

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 7, 2013, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Shultz was excused on legislative business.

Rep. Victors was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Terry Fox, pastor, Summit Church, Wichita, and guest of Rep. Edwards:

Heavenly Father,

We give you thanks for our country, and especially for the state of Kansas. We pray for Governor Brownback, and all the Legislators that have authority and responsibility to govern our great state. We pray that these leaders will be men and women of integrity and desire to be pleasing to You and who seek to honor the Holy Scriptures. Give them courage to stand for righteousness, even when it is not politically correct. Deliver us from evil and from evil people. Please forgive us of all our sins and make us willing to repent so that You can heal our land. We ask for Your favor and blessings upon the state of Kansas, as well as our nation – and that we would prosper abundantly as Your Word proclaims in John 10:10.

Lord, we ask you to be with our men and women who are serving in the military, both here and abroad. Please give to them Divine Guidance and protection.

We thank you for the rain that we have received and we humbly call on you to bless our state with more needed rain.

We ask all of this today in name of the Lord Jesus Christ who watches over the state of Kansas, our nation, and the world. Amen.

The Pledge of Allegiance was led by Rep. Couture-Lovelady.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Children and Seniors: **HB 2233; HR 6010.**
 Commerce, Labor and Economic Development: **HB 2246.**
 Corrections and Juvenile Justice: **HB 2239, HB 2252.**
 Education: **HB 2232.**
 Education Budget: **HB 2236, HB 2242, HB 2248.**
 Energy and Environment: **HB 2241.**
 Federal and State Affairs: **HB 2253.**
 General Government Budget: **HB 2237.**
 Health and Human Services: **HB 2235, HB 2238, HB 2250, HB 2251.**
 Insurance: **HB 2243.**
 Judiciary: **HB 2254.**
 Local Government: **HB 2240, HB 2247, HB 2249.**
 Taxation: **HB 2244, HB 2245.**
 Transportation: **HB 2234.**

MESSAGE FROM THE GOVERNOR

February 5, 2013

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 13-438 for your information.

EXECUTIVE DIRECTIVE No. 13-438
 Concerning Authorizing Expenditure of Federal Funds

SAM BROWNBACK
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Ruiz, **HR 6011**, A resolution congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation, was adopted.

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

It is very much a privilege to be asked to offer this resolution honoring the University of Kansas Medical Center, Dr. Roy Jensen, his staff and all those who made this NCI designation possible. It is timely with the recent death of my brother from cancer.

NCI designation will allow the cancer center to continue recruiting top researchers, apply for federal funding and open more clinical trials only available to NCI-designated centers. The cancer center will be able to expand benefits to members of the Midwest

Cancer Alliance, which brings regional cancer research, care and support professionals together. Designation will also allow the center to build new business opportunities and provide even better access to research.

CONSENT CALENDAR

No objection was made to **HB 2013** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2009, AN ACT concerning the uniform act regulating traffic; relating to failure to comply with traffic citation; restricted driving privileges; amending K.S.A. 2012 Supp. 8-2110 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 60; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Ballard, Boldra, Bollier, Bradford, Bridges, Bruchman, Burroughs, Couture-Lovelady, Carlin, Carlson, Cassidy, Crum, Davis, Dillmore, Doll, Edwards, Ewy, Finney, Frownfelter, Gandhi, Goico, Grant, Henderson, Henry, Hermanson, Hibbard, Houston, Jennings, Johnson, Kleeb, Kuether, Lane, Lunn, Lusk, Meier, Menghini, Merrick, Osterman, Pauls, Perry, Peterson, Petty, Phillips, Proehl, Rothlisberg, Ruiz, Ryckman Sr., Sawyer, Schroeder, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Barker, Becker, Bideau, Brunk, Campbell, Carpenter, Christmann, Claeys, Clayton, Concannon, Corbet, De Graaf, Dierks, Dove, Edmonds, Esau, Finch, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jones, Kahrs, Kelley, Kelly, Kinzer, Macheers, Mast, McPherson, Meigs, Montgomery, Moxley, O'Brien, Peck, Powell, Read, Rhoades, Rooker, Rubin, Ryckman Jr., Schwab, Seiwert, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Ward, Weber.

Present but not voting: None.

Absent or not voting: Shultz, Victors.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We vote no on **HB 2009** because all fines are now reduced to the fee to reinstate. The state cannot prove if the driver is on his way to work, looking for work, or going to worship. They could be going 500 in a 30, yet the penalty is reduced to \$84.

