

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 19, 2014, 11:00 a.m.

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

COMMUNICATIONS FROM STATE OFFICERS

To all to whom these presents shall come, Greetings:

I, KRIS KOBACH, Secretary of State of the State of Kansas, do hereby certify that Leslie Mason, McPherson, Kansas, was appointed by the Governor effective February 19, 2014, for the unexpired term of State Representative for the 73rd Legislative District, to fill the vacancy created by the resignation of Clark Schultz.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 19th day of February, A.D. 2014.

KRIS W. KOBACH
Secretary of State

OATH OF OFFICE

Leslie Mason came forward and took and subscribed to the following oath of office, which was administered by Assistant Secretary of State, Eric Rucker.

STATE OF KANSAS, COUNTY OF SHAWNEE, SS:

I do solemnly swear, or affirm, that I will support the Constitution of the United States, and the constitution of the State of Kansas, and will faithfully discharge the duties of the office of Representative of the 73rd District of the House of Representatives, so help me God.

Subscribed and sworn to before me on this 19th day of February, 2014.

ERIC RUCKER
Assistant Secretary of State

The roll was called with 122 members present.
Reps. Houser and Thimesch were excused on excused absence by the Speaker.
The House is now organized with 124 members.

Prayer by Chaplain Brubaker:

Dear Lord,
First of all, I want to thank you for the

break from the snowy cold weather
 we are experiencing.
 There is something to be said about
 how sunshine and warmer weather
 can encourage the heart and soul.
 Just as we tend to function better in warm weather,
 versus extreme cold or hot,
 we can accomplish so much more
 in a warm atmosphere of community and collaboration,
 rather than a climate when discussion is either heated and angry,
 or cold and calculated.
 Guard the hearts, minds and tongues of our leaders today
 as they work together in making decisions.
 May everything that is accomplished
 bring honor and glory to You.
 Amen.

The Pledge of Allegiance was led by Rep. Cassidy.

INTRODUCTION OF GUESTS

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

The cities within Kansas believe in the mission of encouraging civic engagement and education. Over the last decade, the League of Kansas Municipalities has organized a junior high essay contest to encourage good government and to help satisfy the Kansas Board of Education civic requirements.

The award recognizes 5 regional winners and 1 overall state winner each year. It is an honor today to introduce Alex Cline, who has been selected as the overall winner for 2013-2014 "*If I were Mayor*" essay contest.

Alex is accompanied by his mother Ms. Brenda Stafford. We would also like to recognize his outstanding teacher, Ms. Elizabeth Brosius. Alex is a 7th grade student at The Independent School, a private PK-12 college preparation school in Wichita.

In Alex's essay, he writes that if he were mayor, he would focus on "the economy, city departments, and our community." He says that "Our city is a reflection of our values" ... "Good schools, vibrant arts and entertainment, and highly skilled workers are appealing to business owners."

He further adds, "Who does not want to decrease crime, play in green spaces, graduate intelligent thinkers, and care for the people and animals that cannot care for themselves?"

The last two lines Alex writes in his award winning essay are thought provoking. He ends it with, "My goals are lofty but not unobtainable. We do not live in a perfect world, but we can always build up to that expectation as much as we can."

Alex, you represent the best of the next generation. You have both the heart to serve and the intellect to accomplish your dreams. I have no doubt that one day you will be a great public servant, if you choose to do so. You represent the City of Wichita well, and you make us proud.

Will you please join me in congratulating Alex Cline.

Rep. Whipple presented Alex with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2731, AN ACT concerning sales taxation; relating to exemptions; required textbooks; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2732, AN ACT concerning taxation; relating to countywide retailers' sales tax; authority for Rooks county; amending K.S.A. 2013 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Elections: **HB 2726**.

Judiciary: **SB 255, SB 270, SB 287, SB 288**.

Taxation: **HB 2729, HB 2730**.

Transportation: **HB 2727, HB 2728**.

Veterans, Military and Homeland Security: **SB 263**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2531, HB 2704** from Committee on Insurance and referral to Committee on Taxation.

