

Journal of the House

SEVENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, June 2, 2015, 10:00 a.m.

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

The roll was called with 110 members present.

Reps. Ballard, Bollier, Bridges, Hill, Hineman, Houston, Kahrs, Kiegerl, Lusker, Mason, Patton, Phillips, Read, Rubin and Thompson were excused on excused absence by the Speaker.

Rep. Campbell was excused later in the day on excused absence by the Speaker.

Present later: Reps. Ballard, Hill, Kiegerl, Lusker, Phillips and Rubin.

Prayer by Chaplain Brubaker:

Gracious and loving God,
As we stand before You another day
of what seems to be the thirteenth inning of a tied ballgame,
I again ask for Your assistance...
dare I say “intervention?”
To lighten the tension and pressure
for those feeling stressed—
You know, the confusion created when
one’s mind overrides the body’s basic desire to choke
the living daylights out of
somebody who disagrees with them—
please give them Your mercy, peace and longsuffering.
For those who are sure they are on the right track,
remind them that they might get run over
if they just sit there.
For those who may see a light at the end of the tunnel,
may it not be someone carrying a torch with
a new bill or twenty amendments.
In all seriousness, Lord,
please speak Your wisdom into their words,
Your kindness into their actions,
Your will into their decisions.
In Christ’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Johnson.

MESSAGE FROM THE GOVERNOR

S Sub for HB 2124, Sub HB 2224, HB 2364 approved on June 2, 2015.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report on **H Sub for SB 12**.

The Senate adopts the Conference Committee report on **SB 113**.

The Senate adopts the Conference Committee report on **HB 2331**.

The Senate adopts the Conference Committee report on **S Sub for HB 2353**.

The Senate announced the appointment of Senator Masterson to replace Senator King as a conferee on **H Sub for SB 112**.

The Senate announced the appointment of Senator Denning to replace Senator Smith as a conferee on **H Sub for SB 112**.

The Senate announced the appointment of Senator Kelly to replace Senator Pettey as a conferee on **H Sub for SB 112**.

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Reps. Ryckman, Schwartz and Henry as members of the conference committee on **H Sub for SB 112** to replace Reps. Barker, Macheers and Carmichael.

Also, the appointment of Reps. Barker, Macheers and Carmichael as members of the conference committee on **HB 2048** to replace Reps. Rubin, Gonzalez and Highberger.

On motion of Rep. Vickrey, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2331** 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 of the Whole amendments, as follows:

On page 3, by striking all in lines 11 through 43;

By striking all on pages 4 through 17;

On page 18, by striking all in lines 1 through 6; following line 6, by inserting:

"Section 1. K.S.A. 2014 Supp. 12-16,124 is hereby amended to read as follows: 12-16,124. (a) No city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carrying-~~or~~, transporting or taxation of firearms or ammunition, or any component or combination thereof.

~~(b) No city or county shall adopt or enforce any ordinance, resolution or regulation relating to the sale of a firearm by an individual, who holds a federal firearms license, that is more restrictive than any ordinance, resolution or regulation relating to the sale~~

~~of any other commercial good.~~

~~(e)-(b)~~ Any ordinance, resolution or regulation prohibited by either subsection (a) ~~or (b)~~ that was adopted prior to July 1, ~~2014~~ 2015, shall be null and void.

~~(d)-(c)~~ Nothing in this section shall:

(1) Prohibit a city or county from adopting and enforcing any ordinance, resolution or regulation relating to the personnel policies of such city or county and the carrying of firearms by employees of such city or county, except that any such ordinance, resolution or regulation shall comply with the provisions of K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto;

(2) prohibit a city or county from adopting any ordinance, resolution or regulation pursuant to K.S.A. 2014 Supp. 75-7c20, and amendments thereto; ~~or~~

(3) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties; or

(4) prohibit a city or county from levying and collecting any retailers' sales tax on the sale of firearms, ammunition or any component or combination thereof as authorized by K.S.A. 12-189, and amendments thereto.

Sec. 2. K.S.A. 2014 Supp. 75-7c04, as amended by section 9 of 2015 Senate Bill No. 45, is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2014 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2014 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

~~(3) has been convicted of or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of any of the offenses described in K.S.A. 2014 Supp. 21-6304(a)(1) and (a)(3), and amendments thereto; or~~

~~(4) is less than 21 years of age.~~

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the

attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; or

(C) a determination by the attorney general pursuant to subsection (c).

