

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 6, 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.

Reps. Goico, Whipple and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. John Menkveld, Oakland Church of the Nazarene, Topeka:

Father,

We come before you today as leaders who want to better our community, as leaders who want to make an impact on our community, as leaders who want to do good for our community.

Father,

Give us wisdom, grant us knowledge, fill our minds with understanding as decisions will be made that affect the lives of so many here in our community. Let us always be reminded that it is not about us, but it is about those who we serve.

So Father, give us wisdom and give us discernment as important decisions will be made today.

And we pray for your continued protection over our service members and over the entire community of Topeka. We thank you for all of the wonderful blessings that you have bestowed upon us and upon our families and upon our community. Let us remember through thought and action, those who are less fortunate living within our city. Let our minds be thankful and let our hearts be grateful. We ask all these things in your name, Amen.

The Pledge of Allegiance was led by Rep. Barton.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HCR 5018**.

Taxation: **HB 2428, HB 2429, HB 2430**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 241, SB 248, SB 249, SB 250, SB 255.**

Announcing passage of **HB 2005**, as amended; **HB 2233**, as amended; **HB 2268**, as amended; **HB 2395**, as amended.

Announcing passage of **HB 2097, HB 2240, HB 2391.**

Announcing passage of **HB 2095**, as amended by **Senate Substitute for HB 2095.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 241, SB 248, SB 249, SB 250, SB 255.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6024—

By Representatives Barker, Alcalá, Alford, Anthimides, Ballard, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carmichael, Carpenter, Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Couture-Lovelady, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes,

Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, Jones, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lewis, 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, 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 and Wolfe Moore

HR 6024—A RESOLUTION encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.

A RESOLUTION designating October 14, 2015, as Eisenhower Day and encouraging the state-wide celebration of Dwight D. Eisenhower's 125th birthday.

WHEREAS, Dwight D. Eisenhower, whose hometown and final resting place is Abilene, Kansas, is a pivotal figure in American history and an embodiment of the American Ideal. He served as President of the United States of America from 1953 to 1961; and

WHEREAS, Dwight David Eisenhower, reared in Kansas, was the Supreme Commander who led the Allied Expeditionary Force to Victory in World War II and laid the foundations for postwar America; and

WHEREAS, During his distinguished career as General of the Army and as President, Dwight D. Eisenhower's vision of peace, prosperity and justice in the world, of balance in government, and integrity in personal conduct set a timeless model for leadership; and

WHEREAS, The recognition of Dwight D. Eisenhower's character, values, and

diligent pursuit of a purposeful life can serve as inspiration to the young people of Kansas and to all citizens of Kansas and of the United States; and

WHEREAS, The state of Kansas desires to preserve, honor and champion the relevance today of the life and leadership of Dwight D. Eisenhower and to keep his inspiration and legacy alive; and

WHEREAS, Dwight D. Eisenhower's hometown of Abilene, Kansas, will commemorate his 125th birthday with the groundbreaking of a new Eisenhower Elementary School: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That October 14, 2015, is designated Eisenhower Day, commemorating Dwight D. Eisenhower's birthday;

Be it further resolved: That the legislature encourages the schools of Kansas to participate in IKE Education programs at the Dwight D. Eisenhower Library, Museum, and Boyhood Home which provide innovative educational opportunities for the young people of Kansas to learn about the life and times of Dwight D. Eisenhower. The legislature further encourages the citizens of Kansas to show support for Dwight D. Eisenhower by visiting the Eisenhower Presidential Center in Abilene, Kansas, purchasing the newly minted "I Like Ike" Kansas license plate, and supporting the campaign to renovate the Eisenhower Presidential Museum in Abilene, Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative John Barker.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S Sub for HB 2042**, **S Sub for HB 2043**, **S Sub for HB 2155**, **HB 2165**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2042** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2042, as follows:

On page 2, in line 26, after the first "representatives" by inserting ", one of whom shall be a member of the house committee on appropriations"; in line 28, before the period by inserting ", one of whom shall be a member of the senate committee on ways and means";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
MICHAEL O'DONNELL II
Conferees on part of Senate

DANIEL R. HAWKINS
SUSAN CONCANNON
Conferees on part of House

On motion of Rep. Hawkins, the conference committee report on **S Sub for HB 2042** was adopted.

