

Journal of the House

THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 13, 2013, 11:00 a.m.

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

The roll was called with 124 members present.

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

Rep. Seiwert was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Gracious Heavenly Father,
As I come before You today on behalf of this body,
remind each one that all power and authority
ultimately comes from You.
We do not wield our own power,
but are stewards in whom You have entrusted
with power and authority.
Keep us accountable of that trust.
I pray for guidance in the matters at hand
and ask that You make it clear
how they all can conduct their work
with a spirit of joy and enthusiasm.
Give them the desire to find ways
in which they can excel in their work.
Help them to work together and encourage one another.
Help them to challenge one another to
do the best they can to work together as a team.
Please be with the family of Sally Bottorff
who passed away yesterday. Please bring
comfort, grace, strength and peace to them
in these days of their great loss.
Honor these requests so that all that is accomplished
may bring glory to Your Name.
In Christ I pray, Amen.

The Pledge of Allegiance was led by Rep. Howell.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Reps. Meier and O'Brien are spread upon the Journal:

Remarks by Rep. Meier:

Today we have two groups from Leavenworth County here in the Capitol to learn what State Government and the Legislature is all about. They are sponsored by the Leavenworth/Lansing, Basehor and Tonganoxie Chambers of Commerce.

They formed as classes last fall and have been studying local history, the local economy, the legal and legislative systems, health and social service agencies, civic and community groups, education programs and technology ever since.

The Classes were originally started in 1985 and 1990 when local government, schools, and community based organizations had difficulty in filling positions on committees, boards of directors and other responsible organizations that rely on citizen input and participation to make decisions for the benefit of the community as a whole. It was determined that many citizens were reluctant to volunteer because of lack of familiarity with the issues and organizations and a feeling that they were not prepared or qualified to participate in deciding community issues.

Remarks by Rep. O'Brien:

Graduates have included mayors, city administrators, city council members, librarians, police officers, firefighters, local business owners and their employees, homemakers and students. The goal is to prepare interested community citizens for positions of leadership in civic, educational and governmental organizations. The programs also encourage inter-community networking and foster healthy business relationships.

My fellow Representatives, please help me welcome the 2013 Leavenworth/Lansing and Southern Leavenworth County Leadership Classes to the House. They are in the gallery above.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Judiciary: **HB 2399**.

CORRECTION OF REFERENCE

Speaker Merrick announced **HB 2400** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Taxation, should be corrected to be referred to Committee on Education.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2391** from Committee on Appropriations and referral to Committee on Education Budget.

Also, the withdrawal of **SB 35** from Committee on Federal and State Affairs and referral to Committee on Energy and Environment.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with House Rule 1309, Rep. Ward, moved that having not been reported to the House within 10 legislative days after reference to committee, **HR 6006** be withdrawn from Committee on Corrections and Juvenile Justice and be placed as the first measure to be considered on that order of business, General Orders.

(The Chief Clerk of the House of Representatives is requested to read this motion and cause it to be printed in the Calendar of March 14, 2013 under the order of business “Motions and House Resolutions Offered on a Previous Day” as provided by House Rule 1309.)

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Christmann, **HR 6017**, A resolution designating March 11-17, 2013, as "Multiple Sclerosis Awareness Week,," was adopted.

There being no objection, the following remarks of Reps. Christmann and Boldra are spread upon the Journal:

Remarks by Rep. Christmann:

We are here today to acknowledge the estimated 4,400 Kansans diagnosed and living with Multiple Sclerosis.

Of those 4,400 Kansans, I know one quite well.

My wife and high school sweetheart of 20 years is one of those Kansans. One of those Kansans who wakes every day wondering in regards to progression if today is going to be a bad day, or good day, a bad week, or good week, or in some cases the first day of a bad year, or a good one.

I know one Kansan, and Representative Boldra knows one quite well too.

Remarks by Rep. Boldra:

Our youngest daughter, was an avid athlete through high school and college. She graduated from Pepperdine Law School in 2008, was married in 2009, and was diagnosed with MS in 2010.

She has accepted and embraced her condition, and is a proud member of the Mid-American MS advisory board. She has an informational blog called “Optimistic with MS”, where she chronicles her personal story and relays information about new treatments and new drugs.

We have an MS walk in Hays April 6 and will be walking in Wichita April 27.

