

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 19, 2015, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Houston was excused on verified illness.

Reps. Goico and Kelley were excused on excused absence by the Speaker.

Prayer by guest chaplain, Dr. Paul E. Barkey, pastor, Ashland Community Church, Manhattan, and guest of Rep. Highland:

Dear God, our Heavenly Father, we are thankful that you have given us another day in which to serve You. May we obey Your charge, "Open your mouth for those who cannot speak, for the rights of the unfortunate. Open your mouth, judge righteously and defend the rights of all the afflicted and needy." Give us a voice for those who cannot speak; the unborn, elderly and infirmed.

Lord you have given us authority and called us as your ministers. Help us to focus on our responsibility to protect our children and youth from false teaching, sexual perversion and those who would do them harm.

Christ stated that it would be better for us to have a heavy millstone tied around our neck and be drowned in the depth of the sea rather than to cause one of His little ones to stumble. Lord, we are prone to stumbling ourselves. Illumine the path for our feet that we may follow you and make the path of righteousness clear for those who follow us.

I bring these petitions to you in the name of my Lord and Savior, Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Highland.

INTRODUCTION OF GUESTS

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

It is a great pleasure to stand before you today and introduce the Caney Valley High School Girls Golf Team. The athletes standing before you this morning are the 2014 Golf State Champions in class 3A–2A–1A. On October 20, 2014, these young ladies earned the title of “state champions” with a four-person score of 397 – a full 25 strokes ahead of the second place team. The 397 score tied a record for the lowest score at a state tournament in class 3A–2A–1A.

The 2014 championship for the Caney Valley Lady Bullpups – or as we like to say “THE PUPS” – came one year after finishing the 2013 state tournament as runner-up. But in 2014, coach Oyler and our champions would not settle for anything less than a state championship.

Half way through the long Emporia Municipal Golf Course, which on the tournament day had fast greens, the Lady Pups had jumped out to a nine-stroke lead. On the back nine they didn’t let up and increased their lead, for the 25 stoke victory. The state tournament consisted of 12 teams and 89 golfers.

Four of these ladies finished in the top 20. Cortney Gardner finished the tournament with a round of 90, only one stroke out of first place, earning her a second-place, silver metal. Desiree Nelson earned a 10th place finish, after she won a playoff hole with two other golfers, with a round of 99. Ashlyn Hefley finished 14th shooting a 102, while Kelsey Wyant shot a round of 106 for a 19th place tie. The other two golfers, Paige Price and Jayd Bentley finished 25th and 34th respectively, with scores of 110 and 115.

Joining the team today are Coach Wendy Oyler and assistant coach Ron Oyler. Coach Wendy Oyler received a special honor when she was chosen by her peers as the girls high school golf Coach of the Year.

I congratulate the 2014 class 3A–2A–1A Golf State Champion Caney Valley Lady Bullpups on their accomplishment!

Rep. Peck presented the team with a framed House certificate.

INTRODUCTION OF GUESTS

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

In addition to serving in the Legislature, I work for a national non-profit called the Alliance for a Healthier Generation. Our goal is to reduce the prevalence of childhood obesity in America by improving access to healthy eating and physical activity in the places where young people spend their time, including out-of-school time programs.

Today I am pleased to introduce Kansas Regional Afterschool Ambassadors and a selection of their students representing the French Middle School STEAM afterschool program, Robinson Middle School SWIM afterschool program and Boys & Girls Club of Topeka afterschool programs.

Just 20 percent of a typical student day is spent inside the classroom. Before-school, after- school, and summer programs are designed to support working families by offering their children learning opportunities outside of regular school hours. These programs keep Kansas youth safe, engaged, and learning. Children who attend afterschool programs show higher grades, better school attendance, and improved behavior.

Afterschool programs offer a broad array of services designed to reinforce and complement regular academic studies such as:

- hands-on experiments that excite students about science, technology, engineering, and math,
- promotion of health and wellness, and opportunities for physical activity
- drug and violence prevention programs,
- formal and informal mentoring,
- counseling programs, and
- art, music, and technology education programs.

While more than 70,000 students in Kansas participate in afterschool programs, another 132,000 would participate in a program *if one were available*.

The Kansas Regional Ambassadors are working hard to create and sustain these wonderful out of school opportunities for youth in their communities. I encourage you to reach out to them to learn more.

Now I would like to recognize the following guest on the floor:

Rachel Willis and Marcia Dvorak, of the Kansas Enrichment Network. The Kansas Enrichment Network is a collaboration of agencies and organizations in Kansas helping to build and expand school-based programs to enhance learning opportunities for students, and providing technical assistance to new and established programs.

Jason Geering, Alliance for a Healthier Generation Out-of-School Time Manager for the State of Kansas.

Brandon Hutton, Ambassador to the Boys & Girls Club of Manhattan.

Kathy Vaughn, Director of the Colby Grade School Afterschool Program.

Venita Large and Tehya Bush, students participating in the SWIM program at Robinson Middle School in Topeka.

I would like to thank all the Kansas Regional Ambassadors for their excellent work, and to congratulate all the students on the floor and in the gallery for participating in their local programs.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2376, AN ACT concerning the emergency medical services board; imposition of fines; investigation authority; issuance of subpoenas; amending K.S.A. 65-6130 and K.S.A. 2014 Supp. 65-6111 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2377, AN ACT concerning property taxation; providing for a property tax averaging payment plan and a property tax installment payment plan; amending K.S.A. 2014 Supp. 79-2004 and repealing the existing section, by Committee on Taxation.

