

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 29, 2015, 11:00 a.m.

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

The roll was called with 116 members present.

Reps. Edmonds and Schwab were excused on verified illness.

Rep. Sloan was excused on legislative business.

Reps. Doll, Goico, Jennings, Sawyer, Suellentrop and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. David Hintz, pastor, Flint Hills Christian Church, Emporia, and guest of Rep. Mast:

Father, your word tells us in:

Romans 13:1 Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God.

You have appointed each and every member of this congress. They have been entrusted with an authority which is from you. Lord I pray that they will see such authority as a stewardship. Keep them uncorrupted by the allurements of power. May they use their power in a righteous way for righteous means.

We read in: ***Proverbs 29:2 When the righteous increase, the people rejoice, but when the wicked rule, the people groan.***

Lord this is so true. A wise man once said, "Absolute Power Corrupts Absolutely." This is true of people but not of you. Thus, I pray that they will make decisions in light of your absolute power.

Specifically, I pray that they will look to the example of your Son Jesus Christ. While He could have commanded legions of angels to rescue him from the fate of the cross. He yielded to your will, sacrificially offering himself on the cross as an atonement for sin. He willingly sacrificed himself for the sake of His subjects.

May these men and women take a similar tactic, and use their power and authority not to enrich themselves, but the citizens of Kansas.

In Jesus Name, AMEN.

The Pledge of Allegiance was led by Rep. Kuether.

CELEBRATION OF KANSAS DAY

In celebration of the 154th birthday of Kansas, Rep. Ballard led the members of the House in singing “Home on the Range.”

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2171, AN ACT concerning the Kansas lottery; amending K.S.A. 74-8704 and 74-8718 and K.S.A. 2014 Supp. 74-8702 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2172, AN ACT concerning nurse aide trainees; criminal background checks, by Representative Whipple.

HB 2173, AN ACT concerning campaign finance; relating to judicial retention elections; amending K.S.A. 25-2505 and 25-4144 and K.S.A. 2014 Supp. 25-4143 and 25-4153 and repealing the existing sections, by Committee on Judiciary.

HB 2174, AN ACT concerning schools; relating to the tax credit for low income students scholarship program act; amending K.S.A. 2014 Supp. 72-99a02, 72-99a03 and 72-99a04 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2175, AN ACT concerning the pet animal act; relating to euthanasia; amending K.S.A. 47-1718 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2176, AN ACT concerning health insurance policies providing prescription drug coverage; relating to fills and refills; amending K.S.A. 2014 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Health and Human Services.

HB 2177, AN ACT concerning the secretary of health and environment; relating to solid and hazardous waste; voluntary cleanup and property redevelopment act; amending K.S.A. 65-34,167, 65-34,168 and 65-34,169 and repealing the existing sections; also repealing K.S.A. 65-34,170, by Committee on Energy and Environment.

HB 2178, AN ACT concerning income tax; relating to the Kansas standard deduction of an individual; amending K.S.A. 2014 Supp. 79-32,119 and repealing the existing section, by Committee on Taxation.

HB 2179, AN ACT concerning property taxation; relating to mineral interests, recordation, validation of certain interests; amending K.S.A. 79-420 and repealing the existing section, by Committee on Taxation.

HB 2180, AN ACT concerning motor vehicles; relating to driver's licenses; creating the temporary visitor's driver's license; amending K.S.A. 2014 Supp. 8-237, 8-240 and 8-1324 and repealing the existing sections, by Committee on Transportation.

HB 2181, AN ACT concerning motor vehicles; relating to certificates of title, fees, disposition of moneys; amending K.S.A. 2014 Supp. 8-135, 8-139, 8-145, 8-170 and 8-198 and repealing the existing sections, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2156, HB 2166.**

Appropriations: **HB 2152, HB 2153.**

Children and Seniors: **HB 2170.**

General Government Budget: **HB 2148.**

Health and Human Services: **HB 2149, HB 2150.**

Judiciary: **HB 2147, HB 2151, HB 2158, HB 2159, HB 2160, HB 2161.**

Local Government: **HB 2162, HB 2163, HB 2164, HB 2165.**

Taxation: **HB 2167, HB 2168, HB 2169.**

Transportation: **HB 2157.**

Veterans, Military and Homeland Security: **HB 2154, HB 2155.**

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2134** from Committee on Appropriations and referral to Committee on Financial Institutions.