As a family, we walk and bike for MS. We walk to support research and we walk with the hope that a cure will come within her life time.

Every hour of every day, someone in America is diagnosed with MS. There is no known cause and no known cure.

Additional remarks by Rep. Christmann:

MS destroys the connections of the mind, divides minds from bodies, pulls people from their lives and away from one another. Therefore, it is only fitting that connections would also be MS’s greatest enemy.

The connections formed during MS Awareness week will most importantly one day forge the way to a cure and will also allow all these singular Kansans to find pathways

to others to form that one thing that MS dreads the most... connections.

Connections within the mind and between Kansans.

I would also like to take this time to recognize a remarkable young lady by the name of Annie Lackey. Annie is credited with being one of National MS Societies top local fundraisers and is known for her sacrifices in her personal life while heading up MS support groups, in turn helping others with MS cope when hope seems most dim.

The Kansas House of Representatives hereby thanks the National Multiple Sclerosis Society and Annie Lackey as well as recognizes the strength, courage, passion and endurance of the 4,400 Kansans living.

Reps. Christmann and Boldra presented a framed House certificate to Annie Lackey.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2182, AN ACT concerning crimes, punishment, and criminal procedure; relating to grand juries; amending K.S.A. 22-3002 and 22-3006 and K.S.A. 2012 Supp. 22-3001, 22-3008 and 43-107 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 24; 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, Corbet, Crum, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Peterson, Petty, Phillips, J. Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Waymaster, Weber, Whipple.

Nays: Alcalá, Ballard, Bridges, Burroughs, Carlin, Davis, Finney, Henderson, Houston, Kuether, Lane, Lusk, Menghini, Perry, Ruiz, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Concannon.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2052** be adopted; and the bill be passed as amended.

Committee report to **HB 2055** be adopted; also, on motion of Rep. Howell be amended on page 8, in line 13, by striking all after "(a)"; in line 14, by striking

"amendments thereto,";

On page 11, following line 4, by inserting:

"(i) The provisions of this section shall be subject to the provisions of section 1, and amendments thereto.";

Also, on further motion of Rep. Howell, **HB 2055** be amended on page 1, in line 24, by striking "crime" and inserting "violation of the personal and family protection act";

Also, on motion of Rep. Barker to amend **HB 2055**, the motion did not prevail. Also, on motion of Rep. Rothlisberg to amend, the motion did not prevail.

Also, on motion of Rep. Weber, **HB 2055** be amended on page 2, in line 19, after "thereto," by inserting "of a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, or of an indigent health care clinic as defined by K.S.A. 2012 Supp. 65-7402, and amendments thereto,";

Also, on motion of Rep. Hill, **HB 2055** be amended on page 2, in line 26, after "institution" by inserting ", including any buildings located on the grounds of such institution and any buildings leased by such institution,";

Also, on motion of Rep. Wilson, **HB 2055** be amended on page 3, in line 6, after "(5)" by inserting "(A)"; following line 10, by inserting:

"(B) The term "state or municipal building" shall not include the state capitol.";

Also on page 3, following line 14, by inserting:

"New Sec. 2. (a) A license issued under K.S.A. 75-7c01 et seq., and amendments thereto, shall authorize the licensee to carry a concealed handgun in the state capitol in accordance with the provisions of K.S.A. 75-7c01 et seq., and amendments thereto.

(b) This section shall be a part of and supplemental to the personal and family protection act.";

And by renumbering remaining sections accordingly;

Also on page 3, in line 24, after "building" by inserting ", except for the state capitol,";

On page 5, in line 4, by striking all after "means"; in line 5, by striking all before the period and inserting "the Docking, Landon, Curtis and Eisenhower state office buildings, memorial hall and the Kansas judicial center";

On page 8, in line 27, after "office" by inserting ", except as provided in section 2, and amendments thereto";

On page 9, in line 23, after "(c)" by inserting "Subject to section 2, and amendments thereto,";

