

# Journal of the House

## TWENTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 18, 2014, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Ballard, Thimesch and Wolfe Moore were excused on excused absence by the Speaker.

Upon the death of Rep. Mike Peterson, the House is now organized with 123 members.

Prayer by Chaplain Brubaker:

Father God,  
As we get further into the session,  
the topics and issues appear to get more intense.  
Send Your Spirit to these leaders  
to encourage them in their tasks.  
Assure them that You will provide the grace  
needed for them to be faithful in their responsibilities.  
Remind them that You have wisdom to impart to them.  
And, help them in all ways to maintain their integrity.  
Help them all to remember the dignity of their work,  
and bless them as they use their talents and abilities  
in ways that are honorable and just  
and are of a benefit to those whom they serve.  
God of comfort,  
I ask that today You will bring comfort  
to the family, friends and these colleagues of  
Representative Mike Peterson. Thank you for his life  
and his service to the citizens of Wyandotte County.  
In this time of grief and sorrow, please bring  
comfort, grace, strength and peace.  
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Alcalá.

**PERSONAL PRIVILEGE**

Remarks of Rep. P. Davis:

I am deeply saddened to announce that Rep. Mike Peterson of Kansas City passed away this morning. He was 72 years old.

We lost a great friend and colleague today. I genuinely enjoyed working with him and will miss his insight and expertise. We send our thoughts and prayers to his family.

Born in 1941, Rep. Peterson was a star football player and earned a scholarship to play at the University of Notre Dame. He served the 32<sup>nd</sup> House District from 1979-1990, then returned from 2005-2014, representing eastern Wyandotte County. In addition to decades of public service as a state legislator, Rep. Peterson also had a long and distinguished career as an attorney in Kansas City.

Rep. Peterson is survived by his wife, Robin, and their five children.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2726**, AN ACT concerning campaign finance; lobbyists filings; amending K.S.A. 25-904, 25-4142, 25-4173, 25-4175, 46-237, 46-268 and 46-269 and K.S.A. 2013 Supp. 25-4143, 25-4157a and 46-237a and repealing the existing sections, by Committee on Appropriations.

**HB 2727**, AN ACT concerning accessible parking; relating to special license plates and permanent placards, expiration; amending K.S.A. 2013 Supp. 8-1,125 and repealing the existing section, by Committee on Taxation.

**HB 2728**, AN ACT concerning motor vehicles; relating to salvage title permits, number of copies; amending K.S.A. 2013 Supp. 8-198 and repealing the existing section, by Committee on Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Appropriations: **HB 2723**.

Judiciary: **HB 2725**.

Transportation: **HB 2724**.

**CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2567** from Committee on Judiciary and referral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **HB 2693** from Committee on Transportation and referral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **H Sub for SB 18** from the Calendar under the heading General Orders and rereferral to Committee on Judiciary.

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 255, SB 263, SB 270, SB 287, SB 288**.

Also, announcing passage of **HB 2389**, as amended by **S Sub for HB 2389**.

Also, announcing adoption of **HCR 5028**.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 255, SB 263, SB 270, SB 287, SB 288.**

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

On motion of Rep. Schwartz, **HR 6048**, A RESOLUTION congratulating and recognizing the Landoll Corporation's 50<sup>th</sup> Anniversary and its receiving of the Ad Astra Award from the Kansas Chamber of Commerce, was adopted.

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

It is a great honor to have this opportunity to introduce Mr. Don Landoll, his daughter Paula Landoll Smith, and his son Phil, owners of Landoll Corp. in Marysville, Kansas.

Don and I grew up as neighbors northwest of Hanover. Our parents were good friends and through the years we have shared a friendship living in the same community. I can remember my dad sharing the shop on our farm and working with Don as a young man.

Landoll Corp. is celebrating 50 years in business this year and will be presented the Ad Astra Award this evening at the annual Chamber event.

Don Landoll is a testimony to the power of the American dream and the result of hard work, sticking to core principles and investing in ideas, new technology, relationships and building a team to make it happen.

The Landoll Corporation, headquartered in Marysville, Kansas, has grown from a small welding, radiator and blacksmith shop to a global manufacturer of quality products and services for the agricultural, material handling, OEM/Government and transportation industries.

The Landoll Corporation employs approximately 1,000 dedicated employees.

The corporation attributes some of its growth from the state and local tax policy which allowed the company to invest in personnel, property, technology and modern equipment and which supported the acquisition and relocation of jobs to Kansas of the following product lines: Bendi forklifts from England, Drexel Industries forklifts from Pennsylvania and Brillion farm equipment from Wisconsin.

