

Journal of the House

THIRTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 11, 2015, 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. Bridges was excused on verified illness.

Reps. Burroughs, Goico, Ruiz and Todd were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

For this beautiful day and the privilege we have
to live and enjoy it, we thank You.

It's decision time – both in the basketball arena
and here in the House arena.

Like some teams, some bills and resolutions
will hit the floor with a thud,
others will hit the floor with a good fight.

Some bills will be approved by one or two votes,
others will win by a slam dunk.

Some bills will foul out, some won't miss a shot.
Some will have a strong defense,
others a strong offense.

What is really important and what will make THE difference,
is that those voting on the bill will play fair and with good sportsmanship,
and work together for a win/win outcome for all Kansans.

In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Gallagher.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **SB 6**.

Local Government: **SB 244, SB 247**.

Taxation: **HB 2404**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Jennings, **HR 6015**, by Reps Hineman, Doll and Jennings, as follows, was introduced and adopted:

HR 6015— A RESOLUTION congratulating and commending Garden City Community College for being named College of the Year for 2014 by the Rural Community College Alliance.

WHEREAS, Garden City Community College, Garden City, Kansas, has been honored as College of the Year for 2014 by the Rural Community College Alliance. Rural Community College Alliance serves as the voice and the national organization for the nation's 600 rural community and technical colleges. At the recognition ceremony for Garden City Community College, which was held on February 11, 2015, in the U.S. Department of Agriculture building in Washington D.C., U.S. Senator Pat Roberts and U.S. Representative Tim Huelskamp presented the award to Dr. Herbert Swender, President of Garden City Community College; and

WHEREAS, Garden City Community College was selected as the rural college of the year due to its excellence in economic and workforce development, student achievement, financial management, entrepreneurship, student services and impact to the community. In addition, the award was given in honor of Garden City Community College's contribution toward the Pell Grant studies for Kansas and rural America. This is the first study conducted that measured the impact of Pell Grants in rural America; and

WHEREAS, Garden City Community College was established in 1919 and is the longest- serving community college in Kansas. It experienced the largest enrollment increase in Kansas for community colleges in 2014 with a 7% increase; and

WHEREAS, Garden City Community College has earned many accolades over the past three years. It was named to Aspen Institute's top 10% of community colleges in America for 2015, ranked among the top 24 community colleges in the nation by CNN Money Magazine, named "Military Friendly" in 2014 by Military Advanced Education for the third year in a row and was ranked 13th by affordablecolleges.com in its list of the 50 most affordable community colleges in America: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: We congratulate and commend Garden City Community College for being named College of the Year for 2014 by the Rural Community College Alliance. Garden City Community College serves as an example and a model to rural colleges across the United States for its excellence in all areas of operation; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Hineman.

Rep. Jennings introduced Dr. Herbert Swender (Garden City), Dr. Lesta Swender (Chanute), Debra Atkinson (Garden City), Patrick Swender (Chanute), Dr. Joel Erskin (Garden City), Tori Dryer (Garden City), and Melvin Neufeld (Garden City) to the members of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Finney, **HR 6016**, by Rep. Finney, as follows, was introduced and adopted:

HR 6016—A RESOLUTION designating March 11, 2015, as Kansas Lupus Awareness Day.

WHEREAS, Lupus is an acute and chronic autoimmune disease in which the immune system effectively loses its way and, instead of warding off foreign invaders like viruses and bacteria, the immune system attacks healthy cells, causing inflammation and pain and leading to permanent damage; and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys and brain; causing seizures, strokes, heart attacks, miscarriages and organ failure; and

WHEREAS, Lupus has no cure or known cause and despite the current treatment and available medications, many lupus patients have symptoms that cannot be managed well enough for patients to lead normal lives, complete their education and maintain employment; and

WHEREAS, Nine out of 10 people with lupus are women, and 80% of new cases are diagnosed among women between 15 and 44 years of age, with a majority of new cases seen in women in their late teens and early 20s; and

WHEREAS, Despite striking mostly women of childbearing age, no one is safe from lupus. African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop lupus – a disparity that remains unexplained; and

WHEREAS, Lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus. Symptoms, such as fatigue, skin rashes, joint pain and hair loss mimic other conditions and appear differently in different people. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis since there is no single test to diagnose lupus; and

WHEREAS, A late diagnosis of lupus contributes to significant disability and death. If left untreated, the health consequences of lupus can be devastating and potentially fatal. People with lupus suffer tremendous emotional and physical pain, one in four are permanently disabled and thousands die each year from lupus complications; and

WHEREAS, The awareness of lupus is extremely low, since only one in five Americans is aware of lupus symptoms and health effects. Young women aged 18 to 34 are least aware of lupus, yet they are the group most often affected, and nearly all Americans lack the understanding of the serious and life-threatening complications of lupus; and

WHEREAS, Recent medical advances in the treatment of lupus have been recently announced and signify the potential for an improvement in the standard of treatment for this dreaded disease: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate March 11, 2015, as Kansas Lupus Awareness Day and we urge all Kansans to observe this day by educating themselves on the symptoms and impact of lupus, and join the Lupus Foundation of America in supporting programs of research, education and community service; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Finney.

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

Thank you Mr. Chairman for the this opportunity to introduce this resolution to acknowledge and celebrate "Kansas Lupus Awareness Day" in the House of Representatives. As indicated in the resolution read by our clerk, lupus is an acute and chronic autoimmune disease that has no known cure despite the current treatments available and it can possibly cause death.

