

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 24, 2014, 11:00 a.m.

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

The roll was called with 119 members present.

Rep. Thompson was excused on verified illness.

Reps. Edmonds, Rooker, Sawyer and Victors were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Rex Petty, pastor, Faith Tabernacle Church, Liberal, father and guest of Rep. Petty:

Lord, may the joy of the Lord be our strength today and may you bless each representative here with a special day, “a hot diggity dog day!” A day filled with a sense of excitement, celebration and delight! Please bless each man and woman here with a fresh awareness of your love for them. Please give each one good health and safety along with all their family. Lord give them wisdom and direction as they do their work here at the capitol, at home, and throughout the great state of Kansas to help all the people of Kansas.

Thank you Lord for this day, for this is the day that the Lord hath made and we will rejoice and be glad in it!

In your precious Name we pray, Amen.

The Pledge of Allegiance was led by Rep. Lusker.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2737, AN ACT concerning wildlife; relating to dangerous regulated animals; pertaining to the sale, slaughter and acquisition of such animals; amending K.S.A. 2013 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 32-1309, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources Budget: **SB 278**.

Elections: **SB 339**.

Energy and Environment: **SB 337**.

Insurance: **SB 285, SB 299, SB 306, SB 315, SB 321**.

Judiciary: **HB 2736, SB 354, SB 355**.

Utilities and Telecommunications: **SB 284, SB 308**.

COMMUNICATIONS FROM STATE OFFICERS

From Jon A. Roberts, Chair, Central Interstate Low-Level Radioactive Waste Commission, Annual Report 2012-2013.

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

CONSENT CALENDAR

No objection was made to **HB 2656** appearing on the Consent Calendar for the first day.

REPORTS OF STANDING COMMITTEES

Committee on **Veterans, Military and Homeland Security** recommends **HB 2580** be amended on page 1, in line 11, by striking all after (b); by striking all in lines 12 through 19; in line 20, by striking all before the period and inserting:

"When a regional emergency response team contracting with the state fire marshal pursuant to subsection (a) is activated to respond to a hazardous materials or search and rescue incident caused by a negligent or willful act or omission, the party responsible for the incident shall be liable to the state fire marshal for the reasonable and necessary costs of the response. In the case of an incident caused by a natural disaster, a party shall not be liable for the costs of the response unless that party's acts or omissions contributed to or aggravated the incident.

(c) For purposes of this section, the term "hazardous materials" means any material defined as a hazardous substance under 29 C.F.R. § 1910.120(a)(3), as in effect on the effective date of this act, or any later version adopted by the state fire marshal in rules and regulations";

Also on page 1, in line 22, by striking "subsections" and inserting "subsection"; also in line 22, by striking "and (c)"; in line 23, after "act" by inserting "after notice and an opportunity for a hearing"; in line 29, by striking "and may recover any cost of collection, including reasonable"; in line 30, by striking "attorney fees"; in line 31, after "(e)" by inserting:

"(1) The state fire marshal shall appoint a hazardous materials advisory committee and a search and rescue advisory committee to provide input and assistance to the emergency response program and act as advisors to the state fire marshal and director of the emergency response division.

(2) (A) The hazardous materials advisory committee shall be comprised of one member from each hazardous materials response region, one representative from the Kansas division of emergency management, one representative from the Kansas national guard/civil support team, one representative from the Kansas fire and rescue training institute and one representative from the Kansas department of health and environment.

(B) The search and rescue advisory committee shall be comprised of one member from each search and rescue region, one representative from the Kansas division of emergency management, one representative from the Kansas national guard/crisis city, one representative from the Kansas fire and rescue training institute and one representative from the Kansas search and rescue dog association.

(3) The committees shall meet periodically as determined by the state fire marshal. Advisory committee members attending meetings of such committees shall be paid per diem compensation and subsistence allowances, mileage and other reasonable and necessary expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f)"; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2655** be amended on page 1, in line 12, by striking "been certified by the executive director of the Kansas"; in line 13, by striking "commission on veterans affairs as having"; in line 15, after "1986" by inserting ". Proof of such service shall consist of a certification by the executive director of the Kansas commission on veterans affairs in accordance with K.S.A. 73-1209, and amendments thereto"; in line 17, after "discharge" by inserting "or general discharge under honorable conditions"; in line 25, after "undergo" by inserting "inpatient or outpatient"; also in line 25, by striking "as those terms"; by striking all in lines 26 through 28; in line 29, by striking "and programs shall include those" and inserting "or program"; in line 30, by striking "and" and inserting ", the federal veterans' administration or"; also in line 30, after "guard" by inserting "with the consent of the defendant"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Schwab to replace Rep. Edmonds on Committee on Taxation beginning Monday, February 24, 2014 through Friday, February 28, 2014.