(c) The attorney general may:

(1) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have training requirements that are equal to or greater than those of this state; and

(2) review each application received pursuant to K.S.A. 2014 Supp. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(d) For the purposes of this section:

(1) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(2) "Jurisdiction" means another state or the District of Columbia.

(3) "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.

Sec. 3. K.S.A. 2014 Supp. 12-16,124 and 75-7c04, as amended by section 9 of 2015 Senate Bill No. 45, are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in lines 1 through 7 and inserting "AN ACT concerning firearms; relating to possession of firearms; amending K.S.A. 2014 Supp 12-16,124 and 75-7c04, as amended by section 9 of 2015 Senate Bill No. 45, and repealing the existing sections.";

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

RALPH OSTMEYER

JAKE LATURNER

Conferees on part of Senate

STEVEN R. BRUNK

TRAVIS COUTURE-LOVELADY

Conferees on part of House

On motion of Rep. Brunk, the conference committee report on **HB 2331** was adopted.

On roll call, the vote was: Yeas 96; Nays 14; Present but not voting: 0; Absent or not voting: 15.

Yeas: Alcala, Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Francis, Frownfelter, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henry, Hibbard, Highland, Hildabrand, Hill, Hoffman, Houser, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Merrick, Moxley, Osterman, Pauls, Peck, Phillips, Powell, Proehl, Rhoades, Rooker, Rubin, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Sutton, Swanson, Thimesch, Todd, Trimmer, Vickrey, Victors, Waymaster, Whipple, Whitmer, Williams, Wilson.

Nays: Ballard, Carlin, Clayton, Curtis, Finney, Gallagher, Henderson, Highberger, Kuether, Ousley, Ruiz, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bollier, Bridges, Campbell, Hineman, Houston, Huebert, Jennings, Kahrs, Mason, O'Brien, Patton, Read, Suellentrop, Thompson, Tietze.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub for HB 2353** 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 of the Whole amendments as follows:

On page 17, by striking all in lines 11 through 27; following line 27, by inserting the following:

"Sec. 11. From and after July 1, 2015, K.S.A. 2014 Supp. 76-715b is hereby amended to read as follows: 76-715b. (a) As used in this section:

(1) "State board" means the state board of regents.
 (2) "State educational institution" has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.

(3) "Leave time" means vacation leave and discretionary day leave.
 (b) The state board may adopt a policy which authorizes state educational institutions to provide leave time to the classified employees and university support staff of any such institution in an amount not to exceed the amount of leave time provided to unclassified employees of such institution.

(c) Subject to the policy of the state board adopted pursuant to this section, each state educational institution may provide leave time to classified employees and university support staff of such institution. The amount of leave time may vary from the amount of leave time provided to classified or unclassified employees of state agencies that are not state educational institutions.

(d) The state board shall adopt any rules and regulations necessary to implement the provisions of this act.";

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

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

RON RYCKMAN

SHARON SCHWARTZ

JERRY HENRY

Conferees on part of House

On motion of Rep. Ryckman, the conference committee report on **S Sub for HB 2353** was adopted.

On roll call, the vote was: Yeas 110; Nays 0; Present but not voting: 0; Absent or not voting: 15.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, 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, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hoffman, Houser, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleebl, Kuether, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Merrick, Moxley, Osterman, Ousley, Pauls, Peck, Phillips, Powell, Proehl, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Sutton, Swanson, Thimesch, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Bridges, Campbell, Hineman, Houston, Huebert, Jennings, Kahrs, Mason, O'Brien, Patton, Read, Suellentrop, Thompson, Tietze.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 112** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RON RYCKMAN

SHARON SCHWARTZ

JERRY HENRY

Conferees on part of House

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

On motion of Rep. Ryckman the conference committee report on **H Sub for SB 112** to agree to disagree, was adopted.

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

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Rep. Ward as a member of the conference committee on **HB 2142** to replace Rep. Houston.

On motion of Rep. Vickrey, the House recessed until 4:00 p.m.

LATE AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **H Sub for SB 112**, and has appointed Senators Masterson, Denning and Kelly as second conferees on the part of the Senate.

On motion of Rep. Vickrey, the House recessed until 7:00 p.m.

EVENING SESSION

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

REPORT ON ENROLLED BILLS

HB 2183, S Sub for HB 2228 reported correctly enrolled, properly signed and presented to the Governor on June 2, 2015.

REPORT ON ENROLLED RESOLUTIONS

HR 6026 reported correctly enrolled and properly signed on June 2, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, June 3, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

