty, Ruiz, Sloop, Tietze, Trimmer, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed, as amended.

## EXPLANATION OF VOTE

Mr. Speaker: I had some great donors help get me elected. Many of those same people also donated to the Senator in my district. If I were to run against my Senator in four years, then under this bill I could use money given to win a seat in the House to run for a Senate seat. Just because someone supported me and gave me money to win my House seat doesn't mean they would support me for the Senate. I believe donations should be used for the office it was intended for, which is why I voted 'no' on **HB 2112**.

— REID PETTY

**HB 2115**, AN ACT concerning judges and justices; relating to the employment of retirants; amending K.S.A. 20-2622 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed.

**HB 2128**, AN ACT concerning the open records act, exceptions; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls,

Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed, as amended.

**HB 2139**, AN ACT concerning state finance; relating to canceled warrants; amending K.S.A. 10-811, 46-913, 46-924 and 58-3974 and repealing the existing sections; also repealing K.S.A. 10-812, 10-815 and 10-816 and K.S.A. 2012 Supp. 46-921, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 25; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Alcalá, Bridges, Burroughs, Carlin, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Houston, Lane, Menghini, Pauls, Ruiz, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed, as amended.

**HB 2144**, AN ACT concerning children and minors; relating to the repeal of outdated provisions concerning juveniles; amending K.S.A. 2012 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2012 Supp. 38-1604, 38-1608 and 38-1664, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed.

**HB 2146**, AN ACT concerning pharmacists and pharmacies; relating to the cancer drug repository program; amending K.S.A. 2012 Supp. 65-1636 and repealing the existing section; also repealing K.S.A. 2012 Supp. 65-1664, 65-1665, 65-1666 and 65-1667, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed.

**HB 2150**, AN ACT repealing K.S.A. 74-32,152, 74-32,153, 74-32,154, 74-32,155, 74-32,156, 74-32,157, 74-32,158 and 74-32,159 and K.S.A. 2012 Supp. 74-32,151 and 74-32,160; concerning the workforce development loan program act, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 30; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke,



Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Waymaster, Weber, Wilson.

Nays: Alcalá, Ballard, Bridges, Burroughs, Carlin, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Houston, Kuether, Lane, Lusk, Meier, Menghini, Peterson, Ruiz, Sawyer, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed.

**HB 2162**, AN ACT concerning the secretary of state, relating to ballot language statements, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 4; 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, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: Dillmore, Kuether, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed, as amended.

**HB 2163**, AN ACT concerning civil procedure; relating to garnishment proceedings; amending K.S.A. 2012 Supp. 60-736 and 61-3509 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfroid.

The bill passed.

**HB 2172**, AN ACT concerning cemetery corporations; amending K.S.A. 2012 Supp. 16-320, 16-321, 16-329, 17-1301c, 17-1311, 17-1312 and 17-1312a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfroid.

The bill passed, as amended.

**HB 2218**, AN ACT concerning driving under the influence of alcohol or drugs; relating to tests; implied consent; administrative hearings; amending K.S.A. 8-1567a and K.S.A. 2012 Supp. 8-1001 and 8-1020 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfried.

The bill passed.

**HB 2221**, AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2012 Supp. 72-5413 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

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

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

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: **HB 2221** allows school boards to grant education organizations the ability to send educator specific information to teacher e-mail inboxes and mailboxes. This bill also allows equal access for all professional employees' associations to attend new teacher and or employee school orientations and other meetings that would increase the new teacher's knowledge base.

Access of information and resources available to our teachers will give them other

viewpoints not only for the classroom but to also plan and protect their future through teacher's choice. For that reason I vote Yes on **HB 2221**. – WILLIE DOVE, VIRGIL PECK, JR., KEVIN JONES, JIM HOWELL, PETE DEGRAAF

**HB 2269**, AN ACT designating a portion of Kansas highway 92 as the John Bower memorial highway; amending K.S.A. 2012 Supp. 68-1060 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 10; 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, Dillmore, Doll, Dove, Edmonds, Edwards, Ewy, Finch, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Grant, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Esau, Garber, Grosserode, Hawkins, Hildabrand, Howell, McPherson, Montgomery, J. Powell, Todd.