Also, on motion of Rep. Menghini to amend **HB 2055**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Perry to amend **HB 2055** on page 2, in line 16, after the period by inserting "The exemption provided by this subsection may be renewed for additional four-year periods by submitting an application for such renewal to the Kansas attorney general at least 30 days prior to the expiration of the immediately preceding four-year period. The attorney general shall review the application and shall grant or deny the renewal application within 30 days of receipt of such application. If the renewal application is denied the attorney general shall state the reasons therefor when notifying the applicant of the attorney general's decision."; in line 22, after the period by inserting "The exemption provided by this subsection may be renewed for additional four-year periods by submitting an application for such renewal to the Kansas attorney general at least 30 days prior to the expiration of the immediately preceding four-year period. The attorney general shall review the application and shall

grant or deny the renewal application within 30 days of receipt of such application. If the renewal application is denied the attorney general shall state the reasons therefor when notifying the applicant of the attorney general's decision."; in line 28, after the period by inserting "The exemption provided by this subsection may be renewed for additional four-year periods by submitting an application for such renewal to the Kansas attorney general at least 30 days prior to the expiration of the immediately preceding four-year period. The attorney general shall review the application and shall grant or deny the renewal application within 30 days of receipt of such application. If the renewal application is denied the attorney general shall state the reasons therefor when notifying the applicant of the attorney general's decision.";

On roll call, the vote was: Yeas 42; Nays 75; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alcalá, Ballard, Bollier, Bridges, Burroughs, Carlin, Clayton, Davis, Dierks, Dillmore, Doll, Finch, Finney, Gonzalez, Grant, Henderson, Henry, Hibbard, Hill, Houston, Jennings, Kuether, Lane, Lusk, Menghini, Moxley, Perry, Phillips, Rooker, Ruiz, Schroeder, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Wilson, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: Bruchman, Concannon, Frownfelter, Johnson, Meier, Pauls, Peterson, Seiwert.

The motion of Rep. Perry did not prevail.

Also, on motion of Rep. Winn, **HB 2055** be amended on page 2, following line 32, by inserting:

"(k) The provisions of this section shall not apply to any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind.";

And by redesignating remaining subsections accordingly; and **HB 2055** be passed as amended.

Committee report to **HB 2199** be adopted; also, on motion of Rep. Becker to amend, the motion did not prevail; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 56** be amended on page 1, in line 8, before "Any" by inserting "(a)"; also in line 8, after "association" by inserting "or livestock show association"; in line 10, after "association" by inserting "or livestock show association"; in line 12, after "association" by inserting "or livestock show association"; following line 12, by inserting:

"(b) Prior to January 1, 2014, the secretary of agriculture shall notify the board of

county commissioners of any county in which the secretary of agriculture has recognized an official county fair association.";

Also on page 1, in line 18, by striking "_____ " and inserting "official"; also in line 18, after "association" by inserting "of such county"; in line 19, by striking the first "the" and inserting "such"; in line 33, by striking "by whatever"; in line 34, by striking "name now recognized by the"; also in line 34, by striking "board of county"; in line 35, by striking "commissioners";

On page 3, in line 4, by striking "a" and inserting "an officially recognized"; also in line 4, by striking "officially recognized by the"; in line 5, by striking "board of county commissioners"; in line 6, after "association" by inserting a comma; in line 41, by striking all after "recognition"; in line 42, by striking "commissioners";

On page 4, in line 26, by striking "a" and inserting "an officially recognized"; also in line 26, by striking "officially recognized by the"; in line 27, by striking "board of county commissioners";

On page 5, in line 8, by striking "a" and inserting "an officially recognized"; also in line 8, by striking "officially recognized by"; in line 9, by striking all before the comma;

On page 6, in line 5, after "no" by inserting "officially recognized"; also in line 5, by striking "recognized by the"; in line 6, by striking "board of county commissioners"; in line 7, by striking "board of county commissioners"; in line 22, by striking all after "recognition"; in line 23, by striking "commissioners";

On page 7, in line 1, by striking "by the"; in line 2, by striking "board of county commissioners"; in line 9, after "including" by inserting "official"; also in line 9, by striking "by the"; in line 10, by striking "board of county commissioners"; in line 21, after "war," by inserting "officially recognized"; in line 22, by striking all after the comma; in line 23, by striking "county commissioners"; by striking all in lines 34 through 43;

By striking all on page 8;

On page 9, by striking all in lines 1 through 13; in line 26, by striking "by the secretary of"; in line 27, by striking "agriculture or the board of county commissioners"; in line 28, after "fair" by inserting a comma; in line 43, by striking the sixth comma and inserting "and"; also in line 43, by striking "and 2-158";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking the eighth comma and inserting "and"; in line 5, by striking "and 2-158"; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **SB 168** be amended on page 2, in line 41, after "the" by inserting ":

(1)";

Also in line 42, after "commodities" by inserting " or

(2) retail sale of agricultural products, the majority of which are raised, grown or processed on the farmland"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2094** be amended on page 1, in line 30, after "proceeding;" by inserting "and"; in line 35, after "institution;" by inserting "or"; in line 36, by striking the semicolon;

On page 2, by striking all in lines 1 through 11; and in line 12, by striking all before the period; and the bill be passed as amended.