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

LATE AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2738, AN ACT concerning homeowner associations; pertaining to liens; amending K.S.A. 2013 Supp. 58-4601 and 58-4618 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S Sub for HB 2389** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Agriculture and Natural Resources Budget Committee recommends **HB 2417** be amended on page 1, in line 21, after "Stevens," by inserting "Sumner,;" and the bill be passed as amended.

Agriculture and Natural Resources Budget Committee recommends **HB 2545** be amended on page 1, in line 29, by striking "2019" and inserting "2018"; in line 32, by striking "2019" and inserting "2018";

On page 2, in line 41, by striking "2019" and inserting "2018";

On page 4, in line 8, by striking "2019" and inserting "2018"; in line 33, by striking "2019" and inserting "2018"; in line 38, by striking "2019" and inserting "2018";

On page 5, in line 38, by striking "2019" and inserting "2018";

On page 6, in line 37, by striking "2019" and inserting "2018";

On page 7, in line 43, by striking "2019" and inserting "2018";

On page 8, in line 5, by striking "2019" and inserting "2018"; in line 10, by striking "2019" and inserting "2018"; in line 17, by striking "2019" and inserting "2018"; in line 24, by striking "2019" and inserting "2018"; in line 30, by striking "2019" and inserting "2018";

On page 9, in line 19, by striking "2019" and inserting "2018"; in line 27, by striking "2019" and inserting "2018"; in line 32, by striking "2019" and inserting "2018"; in line 39, by striking "2019" and inserting "2018";

On page 10, in line 6, by striking "2019" and inserting "2018"; in line 16, by striking "2019" and inserting "2018"; in line 25, by striking "2019" and inserting "2018";

On page 11, in line 41, by striking "2019" and inserting "2018";

On page 12, in line 24, by striking "2019" and inserting "2018";

On page 13, in line 38, by striking "2019" and inserting "2018";

On page 14, in line 30, by striking "2019" and inserting "2018";

On page 15, in line 12, by striking "2019" and inserting "2018";

On page 17, in line 3, by striking "2019" and inserting "2018"; in line 12, by striking "2019" and inserting "2018"; in line 17, by striking "2019" and inserting "2018"; in line 33, by striking "2019" and inserting "2018"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2576** be amended on page 7, in line 39, by striking "and"; in line 41, after the semicolon by inserting "and

(iii) such employer maintains a positive account balance throughout the four year period;"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2611** be passed.

Committee on **Health and Human Services** recommends **HB 2552** be amended on page 1, in line 7, by striking "payment" and inserting "full payment of the allowed amount"; in line 9, by striking "payment" and inserting "full payment of the allowed amount"; in line 14, by striking "paid" and inserting "fully paid the allowed amount"; in line 16, after "section." by inserting "The Kansas medical assistance program shall also require managed care organizations to include a provision outlining the provider's rights under this section in the managed care organization's contracts with providers. A provider that has a claim that remains unpaid by a managed care organization after the time limits set forth in this section may bring a direct cause of action against the managed care organization for the interest provided for in this section in addition to the amount of the unpaid claim."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HR 6049** be amended on page 1, by striking all in line 9; in line 10, by striking "2010" and inserting "2012"; in line 27, after "environment" by inserting "is encouraged to";

On page 2, by striking all in lines 10 through 14; and the resolution be adopted as amended.

Committee on **Pensions and Benefits** recommends **HB 2596** be passed.

Committee on **Utilities and Telecommunications** recommends **HB 2480** be amended on page 1, in line 5, after "K.S.A." by inserting "66-1,197 and"; also in line 5, by striking "is" and inserting "are";

On page 1, in the title, in line 1, after "K.S.A." by inserting "66-1,197 and"; and the bill be passed as amended.

Committee on **Utilities and Telecommunications** recommends **HB 2482** be amended on page 1, in line 28, before "intervene" by inserting "on its own, or in association with others with similar interests,"; also in line 28, after "intervene" by inserting "or otherwise participate"; in line 29, by striking "pertaining to"; also in line 29, after "corporation" by inserting "commission reasonably believes pertains to the"; and the bill be passed as amended.

Committee on **Utilities and Telecommunications** recommends **HB 2487** be amended on page 1, in line 14, after "convenience" by inserting "and necessity";

On page 2, in line 9, by striking "Applications for"; by striking all in lines 10 through 12;

Also on page 2, following line 12, by inserting:

"(c) The commission shall issue a decision on a common carrier or public utility's application for mergers or acquisitions within 300 days of receiving the application. Nothing in this subsection shall preclude an applicant and the commission from agreeing to a waiver or an extension of the 300-day period. The commission shall expeditiously process every application covered within this subsection."; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2444, HB 2466, HB 2518, HB 2533, HB 2551, HB 2636 reported correctly engrossed February 21, 2014.

REPORT ON ENROLLED RESOLUTIONS

HR 6051 reported correctly enrolled and properly signed on February 24, 2014.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1755, on the Message from the Senate, the following should be added: Also, announcing passage of **S Sub for HB 2387**.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, February 25, 2014.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

