

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 11, 2014, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.

The roll was called with 121 members present.

Reps. Kuether, Peterson and Phillips were excused on verified illness.

Prayer by the Rev. Andrew J. Inskeep, Youth Pastor, Fairlawn Church of the Nazarene:

Lord, we ask you to preside over our meetings and our labors,
and to bless our endeavors.

Help us to build a community untied in harmony of love and
service.

We thank you, Lord, for everything that widens our
knowledge and equips us more fully for the task of life and
living.

Teach us to know our own strengths, that we may use to the
full the gifts and talents which you have given us.

Help us to share a loving concern for each other at all times.

Above all, Lord, help us to really know you, for this is the
beginning and the end of all wisdom; this is eternal life.

(author unknown)

The Pledge of Allegiance was led by Rep. Peck.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Boldra, **HR 6047**, A RESOLUTION designating February 11, 2014, as Multiple Sclerosis Day at the Capitol, was adopted:

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

What do Ozzie Osbourne, Mitt Romney, the Osmond Brothers, and J. K. Rowling have in common?

They all have family members victimized by Multiple Sclerosis. MS is often difficult to diagnose. A pain when you bend your head to read or tie your shoes – called Lhermittes; a pain behind an eye – optical neuritis that can lead to temporary or long-term blindness; loss of muscle control to paralysis.

Young adults are most often affected, women twice as likely as men – often young women of child bearing age. MS often goes undiagnosed until many lesions have formed in the brain and along the spinal cord; a disease with no known cause and no known cure.

Our youngest child, Chelsea, has MS. She will receive this resolution on behalf of the Mid America Chapter of the National MS Society. She is very active in the chapter, serving on the MS advisory board and volunteering much time and energy working and walking for a cure. She is also involved in the Traveling Turkeys event in Wichita. They distribute Thanksgiving meals to MS victims who have difficulty shopping and preparing for the holiday. A similar event is now taking place in Hays where Chelsea's father and I are delivering the meals.

Thank you, Chelsea. You are my inspiration.

We three (Representatives Boldra, Christmann, and Todd), have a common bond – a daughter, a wife, a mother with MS.

We are here today to raise awareness for MS that we may find a cure in our lifetime. Join us, wear your wrist bands, and Join the Movement!!

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hedke, **HR 6045**, A RESOLUTION commending the nation of Israel for its cordial and mutually beneficial relationship with the United States and the State of Kansas, was adopted:

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

We talk a lot about State sovereignty, and with good reasons, none of which are going to occupy this podium today.

There is one very special country, some call Her the 'State' of Israel.

Her very existence as a state is viewed by some, actually by many, as a miraculous circumstance. It was prophesied that it would happen, and that prophecy became a reality on May 18, 1948.

From that moment of inception, she has been in battle after battle for her survival. She is surrounded by enemies on all sides, and others in very close proximity would wish she no longer existed.

However, her destiny is not controlled by mere human forces. She survives owing to a special something that is omniscient, omnipresent and omnipotent. All of these attributes are astounding, but being omnipotent, or all powerful, is the one that should be taken very seriously, and I do.

He is worthy of our praise, and She is worthy of our unending support and commendation for carrying the torch of Abraham, Isaac and Jacob.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2607, AN ACT concerning sales taxation; relating to exemptions; certain sales of school supplies, computers and clothing during sales tax holiday; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, by Representatives Powell,

Peck, Barker, Bridges, Finney, Goico, Jones, Rothlisberg and Todd.

HB 2608, AN ACT concerning counties; dealing with roads and bridges; amending K.S.A. 68-559a and repealing the existing section, by Committee on Taxation.

HB 2609, AN ACT concerning the pharmacy act of the state of Kansas; relating to the practice of pharmacy; filling and refilling of prescriptions; amending K.S.A. 65-1626a and K.S.A. 2013 Supp. 65-1637b and repealing the existing sections, by Committee on Health and Human Services.

HB 2610, AN ACT designating a portion of K-161 highway as the ancient Indians' traders trail, by Committee on Transportation.

HB 2611, AN ACT concerning dentists; conduct of dental offices; amending K.S.A. 2013 Supp. 65-1435 and repealing the existing section, by Committee on Health and Human Services.

HB 2612, AN ACT concerning judges; relating to vacancies in the office of judge of the district court and the office of district magistrate judge; amending K.S.A. 20-2909, 20-2911, 20-2914 and 25-312a and repealing the existing sections, by Committee on Judiciary.

HB 2613, AN ACT concerning the uniform vital statistics act; relating to issuance of certificate of birth resulting in stillbirth; amending K.S.A. 65-2401, 65-2412 and 65-2426a and repealing the existing sections, by Committee on Judiciary.