Present but not voting: None.

Absent or not voting: Siegfried.

The bill passed, as amended.

**HB 2302**, AN ACT concerning the Kansas department of health and environment; relating to drug screening, criminal history record check and fingerprinting of certain persons and employees; amending K.S.A. 2012 Supp. 75-4362 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfroid.

The bill passed, as amended.

**HB 2322**, AN ACT concerning the department of health and environment; relating to the division of health; amending K.S.A. 65-102, 65-118, 65-153 and 75-5621 and K.S.A. 2012 Supp. 65-2402, 65-2422d, 75-5601, 75-5603 and 75-5664 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 75-7411 and 75-7412, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 6; 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, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, 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, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Carlin, Davis, Dillmore, Houston, Menghini, Ward.

Present but not voting: None.

Absent or not voting: Siegfroid.

The bill passed, as amended.

**HB 2349**, AN ACT concerning legislative post audit committee; auditing unified school districts, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 4; 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, 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, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer,

Vickrey, Victors, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Dillmore, Edmonds, Lane, Ward.

Present but not voting: None.

Absent or not voting: Siegfroid.

The bill passed, as amended.

**HB 2352**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; maximum retirement benefits; employee contributions; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; 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, 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, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, 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: Siegfroid.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2305**, **HB 2212**, **HB 2294**, **HB 2311** be passed.

**HB 2241**, **HB 2309**, **HB 2133** be passed over and retain a place on the calendar.

Committee report to **HB 2363** be adopted; and the bill be passed as amended.

On motion to recommend **HB 2178** favorably for passage, the motion did not prevail.

Committee report to **HB 2200** be adopted; and the bill be passed as amended.

Committee report to **HB 2216** be adopted; also, on motion of Rep. Ward, be amended on page 4, by striking all in lines 23 through 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 41;

On page 65, in line 42, by striking "46-2801,";

And by renumbering sections accordingly;  
 On page 1, in the title, in line 4, by striking "46-2801,"; and **HB 2216** be passed as amended.

Committee report to **HB 2318** be adopted; and the bill be passed as amended.  
 Committee report to **HB 2044** be adopted; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2382**, AN ACT concerning taxation; relating to tax liens upon personal property; amending K.S.A. 2012 Supp. 79-3235 and 79-3617 and repealing the existing sections, by Committee on Taxation.

**HB 2383**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; investment standards; prohibited investments, Iran; divestment therefrom, conditions and procedures; indemnification and hold harmless provisions, by Committee on Taxation.

On motion of Rep. Vickrey, the House recessed until 1:30 p.m.

### AFTERNOON SESSION

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

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

### COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2272**, **HB 2343** be passed.

**HB 2106**, **HB 2126**, **HB 2107**, **HB 2095**, **HB 2129**, **HB 2222** be passed over and retain a place on the calendar.

Committee report to **HB 2241** be adopted; also, on motion of Rep. Swanson, be referred to Committee on Utilities and Telecommunications.

On motion to recommend **HB 2019** for passage, roll call was demanded.

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Barker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Christmann, Claeys, Corbet, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Osterman, Peck, Petty, J. Powell, Read,

Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Schwartz, Seiwert, Shultz, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcala, Alford, Ballard, Becker, Bollier, Bridges, Burroughs, Carlin, Cassidy, Clayton, Concannon, Dierks, Dillmore, Doll, Ewy, Finch, Finney, Frownfelter, Grant, Hawkins, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Jennings, Kelly, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Phillips, Proehl, Rooker, Ruiz, Sawyer, Schroeder, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Davis, Peterson, Siegfried.

The motion prevailed, and **HB 2019** be passed.

Committee report to **HB 2203** be adopted; also, on motion of Rep. McPherson to amend, the motion was withdrawn. Also, on further motion of Rep. McPherson to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2204** be adopted; and the bill be passed as amended.