Also, the withdrawal of **HB 2712** from Committee on Judiciary and referral to Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. P. Davis, **HR 6053**, by Reps. Merrick and P. Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **6053**—

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2014 regular session of the legislature shall occupy the same seats assigned pursuant to 2014 House Resolution No. 6039 with the following exception: Mason, seat No. 10.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Carlin, **HR 6054**, by Reps. Carlin, Bridges, Carlson, Finney, Kleeb, Meier, Moxley, Sawyer, Sloop and Swanson, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **6054**—

A RESOLUTION recognizing the importance of the strategic partnership between the

United States of America and the Republic of Kazakhstan.

WHEREAS, The Republic of Kazakhstan declared its sovereign independence from the Soviet Union on December 25, 1991, and has enjoyed a growing democratic tradition over the last 22 years; and

WHEREAS, The United States of America was the first country to recognize the independence of the Republic of Kazakhstan in 1991 and established full-fledged diplomatic relations with it; and

WHEREAS, Over the last 22 years, the Republic of Kazakhstan has consolidated its sovereignty and independence and has become a leader in the Central Asia region; and

WHEREAS, The United States of America, along with the United Nations, recognizes and supports the Republic of Kazakhstan's sovereignty; and

WHEREAS, The United States of America and the Republic of Kazakhstan have developed a strong strategic partnership based on shared values and interests and a shared vision; and

WHEREAS, The Republic of Kazakhstan is a staunch ally and strategic partner of the United States of America in the critically important Central Asia region; and

WHEREAS, The Republic of Kazakhstan is a leader in the area of nuclear non-proliferation, having voluntarily given up its nuclear arsenal upon independence, and today works with international partners to promote the reduction of nuclear weapons stockpiles world-wide; and

WHEREAS, The United States of America and the Republic of Kazakhstan continue their successful cooperation in counter-terrorism efforts and the non-proliferation of weapons of mass destruction, which is of particular importance, given that the Republic of Kazakhstan is an ally nation located in a geopolitically important region; and

WHEREAS, The Republic of Kazakhstan possesses vast oil and gas resources and contributes to the energy security of the United States of America and the European nations, and it is a critical element in diversification of energy supplies used by European allies of the Republic of Kazakhstan and the United States of America; and

WHEREAS, The Republic of Kazakhstan has also been a strong partner of the United States and NATO missions in Afghanistan, opening supply lines through the Northern Distribution Network when southern supply routes were cut off; and

WHEREAS, The Republic of Kazakhstan is also committed to supporting democracy in Afghanistan, and has established a \$50 million scholarship program to provide educational opportunities for Afghan students in Kazakhstan; and

WHEREAS, The Republic of Kazakhstan is committed to working toward completing accession to the World Trade Organization and appreciates the United States' support in this endeavor; and

WHEREAS, The United States is an important trading partner with the Republic of Kazakhstan and the two countries both support increasing and deepening trade relations with each other; and

WHEREAS, The Republic of Kazakhstan has a long-standing tradition of peaceful coexistence with various ethnic and religious communities; and

WHEREAS, The Republic of Kazakhstan attaches great importance to expanding its relations in all spheres, including trade, cultural and educational exchanges with the state of Kansas; and

WHEREAS, It is critical for the United States of America to further strengthen relations with its allies, such as the Republic of Kazakhstan, to advance common

interests currently and in the future: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the importance of a strategic partnership and friendship between the United States of America and the Republic of Kazakhstan and work to further enhance the partnership through mutual efforts over the years to come; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Governor Sam Brownback, the Principal Deputy Assistant Secretary of the U.S. State Department's Bureau of Educational and Cultural Affairs and the Deputy Assistant Secretary of the U.S. Economic Development Administration and four enrolled copies to Representative Carlin.

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

Kazakhstan in North/NW of Central Asia is the largest country 2 ½ times the size of Texas. Each of these countries has been independent from the Soviet Union for the past 22 years. Kazakhstan has oil and gas and is very agricultural (farmers and ranchers). Under Soviet rule there were massive industries, one per country. 3-4 generations of them knew nothing but Soviet control and at the collapse of the Soviet Union all of these massive industries were pulled out, taking the knowledge to operate with them. The Peace Corp put English teachers in within a year and volunteers teach the children today in this region.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Grosserode, **HR 6051**, A RESOLUTION commemorating the University of Kansas Department of Ophthalmology's Centennial and designating February 19, 2014, as KU Eye Day, was adopted.