Please join me in recognizing Don, Paula, and Phil today for this accomplishment.

**CONSENT CALENDAR**

Objection was made to **HB 2507, HB 2537** appearing on the Consent Calendar; the bills were placed on the Calendar under the heading General Orders.

No objection was made to **HB 2504** appearing on the Consent Calendar for the second day.

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

**COMMITTEE OF THE WHOLE**

On motion of Rep. Kleeb, Committee of the Whole report, as follows, was adopted:  
Recommended that **HB 2599** be passed.

On motion of Rep. Whipple, **HB 2557** be amended on page 3, following line 31 by inserting:

"New Sec. 2. Sales tax paid on and after July 1, 2014, on the gross receipts received from the sale of required textbooks purchased in Kansas by a student enrolled in a postsecondary educational institution in this state shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this section. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee. For the purposes of this section, "postsecondary educational institution" means any university, municipal university, community college and technical college, whether public or private.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "income"; also in line 1, after "to" by inserting "income tax,;" in line 2, after the semicolon by inserting "sales tax, refunds for taxes paid on textbooks;" and **HB 2557** be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2436** be adopted; and the substitute bill be passed.

Committee report to **HB 2491** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2440** be passed.

Committee on **Elections** recommends **HB 2095**, be amended as recommended by the House Committee on Elections as reported in the Journal of the House on February 12, 2013, and the bill be further amended on page 1, in line 5, by striking "2012" and inserting "2013";

On page 3, in line 3, by striking "2012" and inserting "2013";

On page 1, in the title, in line 2, by striking "2012" and inserting "2013"; and the bill be passed as amended.

Committee on **Energy and Environment** recommends **HR 6043** be amended on page 1, by striking all in lines 8 through 15; by striking all in lines 20 through 36;

On page 2, by striking all in lines 1 through 20; in line 26, by striking all following "That"; in line 27, by striking "scientific data,;" following line 30, by inserting

*"Be it further resolved:* That the EPA should consider the most cost-effective ways to address climate change; and"; and the resolution be adopted as amended.

**General Government Budget Committee** recommends **HB 2591** 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 **Health and Human Services** recommends **HB 2561** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance** recommends **HB 2515** be passed.

Committee on **Judiciary** recommends **HB 2490** be amended on page 1, in line 27, by striking "Jurors are permitted to"; by striking all in lines 28 and 29;

On page 2, in line 1, after "(c)" by inserting " In the court's discretion,"; also in line 1, after "upon" by inserting "the jury's"; also in line 1, by striking "all" and inserting "any"; and the bill be passed as amended.

Committee on **Pensions and Benefits** recommends **HB 2533** be amended on page 1, in line 35, by striking "which such credit shall be" and inserting ". The additional interest credit shall be posted to the member's annuity savings account on March 31 or as soon thereafter as practicable, based on the member's account value as of December 31 of the preceding year. The additional interest credit shall be determined as follows"; in line 36, by striking "calendar year 2016," and inserting "the additional interest credit based on the member's annuity savings account balance as of December 31, 2015, the dividend shall be";

On page 2, in line 1, by striking "2016" and inserting "2015"; in line 4, by striking "calendar year 2017," and inserting "the additional interest credit based on the member's annuity savings account balance as of December 31, 2016, the dividend shall be"; in line 5, by striking "2016 and 2017" and inserting "2015 and 2016"; in line 8, by striking "calendar year 2018," and inserting "the additional interest credit based on the member's annuity savings account balance as of December 31, 2017, the dividend shall be"; in line 9, by striking all after "years"; in line 10, by striking "2018" and inserting "2015, 2016 and 2017"; in line 12, by striking "calendar year 2019," and inserting "the additional interest credit based on the member's annuity savings account balance as of December 31, 2018, the dividend shall be"; in line 13, by striking all following "years"; in line 14, by striking "and 2019" and inserting "2015, 2016, 2017 and 2018"; in line 16 by striking "calendar year 2020" and inserting "the additional interest credit based on the member's annuity savings account balance as of December 31, 2019,"; also in line 16, after "thereafter," by inserting "the dividend shall be";