COMMUNICATIONS FROM STATE OFFICERS

From Mike Michael, Director, State Employee Health Plan, Kansas Department of Health and Environment, in compliance with K.S.A. 75-6509, Kansas State Employees Health Care Commission 2014 Annual Report.

From Nadira Patrick, Manager, Job Creation Fund Program, Kansas Department of Commerce, as required by K.S.A. 74-50,224, Job Creation Fund Program 2014 Annual Report.

From Joseph House, Executive Director, Kansas Board of Emergency Medical Services, report on Revolving and Assistance Fund Grant Program, 2015 Legislative Session,

From Martha Gabehart, Executive Director, Kansas Commission on Disability Concerns, 2014 Annual Report.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 4.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 4.

CONSENT CALENDAR

Objection was made to **HB 2098** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2048** be amended on page 1, in line 27, by striking "Any"; by striking all in line 28; in line 29, by striking "constitution" and inserting "Any thing which has been used in the commission of a crime, or any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term "fruits" as used in this act shall be interpreted to include any property into which the thing or things unlawfully taken or possessed may have been converted";

Also on page 1, following line 33, by inserting:

"(D) any biological material, DNA, cellular material, blood, hair or fingerprints";

Also on page 1, in line 34, by striking "(D)" and inserting "(E)"; in line 36, by striking "(E)" and inserting "(F)"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2008** be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 2014 Supp. 46-1226 is hereby amended to read as follows: 46-1226. (a) Any cost study analysis, audit or other study commissioned or funded by the legislature and any conclusions or recommendations thereof shall not be binding upon the legislature. The legislature may reject, at any time, any such analysis, audit or study and any conclusions and recommendations thereof.

(b) A cost study analysis, audit or study shall include, but not be limited to, any cost study analysis, audit or study conducted pursuant to K.S.A. 46-1225, prior to its repeal, K.S.A. 2007 Supp. 46-1131, prior to its repeal, and K.S.A. 2014 Supp. 46-1132, ~~and amendments thereto prior to its repeal.~~";

Also on page 1, in line 5, by striking "and" and inserting a comma; also in line 5, after "46-1132" by inserting "and 46-1226";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "repealing K.S.A. 2014 Supp. 46-1130 and 46-1132."; in line 2, after "audits" by inserting "; amending K.S.A. 2014 Supp. 46-1226 and repealing the existing section; also repealing K.S.A. 2014 Supp. 46-1130 and 46-1132"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2064** be passed.

Committee on **Local Government** recommends **HB 2003** be amended on page 2, in line 38, after the second "county" by inserting a comma; also in line 38, by striking "unanimous" and inserting "²/₃"; in line 39, after "vote" by inserting "of the members thereof."; in line 41, by striking "and that the"; by striking all in line 42; in line 43, by striking "surrounding the land proposed to be annexed"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 14, by Representative Jerry Lunn, in honor and memory of Second Lieutenant Justin Lee Sisson, for his bravery and outstanding courage in Afghanistan in support of Operation Enduring Freedom;

Request No. 15, by Representative Ron Ryckman, congratulating David A. R. White in recognition of his successful career as an actor, director and producer. He is the co-founder of PURE-FLIX, which maintains its position as the number one faith based studio in the country;

Request No. 16, by Representative Jim Kelly, congratulating Bille Lewark-Wood in recognition of her 90th birthday;

Request No. 17, by Representative Sue Boldra, congratulating Michael A. Gabel in recognition for achievement of Eagle Scout;

Request No. 18, by Representative Sue Boldra, congratulating Thomas More Prep – Marion Singers for their outstanding performance at the Kansas Inauguration on January 12th, 2015;

Request No. 19, by Representative Don Schroeder, congratulations Abbery Pomeroy for serving as Miss Rodeo Kansas 2015;

Request No. 20, by Representative Willie Dove, congratulating Brooke Bolon for receiving the Girl Scout Gold Award;

Request No. 21, by Representative Willie Dove, congratulating Celeste Bartels for receiving the Girl Scout Gold Award;

Request No. 22, by Representative Susan Concannon, congratulating Larry Wilson on his retirement from United Parcel Service;

Request No. 23, by Representative Anthimides. Congratulating Wichita Police Department on the success of the Homeless Outreach Team;

Request No. 24, by Representative S. Mike Kiegerl, congratulating Jessie Payne for receiving the Girl Scout Gold Award;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted.

