

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 14, 2013, 11:00 a.m.

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

The roll was called with 124 members present.

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

Rep. Edwards was excused later in the day on verified illness.

Prayer by Rep. Dove:

Rep. Dove sang *The Lord's Prayer* for the members of the House.

The Pledge of Allegiance was led by Rep. Doll.

PERSONAL PRIVILEGE

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

Tuesday I had the honor to fly home to my district for the morning of Pancake Day in Liberal. What is Pancake Day some of you may ask?

Well, it is a friendly little competition between Liberal, Kansas, and Olney, England, with women running down the streets of each town flipping pancakes, has been going on for more than 60 years now. It is still the only race of its kind on the planet.

On Shrove Tuesday every year , at 11:55 a.m., the race takes place. It all started in 1950 from a magazine picture of the Olney women racing each other to the church. Liberal Jaycee President R.J. Leete contacted the Rev. Ronald Collins, Vicar of St. Peter and St. Paul's church in Olney, challenging their women to race against women of Liberal.

In Olney, the Pancake Race tradition dates back more than 500 years to 1445. A woman engrossed in using up cooking fats (forbidden during Lent) was making pancakes. Hearing the church bells ring calling everyone to the shricing service, she grabbed her head scarf (required in church) and ran to the church, skillet and pancake in hand and still apron-clad. In following years, neighbors got into the act and it became a race to see who could reach the church first and collect a "Kiss of Peace" from the verger (bell-ringer.) The kiss is still the traditional prize in both races.

International Pancake Day has expanded to a four day event that includes eating/flipping/cooking contests, the Miss Liberal pageant, a talent show, community wide breakfast, childrens races, and the main international race followed by a shricing

service, the international phone call to compare times and a parade.

This year's international race winner from Liberal was 27 year old Caitlin Demarest who ran the race in just over 64 seconds.

PERSONAL PRIVILEGE

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

The Governor signed a Proclamation that today, February 14, 2013, is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team from our Kansas Community Colleges. Ten of those scholars are here on the Floor with me and the remainder are in the Gallery with us today.

Phi Theta Kappa is an International Honor Society for two-year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join Phi Theta Kappa whose mission is two-fold:

--- to recognize and encourage the academic achievement of two-year college students, and

--- to provide opportunities for individual growth and development through participation in honors, leadership, service and fellowship programming.

Fifty students have been named to the All Kansas Academic Team and they represent all Nineteen Kansas community colleges from across Kansas and were named to this team based upon their academic achievement, leadership and community service.

Because of their academic achievement, service and leadership they have been awarded scholarship and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

Here are the community college scholars and where they are from:

2013 Kansas Community College PTK Representatives

1. Joshua Welch – Garden City Community College
2. Caitlin Shepard – Coffeyville Community College
3. Katelyn Lockhart – Independence Community College
4. Kylee Pywell – Pratt Community College
5. Jeffrey Heppler – Neosho County Community College-Ottawa
6. Heather Duncan – Fort Scott Community College-Miami County
7. Tyler Davis – Labette Community College
8. Danielle Shearin – Neosho County Community College
9. Dylan Sack – Kansas City Kansas Community College
10. Lara Blomberg – Johnson County Community College

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2339, AN ACT concerning insurance; relating to adverse underwriting decisions; allowing return of premiums separate from notice; amending K.S.A. 40-2,112 and repealing the existing section, by Committee on Insurance.

HB 2340, AN ACT concerning the Kansas employment first initiative act; amending K.S.A. 2012 Supp. 44-1137 and repealing the existing section; also repealing K.S.A. 2012 Supp. 44-1138, by Committee on Commerce, Labor and Economic Development.

HB 2341, AN ACT concerning court reporters; amending K.S.A. 2012 Supp. 60-228 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2321**.

Appropriations: **HB 2325, HB 2330, HB 2334, HB 2337, HB 2338**.

Commerce, Labor and Economic Development: **HB 2323, HB 2326**.

Education: **HB 2319, HB 2320**.

Energy and Environment: **HB 2332**.

Federal and State Affairs: **HB 2324**.

Health and Human Services: **HB 2322**.

Insurance: **HB 2317**.

Judiciary: **HB 2316, HB 2336; HCR 5012**.