Committee report to **HB 2205** be adopted; and the bill be passed as amended.

Committee report to **HB 2069** be adopted; and the bill be passed as amended.

Committee report to **HB 2083** be adopted; and the bill be passed as amended.

Committee report to **HB 2326** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2024** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub HB 2105** be adopted; also, on motion of Rep. Frownfelter to amend, the motion did not prevail. Also, on further motion of Rep. Frownfelter to amend, the motion did not prevail. Also, on further motion of Rep. Frownfelter to amend, the motion did not prevail; and **Sub HB 2105** be passed.

Committee report to **HB 2179** be adopted; also, on motion of Rep. Winn to amend, Rep. Powell requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Winn to amend I move to amend **HB 2179**, as amended by House Committee, on page 2, following line 28, by inserting:

"New Sec. 2. (a) Every employer shall pay to each employee no less than:

(1) The minimum wage of \$7.25 in effect January 1, 2013 pursuant to subsection (a) of K.S.A. 44-1203, and amendments thereto, as calculated pursuant to subsection (b) of K.S.A. 44-1203, and amendments thereto, and as cumulatively increased on January 1, 2014 and on January 1 of each successive year as provided by this section; or

(2) a minimum or prevailing wage rate otherwise required by state or federal law, if higher.

(b) The minimum wage required to be paid shall be increased cumulatively on January 1, 2014 and on January 1 of successive years by the increase in the cost of living. On or before September 30, 2013, and on or before September 30 of each successive year, the secretary of labor shall measure the increase in the cost of living by the percentage increase as of July of that year over the level as of July of the immediately preceding year of the consumer price index for all urban consumers, U.S. city average for all items (CPI-U), or its successor index as published by the United States department of labor or its successor agency, with the amount of the minimum wage increase rounded to the nearest five cents.



(c) The secretary of labor shall promptly publish the determination of an increase in the minimum wage as measured by the increase in the cost of living, if any, on the website of the department of labor, in the Kansas register, and in such other manner, in the discretion of the secretary, as will provide timely and adequate notice to employers of the increase in the minimum wage, if any, required January 1 of the immediately following year pursuant to this section.

(d) This section shall be a part of and supplemental to the minimum wage and maximum hours law.

Sec. 3. K.S.A. 2012 Supp. 44-1203 is hereby amended to read as follows: 44-1203.

(a) Except as otherwise provided in the minimum wage and maximum hours law, every employer shall pay to each employee wages at a rate as follows:

(1) Prior to January 1, 2010, employee wages shall be paid at a rate of not less than \$2.65 an hour; ~~and~~

(2) on and after January 1, 2010, employee wages shall be paid at a rate of not less than \$7.25 an hour; and

(3) on and after January 1, 2014, the rate as increased cumulatively pursuant to the provisions of section 2, and amendments thereto.

(b) In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee if such tips and gratuities have customarily constituted part of the remuneration of the employee and if the employee concerned actually received and retained such tips and gratuities. For employees receiving tips and gratuities, the employer shall pay a minimum wage of at least \$2.13 an hour. If when combined with the minimum wage rate prescribed in this subsection the amount of the employee's tips and gratuities are:

(1) At least equal to ~~\$7.25~~ an the minimum wage as determined pursuant to subsection (a) per hour, no further payment is required by the employer; or

(2) less than ~~\$7.25~~ an the minimum wage as determined pursuant to subsection (a) per hour, the employer must pay the employee the difference between ~~\$7.25~~ an the minimum wage as determined pursuant to subsection (a) per hour and the actual hourly amount received by the employee determined by combining the amount of tips and gratuities received by the employee with the minimum wage prescribed by this subsection paid by the employer.