HB 2614, AN ACT concerning property taxation; relating to the valuation of property; the state court of tax appeals, renaming the court to the state board of tax appeals, removal of members, timing of decisions, public policy determinations, filing fees, salaries; property tax delinquencies, interest; amending K.S.A. 79-505 and K.S.A. 2013 Supp. 2-131e, 9-1402, 12-110a, 12-631, 12-1664, 12-16,109, 12-1737, 12-1742, 12-1744a, 12-1744b, 12-1744c, 12-1744d, 12-1755, 12-1934, 12-3206, 12-3805, 14-1060, 17-1374, 19-236, 19-431, 19-15,103, 19-15,106, 19-15,116, 19-15,123, 19-2106f, 19-2653, 19-2752a, 19-3554, 19-4420, 19-4442, 20-356, 20-363, 20-626, 24-133, 24-665, 24-1219, 31-144, 38-549, 68-151n, 72-4142, 72-6441, 72-6443, 72-6451, 72-8203b, 74-2426, 74-2433, 74-2433a, 74-2433b, 74-2433c, 74-2433d, 74-2433e, 74-2433f, 74-2433g, 74-2434, 74-2435, 74-2436, 74-2437, 74-2437a, 74-2437b, 74-2438, 74-2438a, 74-2439, 74-2442, 74-2447, 74-4911f, 75-430, 75-37,121, 75-4201, 75-5104, 75-5107, 75-5121, 75-5161, 77-514, 77-529, 79-210, 79-213, 79-213a, 79-213d, 79-332a, 79-425a, 79-5a27, 79-6a14, 79-1404a, 79-1409, 79-1410, 79-1413a, 79-1422, 79-1426, 79-1427a, 79-1437f, 79-1448, 79-1476, 79-1478, 79-1478a, 79-1479, 79-1481, 79-1489, 79-1609, 79-1611, 79-1701, 79-1702, 79-1703, 79-1704, 79-1964a, 79-1964b, 79-2004, 79-2004a, 79-2005, 79-2416d, 79-2925a, 79-2938, 79-2939, 79-2940, 79-2941, 79-2951, 79-2977, 79-3107c, 79-3221, 79-3226, 79-3233g, 79-32,193, 79-3694, 79-5205, 80-119, 80-808, 80-1920 and 82a-1030 and repealing the existing sections, by Committee on Taxation.

HB 2615, AN ACT concerning workers compensation insurance; pertaining to the assigned risk pool; amending K.S.A. 2013 Supp. 40-2109 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2616, AN ACT concerning workplace safety; authorizing the secretary of labor to enter into an agreement regarding state enforcement of federal occupational safety and health act standards, by Committee on Commerce, Labor and Economic Development.

HB 2617, AN ACT concerning income taxation; relating to credits; community

services contributions; amending K.S.A. 2013 Supp. 79-32,195 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2618, AN ACT concerning public safety; relating to elevators, escalators, platform lifts, stairway chairlifts, dumbwaiters, moving walks, automated people movers and other conveyances, by Committee on Commerce, Labor and Economic Development.

HB 2619, AN ACT concerning workers' compensation; pertaining to the selection of the examining health care provider; amending K.S.A. 2013 Supp. 44-515 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education: **HB 2606**.

Elections: **HB 2594**.

Federal and State Affairs: **HB 2598, HB 2599, HB 2600**.

Judiciary: **HB 2604, HB 2605**.

Local Government: **HB 2597**.

Pensions and Benefits: **HB 2596, HB 2602**.

Social Services Budget: **HB 2603**.

Taxation: **HB 2593**.

Veterans, Military and Homeland Security: **HB 2601**.

Vision 2020: **HB 2595**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2583** from Committee on Judiciary and referral to Committee on Taxation.

COMMUNICATIONS FROM STATE OFFICERS

From Lana Gordon, Secretary, Kansas Department of Labor, Annual Report, 2013.

From Barbara J. Hickert, State LTC Ombudsman, pursuant to K.S.A. 75-7306, Kansas Long-Term care Ombudsman Annual Report for State Fiscal year 2013.

From Sandy Praeger, Commissioner of Insurance, pursuant to K.S.A. 40-108, Kansas Insurance Department, Annual Report 2013.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION NO. **6049** –

By Committee on Health and Human Services

A RESOLUTION encouraging the creation of a Kansas plan for comprehensive treatment of chronic obstructive pulmonary disease.