Social Services Budget: **HB 2335**.

Taxation: **HB 2327, HB 2328, HB 2329, HB 2331, HB 2333**.

Transportation: **HB 2318**.

COMMUNICATIONS FROM STATE OFFICERS

From Ernest E. Garcia, Colonel, Superintendent, Kansas Highway Patrol, pursuant to KSA 60-4117, annual report regarding the State Forfeiture Fund, December 1, 2011 through November 30, 2012.

The complete report is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing passage of **SB 24, SB 25, SB 36, SB 37, SB 41, SB 49, SB 51, SB 52, SB 59, SB 68, SB 69, SB 80, SB 91, SB 92, SB 102**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 24, SB 25, SB 36, SB 37, SB 41, SB 49, SB 51, SB 52, SB 59, SB 68, SB 69, SB 80, SB 91, SB 92, SB 102.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6015**—
By Committee on Transportation

A RESOLUTION encouraging the Department of Administration, Kansas Department of Transportation and the Kansas Turnpike Authority to collaborate and study the viability and benefits of compressed natural gas as an add-on or alternative vehicle fuel.

WHEREAS, Compressed natural gas is an environmentally friendly, "green" alternative to current fueling options of gasoline and diesel. Compressed natural gas reduces a vehicle's carbon footprint and reduces American dependency on foreign oil; and

WHEREAS, The cost of compressed natural gas is about one-third less than gasoline and 40% less than diesel. It is estimated that there are about 123,000 natural gas fueled vehicles currently being driven. There are about 1,250 fueling systems for compressed natural gas with approximately 585 being accessible to the public; and

WHEREAS, Increased usage of compressed natural gas could result in job creation, increased revenues, fuel cost savings and extended vehicle life cycle. The benefits to Kansas of encouraging the use of compressed natural gas as an alternative fuel include, but are not limited to, reduced green house gases, support to Kansas producers of natural gas and the quality jobs these producers provide, and energy cost savings: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Department of Administration, Kansas Department of Transportation and Kansas Turnpike Authority to collaborate and study the viability and benefits of compressed natural gas as an add-on or alternative fuel and to report the findings of such study to the House Committee on Transportation; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the Secretary of Administration, the Secretary of Transportation and the President of the Kansas Turnpike Authority.

CONSENT CALENDAR

No objection was made to **HB 2130** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2011, AN ACT concerning distinctive license plates; making educational institution plates available to motorcycles; transferability of certain plates; amending K.S.A. 8-177a and K.S.A. 2012 Supp. 8-1,142 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Ballard, Barker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Dillmore, Doll, Dove, Edmonds, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Henderson, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hoffman, Houston, Huebert, Hutton, Jennings, Johnson, Jones, Kelley, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk,

Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Osterman, Pauls, Perry, Peterson, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Becker, Carlson, Carpenter, DeGraaf, Esau, Hawkins, Hedke, Hineman, Houser, Howell, Kahrs, Kinzer, Peck, Powell.

Present but not voting: None.

Absent or not voting: Christmann, Edwards.

The bill passed, as amended.

HB 2096, AN ACT concerning local governing bodies; relating to investment of public moneys, conditions and limitations; amending K.S.A. 2012 Supp. 12-1675 and repealing the existing section, 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, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, 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, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Christmann, Edwards.

The bill passed.

HB 2141, AN ACT concerning school districts; relating to the former election process of certain unified school districts; amending K.S.A. 72-8202 and repealing the existing section; also repealing K.S.A. 72-6764, 72-6765, 72-6793 and 72-6794, 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, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, 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, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Christmann, Edwards.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2213** be adopted; and the bill be passed as amended.

Committee report to **HB 2228** be adopted; and the bill be passed as amended.

Committee report to **HB 2066** be adopted; and the bill be passed as amended.