On page 3, in line 12, by striking "which such credit shall be" and inserting ". The additional interest credit shall be posted to the member's retirement annuity account on March 31 or as soon as practicable, based on the member's account value as of December 31 of the preceding year. The additional interest credit shall be determined as follows"; in line 13, by striking "calendar year 2016," and inserting "the annual additional interest credit based on the member's retirement annuity account balance as of December 31, 2015, the dividend shall be"; in line 14, by striking "2016" and inserting "2015"; in line 17, by striking "calendar year 2017," and inserting "the annual additional interest credit based on the member's retirement annuity account balance as of December 31, 2016, the dividend shall be"; in line 18, by striking "2016 and 2017" and inserting "2015 and 2016"; in line 21, by striking "calendar year 2018," and inserting "the additional interest credit based on the member's retirement annuity account balance as of December 31, 2017, the dividend shall be"; in line 22, by striking all after "years"; in line 23, by striking "2018" and inserting "2015, 2016 and 2017"; in line 25, by striking "calendar year 2019," and inserting "the additional interest credit based on the member's retirement annuity account balance as of December 31, 2018, the dividend shall be"; in line 26, by striking all following "years"; in line 27, by striking "and 2019" and inserting "2015, 2016, 2017 and 2018"; in line 29, by striking "calendar year 2020" and inserting "the additional interest credit based on the member's retirement annuity account balance as of December 31, 2019,"; also in line 29, after the comma by inserting "the dividend shall be"; by striking all in lines 40 through 43;

By striking all on page 4;

On page 5, by striking all in line 1;  
 On page 6, in line 22, by striking ", 74-49,310, 74-"; in line 7 by striking "49,311";  
 And by renumbering sections accordingly;  
 On page 1, in the title, in line 3, by striking "distribution of member's"; in line 4, by striking all before "payment"; in line 5, by striking the last comma; in line 6, by striking "74-49,310, 74-49,311"; 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 2729**, AN ACT concerning taxation; relating to property tax; homestead destroyed or substantially destroyed by natural disaster; amending K.S.A. 2013 Supp. 79-1613 and repealing the existing section, by Committee on Taxation.

**HB 2730**, AN ACT concerning compensating tax revenue sharing; creating the marketplace fairness revenue sharing fund, by Committee on Taxation.

On motion of Rep. Vickrey, the House recessed until 5:00 p.m..

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### LATE AFTERNOON SESSION

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

### REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2668** be amended on be amended on page 1, in line 7, before "Any" by inserting "(a)" in line 13, by striking "(a)" and inserting

"(1)";

Also on page 1, in line 18, by striking "(b)" and inserting "(2)"; in line 23, by striking "(c) (1)" and inserting "(3) (A)"; in line 28, by striking "(2)" and inserting "(B)"; in line 32, by striking "(d)" and inserting "(4)";

On page 2, in line 1, by striking "(e)" and inserting "(5)"; following line 7, by inserting:

"(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a cooperative basis and their affiliated companies, which provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto";

Also on page 2, in line 8 by striking "(f)" and inserting "(7)"; also in line 8, after "qualified" by inserting "trade, merchant, retail or"; also in line 8, by striking ", trade association"; in line 11, by striking "(g)" and inserting "(8)"; in line 14, by striking "(h)" and inserting "(9)"; following line 17, by inserting:

(b) For the purposes of this section, a qualified trade, merchant, retail or

professional association or business league shall mean any bona fide trade, merchant, retail or professional association or business league that:

- (1) Has been in existence for at least five calendar years; and
- (2) is comprised of five or more employers.";

Also on page 2, in line 22, by striking all after "in"; on line 23 by striking all before "of" and inserting "subsection (a)"; in line 36, by striking all after "in" and inserting "subsection (a) of K.S.A."; and the bill be passed as amended.

Committee on **Energy and Environment** recommends **HB 2636** be amended on page 1, in line 6, by striking "section 111(d) of"; also in line 6, by striking "7411" and inserting "7401 et seq.";

On page 2, following line 13, by inserting:

"(d) This section shall be part of and supplemental to the Kansas air quality act."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 18**, be amended as recommended by House Committee on Judiciary as reported in the Journal of the House on March 22, 2013, and the bill be further amended as recommended by House Committee on Judiciary as reported in the Journal of the House on February 12, 2014, and the bill, as printed with amendments by House Committee, be passed as amended.

#### **READING AND CORRECTION OF THE JOURNAL**

In the Journal, on page 1699, under Reference of Bills and Concurrent Resolutions, **HB 2661** should be removed from Committee on Agriculture and Natural Resources and should be referred to Committee on Energy and Environment.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, February 19, 2014.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