On roll call, the vote was: Yeas 90; Nays 31; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Francis, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Nays: Alcala, Ballard, Bollier, Bridges, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gallagher, Henderson, Henry, Highberger, Houston, Kuetner, Lane, Lusk, Lusker, Ousley, Pauls, Rooker, Ruiz, Sawyer, Tietze, Trimmer, Victors, Ward, Wilson, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Goico, Schwab, Whipple, Winn.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2043** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2043, as follows:

On page 15, by striking all in lines 27 through 43;

By striking all on pages 16 through 24;

On page 25, by striking all in lines 37 through 43;

By striking all on page 26;

On page 27, by striking all in lines 1 through 40;

On page 29, by striking all in lines 8 through 43;

On page 30, by striking all in lines 1 through 3; by striking all in lines 18 through 43;

On page 31, by striking all in lines 1 through 27;

On page 33, by striking all in lines 29 through 43;

By striking all on pages 34 through 36;

On page 37, by striking all in lines 1 through 34; following line 43, by inserting:

"Sec. 10. K.S.A. 2014 Supp. 39-923 is hereby amended to read as follows: 39-923.

(a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing

of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited

to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2014 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential health care facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and ~~paragraph (h) of 42 C.F.R. § 483.35(h)~~, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(b) The term "adult care home" shall not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, ~~section §~~ 418.1 et seq., and amendments thereto, and which provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 code of federal regulations, chapter IV, part 460 et seq., and amendments thereto, which provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed

facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.";

On page 38, in line 1, by striking ", 75-5309, 75-5364, 76-157, 76-158"; in line 2, by striking all after "8-1025,"; in line 3, by striking "38-2212, 39-1702, 40-4702" and inserting "39-923"; also in line 3, by striking "65-689; also in line 3, by striking "75-7d01, 75-"; in line 4, by striking all before "are" and inserting "75-53,105 and 75-6524";

Also on page 38, in line 6, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "secretaries for children and families and" and inserting "secretary"; in line 2, by striking the colon and inserting "; relating to programs for all-inclusive care for the elderly;"; in line 3, by striking ", 75-5309, 75-5364, 76-157, 76-158"; in line 4, by striking all after "8-1025,"; in line 5, by striking "1702, 40-4702" and inserting "39-923,"; also in line 5, by striking "65-689," also in line 5, by striking all after "65-6233,"; in line 6, by striking all before the second "and" and inserting "75-53,105 and 75-6524";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
MICHAEL O'DONNELL II
LAURA KELLY
Conferees on part of Senate

DANIEL R. HAWKINS
SUSAN CONCANNON
JIM WARD
Conferees on part of House

On motion of Rep. Hawkins, the conference committee report on **S Sub for HB 2043** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, 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, 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, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lewis, 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, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Whipple, Winn.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2165** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 2, in line 4, by striking "\$2,500" and inserting "\$15,000"; following line 6, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 12-520 is hereby amended to read as follows: 12-520.

(a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

- (1) The land is platted, and some part of the land adjoins the city.
 - (2) The land adjoins the city and is owned by or held in trust for the city or any agency thereof.
 - (3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).
 - (4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.
 - (5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.
 - (6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.
 - (7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.
- (b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.
- (c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto,

or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and ~~subsection (e)~~ of K.S.A. 12-520a(e), and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

~~(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.~~

~~(f)~~ No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of the right-of-way of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

~~(g)~~ (f) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

~~(h)~~ (g) No city may utilize any provision of this section to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.

(h) No land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) without express consent of the board of county commissioners by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation as required by K.S.A. 12-520a, and amendments thereto.

Sec. 5. K.S.A. 12-520c is hereby amended to read as follows: 12-520c. (a) The governing body of any city may by ordinance annex land not adjoining the city if the following conditions exist:

- (1) The land is located within the same county as ~~such the~~ city;
- (2) the owner or owners of the land petition for or consent in writing to the annexation of ~~such the~~ land; and
- (3) the board of county commissioners of the county, by a 2/3 vote of the members thereof, find and determine that the annexation of ~~such the~~ land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within ~~such the~~ county.