For those of you who that know me, know that I have passionately advocated awareness for Lupus for several years now, particularly because I am a Lupus patient and because I believe it is important to educate the public about the potential symptoms and possibly help someone that may experience the devastation that Lupus may cause a patient, family member, or a friend. And I am sure, each of you have probably received several packets of different flavors of Tic-Tac candy from the Lupus Foundation of America (LFA) - Kansas Chapter. The LFA will also be providing once again, their delicious dessert bar on the second floor in the north rotunda.

Today, I have with me the President of the chapter Mr. Earl Mundy and Ms. Cecilia Meitzner the Advocacy Chair of the Kansas Chapter. Also, in the balcony we have several Lupus supporters joining us wearing their beautiful purple t-shirts honoring this special day. Please join my in recognizing their efforts to to promote and advocate for Lupus Awareness in Kansas.

CONSENT CALENDAR

No objection was made to **SB 46** appearing on the Consent Calendar for the first day.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2135**, **HB 2246** be passed.

HB 2174 be passed over and retain a place on the calendar.

Committee report to **HB 2197** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 7** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 7," as follows:

"House Substitute for SENATE BILL NO. 7

By Committee on Appropriations

"AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2015, June 30, 2016, and June 30, 2017, for the department of education; creating the classroom learning assuring student success act; amending K.S.A. 12-1677, 12-1775a, 72-1414,

72-6622, 72-6757, 72-8190, 72-8230, 72-8233, 72-8236, 72-8309, 72-8908, 79-2001 and 79-5105 and K.S.A. 2014 Supp. 10-1116a, 12-1770a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1923, 72-3607, 72-3711, 72-3712, 72-3715, 72-5333b, 72-6434, 72-6460, 72-64b01, 72-64c03, 72-64c05, 72-6624, 72-6625, 72-67,115, 72-7535, 72-8187, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8814, as amended by section 54 of 2015 House Substitute for Senate Bill No. 4, 72-9509, 72-9609, 72-99a02, 74-32,141, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213 and 79-2925b and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6418, 72-6419, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446 and 72-6447 and K.S.A. 2014 Supp. 46-3401, 46-3402, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6416, 72-6417, 72-6420, 72-6421, 72-6423, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, as amended by section 38 of this act, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6441a, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6455, 72-6456, 72-6457, 72-6458, 72-6460, as amended by section 39 of this act, 72-6461, 72-8801a, 72-8814, as amended by section 63 of this act, 72-8814b, 72-8815 and 79-213f."; and the substitute bill be passed.

(H Sub for SB 7 was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2382** be amended on page 2, in line 12, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 13** 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 **Federal and State Affairs** recommends **SB 95** be passed.

Committee on **Health and Human Services** recommends **HB 2387** be passed.

Committee on **Health and Human Services** recommends **HB 2376** be amended on page 4, in line 9, by striking all after "on"; in line 10, by striking the first "affairs" and inserting "public health and welfare"; also in line 10, by striking "federal and state affairs" and inserting "health and human services"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 14** be passed.

Committee on **Judiciary** recommends **HB 2112** be amended on page 2, in line 27, after "(f)" by inserting "(1) Except as provided by subsection (f)(2),"; in line 31, after "county." by inserting "No judge shall participate in any decision made by the board of trustees of a county law library pursuant to this paragraph to authorize the chief judge of the judicial district to use fees collected pursuant to K.S.A. 20-3126, and amendments thereto.

(2) The provisions of subsection (f)(1) shall not apply to the board of trustees of any law library established in Johnson and Sedgwick counties."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2330** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2330," as follows:

"Substitute for HOUSE BILL NO. 2330

By Committee on Judiciary

"AN ACT concerning law enforcement officers; relating to the office of sheriff;

qualifications for office; amending K.S.A. 2014 Supp. 19-801b and repealing the existing section."; and the substitute bill be passed.

(**Sub HB 2330** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2167**, **HB 2168** be passed.

Committee on **Taxation** recommends **HB 2196** be amended on page 5, in line 23, by striking all after "(l)"; by striking all in lines 24 through 30; in line 31, by striking all before the period and inserting "Any financial instrument valued at \$20 or less which is abandoned and in the possession of a governmental entity shall be held by such governmental entity for a period of one year. If the financial instrument remains unclaimed for more than one year, the governmental entity shall use or dispose of the financial instrument as the governmental entity sees fit. As used in this subsection, "governmental entity" means the state, any governmental subdivision, agency or instrumentality thereof, and any municipality, county, court or any other unit of local government; and "financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card or marketable security"; 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 2405, AN ACT concerning economic development; relating to the angel investment tax credit; amending K.S.A. 2014 Supp. 74-8133 and repealing the existing section, by Committee on Taxation.

HB 2406, AN ACT concerning economic development; relating to urban core housing, opportunity zone and individual development tax-based incentives; amending K.S.A. 12-5241 and 12-5243 and K.S.A. 2014 Supp. 12-5242, 74-50,208, 74-50,222 and 74-50,223 and repealing the existing sections, by Committee on Taxation.

HB 2407, AN ACT concerning state infrastructure projects; allowing for public-private agreements, by Committee on Federal and State Affairs.

HB 2408, AN ACT repealing certain sales tax exemptions; amending K.S.A. 2014 Supp. 74-50,115, 75-5133, 79-2982, 79-3603, 79-3606 and 79-3693 and repealing the existing sections, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **SB 227** from Committee on Energy and Environment and referral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **SB 244** from Committee on Local Government and referral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **HB 2334** from Committee on Financial Institutions and referral to Committee on Veterans, Military and Homeland Security.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, March 12, 2015.