(c) The provisions of this section shall not apply to any employers and employees who are covered under the provisions of the federal fair labor standards act (~~29 U.S.C.A. § 201 et seq.~~), ~~and any other acts amendatory thereof or supplemental thereto.~~;

And by renumbering sections accordingly;

Also on page 2, in line 29, by striking "is" and inserting "and 44-1203 are";

On page 1, in the title, in line 1, by striking "the secretary of"; also in line 1, after "labor" by inserting "and employment"; in line 2, before "amending" by inserting "minimum wage; indexing to the consumer price increase;"; also in line 2, after "and" by inserting "44-1203 and"; in line 3, by striking "section" and inserting "sections";

Roll call was demanded.

On roll call, the vote was: Yeas 39; Nays 82; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Clayton, Davis, Dillmore, Finney, Frownfelter, Grant, Henderson, Henry, Hermanson, Hill, Houston,

Kuether, Lane, Lusk, Meier, Menghini, Pauls, Perry, Rooker, Ruiz, Sawyer, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Becker, Bideau, Boldra, Bradford, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, Moxley, O'Brien, Osterman, Peck, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Shultz, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Waymaster, Weber.

Present but not voting: None.

Absent or not voting: Bruchman, Peterson, Schwab, Siegfried.

The motion of Rep. Winn did not prevail; and **HB 2179** be passed as amended.

Committee report to **HB 2084** be adopted; also, on motion of Rep. Wilson to amend, Rep. Hutton requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

Committee report to **HB 2070** be adopted; and the bill be passed as amended.

Committee report to **HB 2217** be adopted; also, on motion of Rep. Todd, be amended on page 1, in line 20, by striking "who has a"; by striking all in line 21; in line 22, by striking "affiliated with the physician performing such procedure"; and the bill be passed as amended.

Committee report to **HB 2303** be adopted; and the bill be passed as amended.

Committee report to **HB 2170** be adopted; also, on motion of Rep. Kinzer be amended on page 4, in line 32, after "(2)" by inserting "(A)"; also in line 32, after "new" by inserting "nonperson"; following line 40, by inserting:

"(B) When a new person felony is committed while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.";

On page 5, in line 21, after "(5)" by inserting "(A)"; also in line 21, after "new" by inserting "nonperson"; following line 32, by inserting:

"(B) When a new person felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2012 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.";

On page 11, in line 39, by striking "subsection (c)"; also in line 39, before the period by inserting "subsections (c), (d) and (e)";

On page 12, in line 15, following following the stricken material by inserting "Any person who is convicted and sentenced for a person felony committed while on

probation, assigned to a community correctional services program, on parole, on conditional release or on postrelease supervision for a felony shall serve the sentence consecutively to the term or terms under which the person was on probation, assigned to a community correctional services program or on parole or conditional release.

(d) Any person who is convicted and sentenced for a person felony committed while on release for a felony pursuant to article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, shall serve the sentence consecutively to the term or terms under which the person was released.";

Also on page 12, in line 16, before "(1)" by inserting "(e)"

On page 21, in line 2, following "(5)" by inserting "(A)"; also in line 2, following "new" by inserting "nonperson"; in line 4, following "imposed" by inserting "either concurrently or consecutively"; also in line 4, by striking "sentencing"; in line 5, by striking "requirements" and inserting "provisions"; following line 9 by inserting:

"(B) When a new person felony is committed while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony, a new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2012 Supp. 21-6606, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure."; and **HB 2170** be passed as amended.

Committee report to **HB 2043** be adopted; and the bill be passed as amended.

Committee report to **HB 2093** be adopted; also, on motion of Rep. Finney to amend, the motion was withdrawn.

Also, on further motion of Rep. Finney be amended on page 1, in line 21, following "act" by inserting "and shall be known and may be cited as the Wayne Owen law"; and **HB 2093** be passed as amended.

Committee report to **HB 2120** be adopted; and the bill be passed as amended.

Committee report to **HB 2252** be adopted; and the bill be passed as amended.

Committee report to **HB 2185** be adopted; also, on motion of Rep. Wolfe Moore to amend, the motion did not prevail; and the bill be passed as amended.