(b) No land adjoining any land annexed by any city under the provisions of this section shall be deemed to be adjoining the city for the purpose of annexation under any

other act or section of this act until ~~such the~~ adjoining land or the land annexed under this section shall adjoin the remainder of the city by reason of the annexation of the intervening territory.

(c) Whenever the governing body of any city deems it advisable to annex land under the provisions of this section ~~such the~~ governing body shall by resolution request the board of county commissioners of the county to make a finding as required under subsection (a)(3) ~~of this section~~. The city clerk shall file a certified copy of ~~such the~~ resolution with the board of county commissioners who shall, within ~~thirty (30)~~ 30 days following the receipt ~~thereof of the resolution~~, make findings and notify the governing body of the city ~~thereof of the board's decision~~. ~~Such findings shall be spread at length upon the journal of proceedings of said board. The failure of such board to spread such findings upon the journal shall not invalidate the same.~~

Any owner or city aggrieved by the decision of the board of county commissioners may appeal from the decision of such board to the district court of the ~~same~~ county in the manner and method set forth in K.S.A. 19-223, ~~and amendments thereto~~. Any city so appealing shall not be required to execute the bond prescribed therein.;

Also on page 2, in line 7, after "K.S.A." by inserting "12-520c,"; also in line 7, after "19-27a19" by inserting "and K.S.A. 2014 Supp. 12-520";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "municipalities,;" in line 2, by striking all before "amending"; also in line 2, after "K.S.A." by inserting "12-520c,;" in line 3, after "27a19" by inserting "and K.S.A. 2014 Supp. 12-520";

And your committee on conference recommends the adoption of this report.

DENNIS D. PYLE

STEVE FITZGERALD

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

Conferees on part of House

On motion of Rep. Huebert to adopt the conference committee report on **HB 2165**, Rep. Schroeder offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed. Rep. Schroeder subsequently withdrew his motion. The question reverted back to the original motion of Rep. Huebert to adopt the conference committee report, which did not prevail.

On roll call, the vote was: Yeas 57; Nays 65; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Anthimides, Barker, Barton, Bradford, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Corbet, DeGraaf, Dove, Edmonds, Esau, Ewy, Garber, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutton, D. Jones, Kahrs, Kelley, Kiegerl, Kleeb, Lane, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Peck, Powell, Read, Rhoades, Ryckman, Scapa, Schwartz, Seiwert, Smith, Suellentrop, Thimesch, Todd, Trimmer, Vickrey, Whitmer, Williams.

Nays: Alford, Ballard, Becker, Billinger, Boldra, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Curtis, Davis, Dierks, Doll, Estes, Finch, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Hutchins, Jennings, Johnson, K. Jones, Kelly, Kuether, Lewis, Lusk, Moxley, Ousley, Patton, Pauls, Phillips, Proehl, Rooker, Rubin, Ruiz, Ryckman Sr., Sawyer, Schroeder, Schwab, Sloan, Sutton, Swanson, Thompson, Tietze, Victors, Ward, Waymaster, Wilson, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Goico, Whipple, Winn.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2005**, **HB 2233**, **HB 2268**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Ryckman, the House nonconcurred in Senate amendments to **HB 2005** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Ryckman, Barker and Henry as conferees on the part of the House.

On motion of Rep. Brunk, the House nonconcurred in Senate amendments to **HB 2268** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Brunk, Couture-Lovelady and Tietze as conferees on the part of the House.

On motion of Rep. Hedke, the House nonconcurred in Senate amendments to **HB 2233** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Hedke, Corbet and Kuether as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Rep. Rubin as a member of the conference committee on **S Sub for Sub HB 2170** to replace Rep. Dove.

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 2431, AN ACT concerning personal property taxation; relating to motor vehicles; computation of amount of tax; state school district ad valorem tax levy; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Mast announced the appointment of Rep. Carmichael to replace

Rep. Alcalá on Committee on Pensions and Benefits on May 6 only.

Also, the appointment of Rep. Houston to replace Rep. Trimmer on Committee on Taxation on May 6 at 1:30 p.m. only. Rep. Trimmer had been appointed to replace Rep. Whipple.

REPORT ON ENGROSSED BILLS

HB 2051, HB 2061 reported correctly engrossed May 5, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, May 7, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