WHEREAS, Chronic obstructive pulmonary disease (COPD) is a chronic disease of the lung which cannot be cured; and

WHEREAS, At least 24 million Americans have COPD and data suggest that as many as 12 million more Americans may have the symptoms of COPD but are undiagnosed; and

WHEREAS, COPD was the third leading cause of death in the year 2000 and is projected to be the third leading cause of death in the year 2010; and

WHEREAS, Costs attributed to COPD were projected to be \$49.9 billion in 2010; and

WHEREAS, Approximately 70% of individuals living with COPD are under age 65; and

WHEREAS, COPD is the second leading cause of disability; and

WHEREAS, Up to 70% of the costs of COPD are due to hospitalizations which can largely be prevented; and

WHEREAS, COPD is a leading cause of death in Kansas with as many as 146.5 persons admitted to the hospital for every 100,000 persons in Kansas; and

WHEREAS, The main causes of COPD are smoking, dust, chemicals in the air and genetic disposition; and

WHEREAS, COPD is treatable and manageable; and

WHEREAS, It would behoove the state to develop and maintain a COPD prevention and education state plan: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Kansas department of health and environment create a comprehensive COPD prevention and education state plan which shall create and foster public awareness and increase knowledge concerning the causes of COPD, the importance of early diagnosis, effective prevention and disease management. Such plan shall outline sustainable solutions for reducing the burden of COPD in Kansas through the coordinated implementation of multiple strategies. These strategies shall include, without limitation, recommendations for:

(1) The prevention and early detection of COPD to reduce the incidence of the disease; and

(2) the treatment and management of COPD to ensure that health care providers offer state-of-the-art care, including increased access to nonpharmacologic therapies for COPD; and

(3) increasing public awareness, patient education and proper medical management of COPD among the general public and those living with COPD; and;

(4) improving COPD outcomes in Kansas through increases in COPD funding and resources, as well as ongoing effective advocacy by government leaders and people with COPD; and

Be it further resolved: That the Kansas department of health and environment annually perform a COPD needs assessment; and

Be it further resolved: That the Kansas department of health and environment hold an annual summit regarding COPD to be held in partnership with the state COPD coalition; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the secretary of health and environment.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Crum, Committee of the Whole report, as follows, was adopted:
Recommended that **HB 2446, HB 2418** be passed.

Committee report to **HB 2453** be adopted; also, on motion of Rep. Concannon to rerefer **HB 2453** to Committee on Federal and State Affairs, the motion did not prevail.

Also, on motion of Rep. Hill to amend **HB 2453**, the motion did not prevail. Also, on further motion of Rep. Hill to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2429** be adopted; and the bill be passed as amended.

Committee report to **HB 2488** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2599** be passed.

Committee on **Taxation** recommends **HB 2511** be passed.

Committee on **Taxation** recommends **HB 2464** be amended on page 4, in line 4, after "(h)" by inserting "(1)"; also in line 4, after the first "tax" by inserting "year"; also in line 4, by striking "and all tax years thereafter,"; in line 7, by striking "or the privilege tax imposed upon any"; by striking all in lines 8 and 9; in line 10, by striking "Kansas Statutes Annotated, and amendments thereto,"; in line 11, by striking "or privilege"; following line 11, by inserting:

"(2) For tax year 2014, and all tax years thereafter, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's corporate income or privilege tax liability."; 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 introduced and read by title:

HB 2620, AN ACT concerning health and human sexuality education; school districts' policies and procedures, by Committee on Education.

HB 2621, AN ACT concerning schools; prescribing curriculum standards; establishing an advisory council on curriculum content standards; providing restrictions on the collection of certain student and teacher data; amending K.S.A. 2013 Supp. 72-6439 and repealing the existing section; also repealing K.S.A. 2013 Supp. 72-1128, by Committee on Education.

HB 2622, AN ACT relating to driver's licenses; creating the limited and restricted driver's license, limited instruction permit; amending K.S.A. 2012 Supp. 8-1324, as amended by section 2 of chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 8-237 and 8-240 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2623, AN ACT concerning school districts; requiring storm shelters as a part of certain construction projects, by Committee on Veterans, Military and Homeland Security.

HB 2624, AN ACT concerning veterans; relating to members' funds; Kansas soldiers' home; Kansas veterans' home; amending K.S.A. 76-1935 and 76-1956 and K.S.A. 2013 Supp. 73-1209 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2625, AN ACT concerning taxation; enacting the Kansas fair tax of 2013 revised; eliminating income and sales taxes; imposing a consumption tax; providing certain duties and requirements on retailers and providers and the department of revenue; exemptions; consumption allowance; creating the consumption tax transition committee; providing for state compensating consumption tax; amending K.S.A. 2013 Supp. 79-32,110 and 79-3702 and repealing the existing sections; also repealing K.S.A. 79-3294, 79-3294a and 79-3294b and K.S.A. 2013 Supp. 72-6431, 76-6b01, 76-6b04, 79-1107, 79-1108, 79-3295, 79-3296, 79-3298, 79-3299, 79-32,100, 79-32,100a, 79-32,100b, 79-32,100c, 79-32,100d, 79-32,100e, 79-32,269 and 79-3603, by Representatives Rubin, Bradford, Brunk, Christmann, Claeys, Couture-Lovelady, DeGraaf, Dove, Edwards, Esau, Ewy, Garber, Gonzalez, Hedke, Houser, Howell, Jones, O'Brien, Osterman, Petty, Powell, Read, Rothlisberg and Sutton.