On motion of Sloan to amend **HB 2249**, Rep. Alcala requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment germane.

The question reverted back to the motion of Rep. Sloan and **HB 2249** be amended on page 1, following line 16, by inserting:

"Sec. 2. K.S.A. 19-3631 is hereby amended to read as follows: 19-3631. (a) Territory which is a part of a fire district having territory in more than one county as permitted and organized in accordance with the provisions of K.S.A. 19-3624 ~~to 19-3630 et seq.~~, and amendments thereto, may be detached ~~therefrom~~ as herein provided. Upon presentation shall be presented of a petition to the governing body of the fire district, setting forth the boundaries of an area within the district which desires to be detached from the fire district, signed by not less than 51% of the qualified electors of such area, as determined by an enumeration taken and verified for such purpose by the county election officer of the county in which the territory proposed to be detached is located. In addition, written documentation from another fire district that such territory will be included in such fire district if the detachment petition is granted and

presentation or documentation that such qualified electors plan to form a new fire district shall be presented. The governing body of such fire district may, at its next regular meeting within 30 days of the presentation of the petition and other documentation, if it finds the petition is regular to be sufficient with at least the requisite number of signatures, enter an order detaching such the territory from the fire district, such the order to be effective on the first January 1 of the succeeding year that is six or more months after the date of the order. Thereupon, the governing board body shall declare the new boundaries of the benefit fire district by resolution and shall certify a copy of such resolution to the county clerks of each of the counties in which a part of the benefit fire district is located.

(b) If the governing body of such fire district does not approve the detachment of the territory within 30 days of the presentation of the petition, the board of county commissioners of each county in which any of the territory is located, if it finds the petition is sufficient with at least the requisite number of signatures, shall submit the issue to a vote of the electors of the territory desired to be detached. The board of county commissioners shall, within 30 days of the governing body's failure or refusal to detach the territory, adopt a resolution calling for an election to be held within 60 days or within 90 days if a regular election is already scheduled. If a regular election is not already scheduled, the election may be held by mail ballot election pursuant to K.S.A. 25-421 et seq., and amendments thereto. The resolution calling for the election shall be published once each week for three consecutive weeks in the official county newspaper. If a majority of the electors of the territory proposed to be detached vote in favor of the detachment, the board of county commissioners of each county in which any such territory is located shall adopt a resolution ordering such detachment of the territory within its county, the order to be effective on the first January 1 that is six or more months after the election. Thereupon, the board of county commissioners shall certify a copy of the resolution to the governing body of the fire district, if different than the board of county commissioners, and to the county clerks of each of the counties in which a part of the fire district is located.

(c) The territory detached from the fire district shall be liable for its proportionate share of all outstanding indebtedness of the district on the date the resolution is passed by the governing board body detaching the territory. The governing body of the fire district shall determine all outstanding indebtedness, including lease-purchase agreements, within 90 days of the detachment of the territory. Subsequent budgets of the fire district shall separately itemize payments of such outstanding indebtedness, including lease-purchase agreements, and such payment shall be separately levied between the detached territory and the territory remaining in the fire district according to their respective assessed valuations.";

And by renumbering sections accordingly;

Also on page 1, in line 17, after "K.S.A." by inserting "19-3631 and K.S.A."; also in line 17, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "city annexation of"; also in line 1, by striking "district lands and taxation" and inserting "districts"; in line 2, following "amending" by inserting "K.S.A. 19-3631 and"; also in line 2, by striking "section" and inserting "sections"; and **HB 2249** be passed as amended.

Committee report to **HB 2025** be adopted; also, on motion of Rep. Crum, be amended on page 5, in line 26, by striking "Kansas register" and inserting "statute

book"; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2183** be adopted; also, on motion of Rep. Bollier, be amended on page 2, in line 33, after "service" by inserting ", or individuals who receive any such services"; and the substitute bill be passed as amended.