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 and resolution were introduced and read by title:

HB 2182, AN ACT concerning campaign finance; dealing with contributions; amending K.S.A. 2014 Supp. 25-4153a and repealing the existing section, by Committee on Elections.

HB 2183, AN ACT concerning campaign finance; relating to political campaigns and technology; amending K.S.A. 2014 Supp. 25-4153a, 25-4156 and 25-4169a and repealing the existing sections, by Committee on Elections.

HB 2184, AN ACT concerning governmental ethics; relating to benefits for state officers and employees; filings by lobbyists; amending K.S.A. 46-237 and 46-268 and repealing the existing sections, by Committee on Elections.

HB 2185, AN ACT concerning elections; dealing with the use of school buildings as polling places, by Committee on Elections.

HB 2186, AN ACT concerning postsecondary educational institutions; relating to the use of state funds; prohibiting academic boycotts of certain countries or institutions of

higher education located in certain countries, by Representative Todd.

HB 2187, AN ACT concerning abortion; creating the Kansas unborn child protection from dismemberment abortion act, by Committee on Federal and State Affairs.

HB 2188, AN ACT concerning driver's licenses; requiring certain individuals to enter into a payment plan to receive restricted driving privileges; amending K.S.A. 2014 Supp. 8-2110 and repealing the existing section, by Representative Todd.

HB 2189, AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 41-708 and K.S.A. 2014 Supp. 41-308b and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2190, AN ACT concerning firearms; relating to the personal and family protection act; relating to exemptions for state and municipal buildings; amending K.S.A. 2014 Supp. 75-7c20 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2191, AN ACT concerning alcoholic beverages; relating to provision of samples by distributor licensees; amending K.S.A. 41-709 and K.S.A. 2014 Supp. 41-306, 41-306a and 41-307 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2192, AN ACT concerning the secretary of health and environment; relating to solid and hazardous waste, Kansas storage tank act; creating the environmental stewardship fund; amending K.S.A. 65-34,119 and K.S.A. 2014 Supp. 65-34,117 and 65-34,131 and repealing the existing sections, by Committee on Energy and Environment.

HB 2193, AN ACT concerning the secretary of health and environment; relating to contamination of the soils and waters of the state; creating the risk management program act, by Committee on Energy and Environment.

HOUSE CONCURRENT RESOLUTION No. HCR 5010—

By Representatives DeGraaf, Anthimides, Barton, Bradford, Brunk, Campbell, B. Carpenter, Dannebohm, Dove, Esau, Estes, Ewy, Garber, Gonzalez, Hawkins, Hedke, Hibbard, Hildabrand, Hoffman, Huebert, Hutchins, Johnson, K. Jones, Kahrs, Kelley, Kiegerl, Macheers, Mason, O'Brien, L. Osterman, Peck, Powell, Read, Rhoades, Rubin, Scapa, Seiwert, Sutton, Waymaster, Whitmer and Williams

HCR 5010 – A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government.

WHEREAS, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, The federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, The federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, It is the solemn duty of the states to protect the liberty of our people — particularly for the generations to come — by proposing amendments to the

Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: The legislature of the state of Kansas hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and

Be it further resolved: This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made application on the same subject; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the President and Secretary of the United States Senate and the Speaker and the Clerk of the United States House of Representatives, to the members of the United States Senate and the United States House of Representatives from this state and to the presiding officers of each of the legislative chambers in the several states.

REPORT ON ENGROSSED BILLS

HCR 5002 reported correctly engrossed January 28, 2015.

Also, **HR 6004** reported correctly engrossed January 29, 2015.

On motion of Rep. Vickrey the House adjourned pro forma until 8:00 a.m. on Friday, January 30, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