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

Today, I am joined by faculty, staff, and members of the Centennial Planning Committee and Advisory Board for the Ophthalmology department of the University of Kansas Medical School otherwise known as KU EYE.

The University of Kansas Founded the Department of Ophthalmology on January 1, 1914. A residency program was established in 1946. Since then, 146 residents have graduated. KU EYE has been a pivotal ground for educating our doctors in providing quality eye care for our Kansas citizens. Of the current 250 licensed ophthalmologists, 44 of them are KU EYE alumni.

Joining us today are Terrence Curran, MD, Volunteer Faculty, KU EYE; Sara Curran, MD, member, Centennial Planning Committee (wife of Dr. Curran); Fritz Edmunds, member, Centennniel Planning Committee and Advisory Board, KU EYE; Deb Kephart, Executive Assistant to the Chair, Dr. Sutphin; Sarah Noftzger, Optician, KU EYE; Abby Strickland, Senior Administrator, KU EYE; John Sutphin, MD, Luther and Ardis Fry Professor and Chairman, KU EYE; Emily Sutphin, Centennial Planning Committee (wife of Dr. Sutphin).

Join me today in recognizing KU EYE as they celebrate 100 years of educating tomorrow's generation and caring for today's.

CONSENT CALENDAR

No objection was made to **HB 2561, HB 2591** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2504** 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 2504, AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Houser, Thimesch.

The bill passed.

Sub HB 2436, AN ACT concerning the boards of cosmetology and barbering; relating to dual-licensed facilities; amending K.S.A. 65-1907 and 74-1806 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz,

Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Houser, Thimesch.

The substitute bill passed.

HB 2491, AN ACT concerning the Kansas tort claims act; relating to small claims actions; amending K.S.A. 2013 Supp. 75-6103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Schwab, Ward.

Present but not voting: None.

Absent or not voting: Houser, Thimesch.

The bill passed, as amended.

HB 2557, AN ACT concerning taxation; relating to income tax, penalties for certain taxpayers who file incorrect returns; sales tax, refunds for taxes paid on textbooks; amending K.S.A. 2013 Supp. 79-3228 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz,

Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Houser, Thimesch.

The bill passed, as amended.

HB 2599, AN ACT authorizing the secretary of state to grant an easement to the unified government of Wyandotte county, Kansas, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Hildabrand, Hill, Hineman, Hoffman, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Corbet, Highland.

Present but not voting: None.

Absent or not voting: Houser, Thimesch.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2511**, **HB 2502** be passed.

Committee report to **HB 2495** be adopted; and the bill be passed as amended.

Committee report to **HB 2501** be adopted; and the bill be passed as amended.

Committee report to **HB 2493** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2548**, **HB 2549** be passed.

Committee on **Agriculture and Natural Resources** recommends **HB 2547** 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 **Agriculture and Natural Resources** recommends **HB 2551** be

amended on page 1, in line 10, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2466** be amended on page 2, in line 13, before "prescribed" by inserting "if the party to be served has consented to service by electronic means,";

On page 1, in the title, in line 1, by striking "rules and regulations; relating to"; in line 2, by striking "service of order or notice" and inserting "procedure; relating to the Kansas administrative procedure act; Kansas judicial review act" and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2534** be passed.

Committee on **Pensions and Benefits** recommends **HB 2564, HB 2602** be passed.

Committee on **Vision 2020** recommends **HB 2595** be amended on page 1, in the title, in line 1, by striking "marine"; 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 bill was introduced and read by title:

HB 2733, AN ACT concerning annexation; relating to the resolution approving annexation; amending K.S.A. 2013 Supp. 12-531 and 12-532 and repealing the existing sections, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2354** from Committee on Elections and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2469** from Committee on Appropriations and referral to Committee on General Government Budget.

Also, the withdrawal of **HB 2675** from Committee on Appropriations and referral to Committee on Commerce, Labor and Economic Development.

REPORT ON ENGROSSED BILLS

HB 2422, HB 2464 reported correctly engrossed February 13, 2014.

Also, **HB 2557** reported correctly engrossed February 18, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 20, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