Roll call was demanded on motion of Rep. Peck to amend on page 1, following line 23, by inserting:

“(3) determine the number of military pupils enrolled in each district on September 20, who were not enrolled on the succeeding February 20; and

(4) subtract the number determined under paragraph (3) from the number determined under paragraph (2).”;

Also on page 1, in line 24, by striking "number obtained under (b)(2)" and inserting "difference obtained under subsection (b)(4)"; in line 25, by striking "the number obtained under (b)(2)" and inserting "such difference"; in line 26, after "under" by inserting "subsection"; in line 27, by striking "number obtained under (b)(2)" and inserting "difference obtained under subsection (b)(4)"; in line 28, after "under" by inserting "subsection"; also in line 28, by striking "number obtained under"; in line 29, by striking "(b)(2)" and inserting "difference obtained under subsection (b)(4)"; also in line 29, after "under" by inserting "subsection";

On roll call, the vote was: Yeas 31; Nays 91; Present but not voting: 0; Absent or not voting: 3.

Yeas: Becker, Bollier, Brunk, Couture-Lovelady, Campbell, Carpenter, Clayton, Doll, Edmonds, Esau, Grosserode, Hawkins, Hildabrand, Houser, Jones, Kahrs, Kelley, Kinzer, McPherson, Meigs, Peck, Perry, J. Powell, Rhoades, Rooker, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Shultz, Thimesch.

Nays: Alcalá, Alford, Ballard, Barker, Bideau, Boldra, Bradford, Bridges, Bruchman, Burroughs, Carlin, Carlson, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Dove, Edwards, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, Meier, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Petty, Phillips, Proehl, Read, Rothlisberg, Rubin, Ruiz, Sawyer, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Swanson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Peterson, Siegfried, Sutton.

The motion of Rep. Peck did not prevail; and **HB 2109** be passed.

Committee report to **HB 2210** be adopted; also, on motion of Rep. Sawyer to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 60; Nays 62; Present but not voting: 0; Absent or not voting: 3.

Yeas: Barker, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Claeys, Concannon, Corbet, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Garber, Goico, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Howell, Huebert, Hutton, Johnson, Kahrs, Kelley, Kinzer, Kleeb, Lunn,

Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Osterman, Peck, Petty, J. Powell, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Suellentrop, Thimesch, Todd, Vickrey, Weber.

Nays: Alcalá, Alford, Ballard, Becker, Bideau, Boldra, Bollier, Bridges, Burroughs, Campbell, Carlin, Christmann, Clayton, Davis, Dierks, Dillmore, Doll, Ewy, Finch, Finney, Frownfelter, Gandhi, Gonzalez, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Houser, Houston, Jennings, Jones, Kelly, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Phillips, Proehl, Read, Rooker, Ruiz, Ryckman Sr., Sawyer, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Peterson, Siegfried, Sutton.

The motion to recommend **HB 2210** favorably for passage did not prevail.

Committee report to **HB 2314** be adopted; also, on motion of Rep. Schwab be amended on page 1, in line 14, by striking "\$500" and inserting "\$250"; in line 27, by striking "\$500" and inserting "\$250";

Also, roll call was demanded on motion to recommend **HB 2314** favorably for passage.

On roll call, the vote was: Yeas 4; Nays 118; Present but not voting: 0; Absent or not voting: 3.

Yeas: Kahrs, Kinzer, Rhoades, Sawyer.

Nays: 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, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kelley, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, J. Powell, Proehl, Read, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Suellentrop, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Peterson, Siegfried, Sutton.

The motion to recommend **HB 2314** favorably for passage did not prevail.

## REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2182** be amended on page 2, following line 20, by inserting:

"(4) After a grand jury is summoned pursuant to this subsection, but before it begins deliberations, the judge or judges of the district court of the county in which the petition is presented shall provide instructions to the grand jury regarding its conduct and deliberations, which instructions shall include, but not be limited to, the following:

(A) You have been impaneled as a grand jury pursuant to a citizens' petition filed in this court, signed by (insert number) qualified electors of this county, stating (insert the

subject matter described in the petition, including a reasonably specific identification of the areas to be inquired into and the allegations sufficient to warrant a finding that the grand jury's inquiry may lead to information which, if true, would warrant a true bill of indictment.) You are charged with making inquiry with regard to this subject matter and determining whether the facts support allegations warranting a true bill of indictment.