Committee on **Education** recommends **SB 128** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2012 Supp. 72-4484 is hereby amended to read as follows: 72-4484. The provisions of K.S.A. 2012 Supp. 72-4481, 72-4482 and 72-4483, and amendments thereto, shall expire on June 30, ~~2014~~ 2017.";

Also on page 1, in line 6, by striking "Section 1." and inserting "Sec. 2."; in line 24, after "under" by inserting "this"; also in line 24, by striking "(b)(2)"; in line 25, after "with" by inserting "this"; also in line 25, by striking "(b)(2)";

And by renumbering sections accordingly;

On page 4, in line 1, after "Supp." by inserting "72-4484 and"; also in line 1, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "the"; also in line 1, by striking "incentive program"; in line 2, after "Supp." by inserting "72-4484 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Energy and Environment** recommends **SB 62** 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 **Judiciary** recommends **HB 2166** be amended by substituting a new bill to be designated as "House Substitute for HOUSE BILL NO. 2166," as follows:

"House Substitute for HOUSE BILL NO. 2166

By Committee on Judiciary

"AN ACT concerning social welfare; relating to the medical assistance recovery program; amending K.S.A. 39-702 and 58-3957 and K.S.A. 2012 Supp. 28-115 and 39-709 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2166** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 84** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 84," as follows:

"HOUSE Substitute for SENATE BILL NO. 84

By Committee on Taxation

"AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; income tax deductions; distribution of sales tax revenues; amending K.S.A. 2012 Supp. 79-32,110, 79-32,120, 79-3620 and 79-3710 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 84** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 69** be passed.

Committee on **Transportation and Public Safety Budget** recommends **HB 2137** be amended on page 2, following line 41, by inserting:

"(4) The T-works surcharge collected and remitted to the secretary of revenue shall be remitted to the state treasurer who shall credit such \$4 to the state highway fund. The provisions of this subsection shall expire on January 1, 2021.

Sec. 2. K.S.A. 2012 Supp. 75-5160 is hereby amended to read as follows: 75-5160. (a) In addition to any registration fee prescribed under article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, all applicants for vehicle registration shall pay at the time of registration a nonrefundable ~~division of vehicles modernization~~ T-works surcharge in the amount of \$4 for each vehicle being registered.

(b) ~~Until January 1, 2013, the provisions of this section shall not apply to vehicles registered under K.S.A. 8-1,100 through 8-1,123 and K.S.A. 2012 Supp. 8-1,123a, and amendments thereto. On and after January 1, 2013, the provisions of this section shall apply to such vehicles. The provisions of this section shall expire on January 1, 2021."~~

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "vehicle modernization" and inserting "T-works"; in line 2, after "8-145" by inserting "and 75-5160"; in line 3, by striking all following "existing"; in line 4, by striking "75-5160" and inserting "sections"; 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 2401, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-1115, 25-2003, 25-2004, 25-2006, 25-2007, 25-2010, 25-2017, 25-2018, 25-2021, 25-2022, 25-2022a, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419 and 72-7901 and K.S.A. 2012 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122, 25-2020, 25-2021, 25-2102, 25-2108a, 25-2110, 25-2311 and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 25-2003, 25-2005, 71-1404, 71-1405, 71-1406, 71-1407, 71-1409, 71-1410, 71-1411, 72-8001, 72-8002, 72-8003, 72-8004, 72-8005, 72-8006, 72-8007, 72-8008 and 72-8009 and K.S.A. 2012 Supp. 25-2110a, by Committee on Federal and State Affairs.

HB 2402, AN ACT concerning days of commemoration; relating to the national day of the cowboy, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2395** from Committee on Insurance and referral to Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Kuether to replace Rep. Frownfelter on Committee on Commerce, Labor and Economic Development for March 13.

REPORT ON ENGROSSED BILLS

HB 2182 reported correctly engrossed March 12, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, March 14, 2013.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