HB 2626, AN ACT concerning wildlife; relating to hunting; using dogs for the tracking of dead or wounded big game, by Committee on Agriculture and Natural Resources.

HB 2627, AN ACT concerning hunting; relating to permit requirements; hunter education course; exemption for concealed carry handgun license holders; amending K.S.A. 2013 Supp. 32-920 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2628, AN ACT concerning property valuation; relating to land devoted to agricultural use; amending K.S.A. 2013 Supp. 79-1476 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2629, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2014, and June 30, 2015, for the Kansas department for aging and disability services; relating to home and community based services I/DD waiver, by Committee on Appropriations.

HB 2630, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for the Kansas department for aging and disability services; relating to home and community based services I/DD waiver, by Committee on Appropriations.

HB 2631, AN ACT concerning the division of vehicles; relating to driver's licenses and nondriver identification cards; expiration date; amending K.S.A. 2013 Supp. 8-247 and 8-1325 and repealing the existing sections, by Committee on Taxation.

HB 2632, AN ACT concerning the secretary of administration; pertaining to rules and regulations recommended by the director of personnel services; amending K.S.A. 2013 Supp. 75-3747 and repealing the existing section, by Representative Edwards.

HB 2633, AN ACT concerning children and minors; relating to juvenile offender assessments; revised Kansas code for care of children; revised Kansas juvenile justice code; sentencing; misdemeanor offenses; purchase or consumption of alcoholic beverage by minor; amending K.S.A. 2013 Supp. 21-6607, 38-2202, 38-2360, 38-2369,

38-2370 and 41-727 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2634, AN ACT concerning juvenile offenders; relating to prosecution as an adult; amending K.S.A. 2013 Supp. 38-2347 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2635, AN ACT concerning insurance; relating to lines of insurance and reporting requirements; requiring pre-need funeral insurance agents to obtain continuing education courses; amending K.S.A. 2013 Supp. 40-4903 and repealing the existing section, by Committee on Insurance.

HB 2636, AN ACT concerning the secretary of health and environment relating to air quality standards, by Committee on Energy and Environment.

HB 2637, AN ACT concerning the protection from stalking act; concerning expungement of records, by Committee on Judiciary.

HB 2638, AN ACT concerning incapacitated and terminally ill persons; relating to durable power of attorney for health care decisions; withholding or withdrawal of life-sustaining procedures; treating health care providers; amending K.S.A. 58-629 and 65-28,102 and K.S.A. 2013 Supp. 65-28,107 and 65-28,108 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2639, AN ACT concerning the mail ballot election act; amending K.S.A. 12-17,103 and 13-13a38 and K.S.A. 2013 Supp. 12-195, 12-195b and 25-432 and repealing the existing sections, by Committee on Elections.

HB 2640, AN ACT concerning workers compensation; relating to experience ratings; amending K.S.A. 2013 Supp. 44-559a and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION NO. **6050** –

By Representative Estes

A RESOLUTION commending the 3i Show and Western Kansas Manufacturers Association, the sponsor of the show, for its service to the agri-business and the farm-ranch community.

WHEREAS, The 3i Show is the largest free exposition of agricultural technology in the state of Kansas and has attained nationwide recognition; and

WHEREAS, The 3i Show has exhibited a phenomenal growth in past years, indicating how the show has gained in importance among agri-businesses and the farm-ranch community. The 2014 show will cover over fifty acres, bringing the size of the show to over 1,500,000 square feet. There will be over 500 exhibitors from all over the world, featuring the latest equipment, technology and services; and

WHEREAS, The 3i Show is the gathering of the cattlemen, growers, farmers, dealers, manufacturers and buyers which make up the agricultural industry; and

WHEREAS, The 3i Show allows the free exchange of new and inventive ideas among all individuals who are a part of this great industry in the state of Kansas; and

WHEREAS, The 3i Show is a salute to "Industry, Implements and Irrigation," and is celebrating its 60th anniversary in Dodge City, Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend the 3i Show and Western Kansas Manufacturers Association for its service to the agri-business and the farm-ranch community; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Estes and Mr. Eddie D. Estes, CEO and President of the Western Kansas Manufacturers Association.

REPORT ON ENROLLED RESOLUTIONS

HCR 5025 reported correctly enrolled and properly signed on February 11, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, February 12, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