(B) The person filing the citizens' petition filed in this court must be the first witness you call for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.

(C) You may, with the approval of the court, employ special counsel and investigators, and incur such other expense for services and supplies as you and this court deem necessary. Any special counsel or investigator you employ shall be selected by a majority vote of your grand jury. You may make such selection only after hearing testimony from the person who filed the citizens' petition. You may utilize the services of any special counsel or investigator you employ instead of, or in addition to, the services of the prosecuting attorney.

(D) If any witness duly summoned to appear and testify before you fails or refuses to obey, compulsory process will be issued by this court to enforce the witness' attendance.

(E) If any witness appearing before you refuses to testify or to answer any questions asked in the course of the witness' examination, you shall communicate that fact to this court in writing, together with a statement regarding the question the witness refuses to answer. This court will determine and inform you of whether the witness is bound to answer or not. However, no witness appearing before you can be compelled to make any statement which will incriminate such witness.

(F) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.

(G) At the conclusion of your inquiry and determination, you will return either a no bill of indictment or a true bill of indictment.";

On page 4, by striking all in lines 33 through 43;

On page 5, by striking all in line 1 and inserting:

"(7) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.";

Also on page 5, by striking all in lines 20 through 43;

On page 6, by striking all in lines 1 through 17; following line 17, by inserting:

"New Sec. 6. (a) Upon a majority vote of the grand jury, the grand jury may seek the removal of the assigned judge pursuant to K.S.A. 20-311d, and amendments thereto.

(b) This section shall be part of and supplemental to article 30 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto."; 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 2384**, AN ACT concerning state employees; relating to classified and unclassified service; amending K.S.A. 39-752, 74-2015, 75-5310, 75-5605, 75-5607 and 75-5611 and K.S.A. 2012 Supp. 75-711, 75-2935, 75-4315a and 75-5121 and repealing the existing sections, by Committee on Appropriations.

**HB 2385**, AN ACT concerning property taxation; relating to exemptions and classification; bed and breakfast homes; amending K.S.A. 2012 Supp. 79-1439 and repealing the existing section, by Committee on Taxation.

**HB 2386**, AN ACT concerning income taxation; relating to deductions; certain expenses related to living donor organ donations; amending K.S.A. 2012 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

**HB 2387**, AN ACT concerning crimes, punishment and criminal procedure; relating to felony murder; capital murder; amending K.S.A. 2012 Supp. 21-5402 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2388**, AN ACT concerning crimes, punishment and criminal procedure; relating to capital murder; appellate review; amending K.S.A. 2012 Supp. 21-6619 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2389**, AN ACT concerning crimes, punishment and criminal procedure; relating to capital murder; notice of intent to seek the death penalty; amending K.S.A. 2012 Supp. 21-6617 and repealing the existing section, by Committee on Federal and State Affairs.

### CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2003** from Committee on Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2071** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2094** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2095**, **HB 2129** from the Calendar under the heading General Orders and rereferral to Committee on Elections.

### REPORT ON ENGROSSED BILLS

**HB 2012**, **HB 2099**, **HB 2112**, **HB 2128**, **HB 2139**, **HB 2162**, **HB 2172**, **HB 2269**, **HB 2302**, **HB 2322**, **HB 2349** reported correctly engrossed February 27, 2013.

Also, **HB 2044**, **HB 2069**, **HB 2070**, **HB 2083**, **HB 2084**, **HB 2179**, **HB 2200**, **HB 2203**, **HB 2204**, **HB 2205**, **HB 2216**, **HB 2303**, **HB 2318**, **HB 2326**, **HB 2363** reported correctly engrossed February 28, 2013.

On motion of Rep. Vickrey, the House adjourned until 8:30 a.m., Friday, March 1, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