HB 2378, AN ACT concerning schools; establishing the Kansas legislature award for teaching excellence program, by Committee on Appropriations.

HB 2379, AN ACT concerning taxation; relating to subtraction modifications, net gain from the sale of business assets; amending K.S.A. 2014 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2380, AN ACT concerning the regional system of cooperating libraries; amending K.S.A. 2014 Supp. 75-2550 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Energy and Environment: **HB 2373**.

Federal and State Affairs: **HB 2371**, **HB 2375**.

Financial Institutions: **HB 2374**.

Taxation: **HB 2372**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2139** from Committee on Federal and State Affairs and referral to Committee on Education.

Also, the withdrawal of **HB 2243** from Committee on Veterans, Military and Homeland Security and referral to Committee on Appropriations.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2044, AN ACT concerning motor vehicles; relating to autocycles; definitions; requirements; amending K.S.A. 8-1438 and 8-1594 and K.S.A. 2014 Supp. 8-126, 8-234b, 8-1486 and 8-1598 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: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Houston, Kelley.

The bill passed, as amended.

HB 2090, AN ACT concerning motor vehicles; relating to registration; permanent registration of certain vehicles, annual report; amending K.S.A. 2014 Supp. 8-1,134 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: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Houston, Kelley.

The bill passed.

HB 2094, AN ACT concerning motor vehicles; relating to apportioned fleet registration; mileage applications, fees and calculations; amending K.S.A. 8-1,107 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: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Houston, Kelley.

The bill passed.

HB 2142, AN ACT concerning insurance; relating to certain definitions; amending K.S.A. 2014 Supp. 40-2,118 and 40-22a13 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not

voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Concannon, Corbet, Curtis, Davis, Dierks, Doll, Dove, Edmonds, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hill, Hineman, Hoffman, Houser, Hutchins, Hutton, Jennings, Johnson, D. Jones, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Mason, Mast, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Ruiz, Ryckman, Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: Couture-Lovelady, Claeyes, Dannebohm, DeGraaf, Esau, Hildabrand, Huebert, K. Jones, Kahrs, Kiegerl, Macheers, McPherson, Peck, Rubin, Scapa, Sutton.

Present but not voting: None.

Absent or not voting: Goico, Houston, Kelley.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HR 6012** be adopted.

Committee report to **HB 2164** be adopted; and the bill be passed as amended.

Committee report to **HB 2165** be adopted; and the bill be passed as amended.

Committee report to **HB 2156** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2231** be passed.

Committee on **Appropriations** recommends **HB 2135** be passed.

Committee on **Children and Seniors** recommends **HB 2170** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2170," as follows:

"Substitute for HOUSE BILL NO. 2170

By Committee on Children and Seniors

"AN ACT concerning schools and school districts; relating to seclusion and restraint of pupils."; and the substitute bill be passed.

(**Sub HB 2170** was thereupon introduced and read by title.)

Committee on **Elections** recommends **HB 2212**, **HB 2215**, be passed.

Committee on **Elections** recommends **HB 2213** be amended on page 1, in line 20, by striking all after "contributions"; in line 21, by striking all before "for"; in line 26, after the period by inserting "Any contributions received for the general election during the

primary election period may not be expended during the primary election period.";

On page 2, in line 1, before "For" by inserting "Except as provided in subsection (a) (4),"; following line 9, by inserting:

"(4) For the office of any county officer whose district population exceeds 75,000, \$2,500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.";

Also on page 2, in line 24, by striking "\$15,000" and inserting "\$30,000"; in line 26, by striking "\$5,000" and inserting "\$10,000"; in line 29, by striking "\$25,000" and inserting "\$50,000"; in line 31, by striking "\$10,000" and inserting "\$20,000"; in line 33, by striking "\$5,000" and inserting "\$10,000";

On page 3, in line 5, before "For" by inserting "Except as provided in subsection (g) (4),"; following line 11, by inserting:

"(4) For the office of any county officer whose district population exceeds 75,000, \$2,500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election."; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2214** be amended on page 1, in line 18, after the period by inserting "If both the chairperson and the vice-chairperson are absent or for any reason are unable or refuse to call such convention, then the state party chairperson shall call the convention and perform the other duties under this section required of such chairperson.";

On page 3, by striking all in lines 24 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 21; in line 22, by striking "and 25-3904 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and 25-3904"; also in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2281** be passed.

Committee on **Judiciary** recommends **HB 2024** be amended on page 2, in line 24, by striking "available"; also in line 24, after "information" by inserting "presented to the court"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2198** be amended on page 2, by striking all in lines 13 through 35; in line 36, by striking "(3)" and inserting "(f) (1) A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, and any city ordinance or county resolution prohibiting the acts prohibited by this section, if such person:

(A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance for themselves because such person reasonably believed such person was in need of medical assistance; and

(ii) cooperated with emergency medical services personnel and law enforcement officers at the scene;

(B) (i) initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;

(ii) provided such person's full name, the name of one or two other persons acting

in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;

(iii) remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and

(iv) cooperated with emergency medical services personnel and law enforcement officers at the scene; or

(C) (i) was the person who reasonably appeared to be in need of medical assistance as described in subsection (f)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and

(ii) cooperated with emergency medical services personnel and law enforcement officers at the scene.

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

Committee on **Transportation** recommends **HB 2085** be passed.

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 2381, AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2044 reported correctly engrossed February 18, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 20, 2015.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