-- SCOTT SCHWAB, MELISSA ROOKER, STEVEN BECKER, JOHN RUBIN, JOSH POWELL

MR. SPEAKER: I work in a liquor store and too often individuals with restricted licenses or non-driving ID's drive up to purchase liquor. Many people drive carefully to avoid traffic violations because they do not have the resources to pay the fines or the time to appear in court. Avenues should be made available for people that do violate traffic laws to make payments on traffic citations if they have financial difficulties, but individuals that refuse to put money toward their fines should deal with the daily disruptions caused by a suspended license. For these reasons, I vote NO on **HB 2009**. –

JAMES TODD

HB 2060, AN ACT concerning taxation; relating to food sales tax refunds and homestead property tax refunds; certain confined persons; amending K.S.A. 79-4505 and K.S.A. 2012 Supp. 79-4502 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Shultz, Victors.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2028** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2030** be amended on page 1, in line 27, after "or" by inserting "eligible individuals to award"; in line 30, by striking "or" and inserting "permits and individuals awarded"; in line 35, after "lifetime" by inserting "or wounded warrior";

On page 2, in line 4, by striking "or wounded"; in line 5, by striking "warrior"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2041** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2034** be amended on page 2, in line 11, by striking "covert"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2066** be amended on page 1, in line 29, by striking "The physical therapist shall transmit to the licensed health care"; by striking all in lines 30 and 31; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2015**, **HB 2114** be passed.

Committee on **Judiciary** recommends **HB 2081** be amended on page 3, in line 9, by striking "a"; in line 10, by striking "violation of"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2255, AN ACT concerning economic development; investment in telecommunications machinery and equipment; promoting broadband across Kansas, by Committee on Commerce, Labor and Economic Development.

HB 2256, AN ACT concerning criminal procedure; relating to municipal courts; relating to appearance bonds; amending K.S.A. 12-4301 and 12-4303 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2257, AN ACT concerning the board of barbering; relating to licensed barbers; inspection of cosmetology services salons; amending K.S.A. 65-1812, 65-1827, 65-1904a and 74-1807 and K.S.A. 2012 Supp. 65-1817 and 65-1824 and repealing the existing sections, by Representative Sloan.

HB 2258, AN ACT repealing the Kansas restraint of trade act; amending K.S.A. 50-504 and K.S.A. 2012 Supp. 66-1,112 and repealing the existing sections; also repealing K.S.A. 50-101, 50-102, 50-103, 50-108, 50-109, 50-110, 50-112, 50-113, 50-115, 50-116, 50-117, 50-131, 50-132, 50-133, 50-136, 50-137, 50-139, 50-147, 50-148, 50-149, 50-153, 50-157, 50-158, 50-159, 50-160, 50-161, 50-162 and 50-508, by Committee on Commerce, Labor and Economic Development.

HB 2259, AN ACT concerning domestic relations; relating to dissolution of marriage; service of process; amending K.S.A. 2012 Supp. 23-2704 and repealing the existing section, by Committee on Judiciary.

HB 2260, AN ACT concerning elections; dealing with voter identification; amending K.S.A. 2012 Supp. 25-2908 and repealing the existing section, by Committee on Elections.

HB 2261, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2012 Supp. 72-965, 72-3607, 72-3715, 72-6414a, 72-6414b, 72-6420, 72-6421, 72-6423, 72-6426, 72-6460, 72-8237, 72-8250, 72-9509 and 72-9609 and repealing the existing sections, by Committee on Education.

HB 2262, AN ACT concerning the oil and gas valuation depletion trust fund; relating to transfer of moneys to the state general fund; abolishing the fund; amending K.S.A. 2012 Supp. 19-101a and 79-4227 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 19-271 and 79-4231, by Committee on Appropriations.

HB 2263, AN ACT concerning school districts; enacting the school district special needs scholarship program act, by Committee on Education.

HB 2264, AN ACT concerning school districts; relating to capital improvements; amending K.S.A. 2012 Supp. 75-2319 and repealing the existing section, by Committee on Education.

HB 2265, AN ACT concerning school districts; relating to instruction expenditures; amending K.S.A. 2012 Supp. 72-64c01 and repealing the existing section, by

Committee on Education.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2032** from Committee on Health and Social Services Budget and referral to Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2009, HB 2060 reported correctly engrossed February 6, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6005 reported correctly enrolled and properly signed on February 7, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 8, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