Committee report to **HB 2030** be adopted; also, on motion of Rep. Hoffman be amended on page 1, in line 13, by striking "40%" and inserting "30%"; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2202** be amended on page 1, in line 4, after "governor" by inserting "or the United States department of agriculture"; in line 24, by striking the comma and inserting "or"; also in line 24, by striking "or rain"; in line 28, by striking "the governor's" and inserting "a"; also in line 28, after "drought" by inserting "by the governor or the United States department of agriculture"; in line 29, by striking "pursuant to the provisions"; in line 30, by striking "of K.S.A. 48-924, and amendments thereto"; in line 36, by striking the second comma and inserting "or a"; also in line 36, by striking "or an";

On page 2, in line 1, by striking "interstate license as an interstate exempt carrier"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2125** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2084** be amended on page 1, in line 12, before "any" by inserting "any individual subject to the state income tax imposed by the provisions of the Kansas income tax act,"; in line 34, by striking "housing" and inserting "construction projects"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2122** be amended on page 12, in line 23, by striking all after "shall"; by striking all in lines 24 through 37 and inserting ":

(1) Engage in fraud or make any substantial misrepresentation to the commission;
 (2) commit forgery in any representation or document submitted to the commission;

(3) sign or initial on behalf of another person any application, form or accompanying document submitted to the commission unless authorized to do so by a duly executed power of attorney;

(4) interfere with any investigation, administrative proceeding, quasi-judicial proceeding or any other disciplinary matter of the commission including, but not limited to:

(A) Threatening to engage in or engaging in physical abuse or harassment toward any witness, complainant or individual listed in subsection (e)(1);

(B) destroying evidence;

(C) refusing or failing to appear or testify under oath at any hearing; or

(D) refusing or failing to respond in a timely manner to any request from the commission or the commission's designee for documents or information that concerns directly or indirectly any real estate transaction or the licensee's real estate business;

(5) fail without just cause to surrender any document or instrument to the rightful owner; or

(6) demonstrate incompetency to act as a broker, associate broker or salesperson in dealings with the commissions, including the repeated failure to:

(A) Submit required forms to the commission in a timely and complete manner;

(B) make available to the commission all records relating to the real estate business; or

(C) comply with the provisions of this subsection."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2221** be passed.

Committee on **Education Budget** recommends **HB 2140, HB 2142, HB 2148, HB 2149, HB 2151, HB 2156** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Elections** recommends **HB 2112** be amended on page 6, in line 5, after "candidate" by inserting "for state office after all debts, liabilities and expenses are satisfied"; in line 25, after "candidate" by inserting "for state office"; in line 31, after "candidacy" by inserting "after all debts, liabilities and expenses are satisfied"; in line 34, by striking "public" and inserting "state"; in line 38, by striking "public" and inserting "state"; also in line 38, by striking all after "office"; by striking all in line 39; in line 40, by striking all before the period and inserting "after all debts, liabilities and expenses are satisfied"; by striking all in lines 41 through 43;

On page 7, by striking all in lines 1 through 8;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2106** 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 **Taxation** recommends **HB 2135** be passed.

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 introduced and read by title:

HB 2342, AN ACT concerning campaign finance; amending K.S.A. 25-4153b and repealing the existing section, by Committee on Judiciary.

HB 2343, AN ACT concerning public health; relating to the secretary of health and environment; office of laboratory services; amending K.S.A. 65-157, 65-1,109a and 75-5608 and repealing the existing sections; also repealing K.S.A. 75-5607, by Committee on Health and Human Services.

HB 2344, AN ACT concerning agriculture; relating to agricultural production firms; high performance incentive program qualification for certain firms; amending K.S.A. 2012 Supp. 74-50,131 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2345, AN ACT concerning driving; relating to certain fines and application fees; distribution to correctional supervision fund and community corrections supervision fund; amending K.S.A. 2012 Supp. 8-2,144, 8-1015, 8-1025, 8-1567 and 12-4120 and repealing the existing sections, by Committee on Judiciary.

HB 2346, AN ACT concerning the attorney general; creating the open government unit; relating to the open records act and open meetings act; amending K.S.A. 75-4320a and K.S.A. 2012 Supp. 45-222 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2347, AN ACT concerning mortgage registration fees; amending K.S.A. 79-3102 and repealing the existing section, by Committee on Taxation.

HB 2348, AN ACT concerning the adult care home licensure act; relating to adult care home requirements, admissions and penalties; licensed and unlicensed employees; amending K.S.A. 39-953b and K.S.A. 2012 Supp. 39-936, 39-946 and 39-953a and repealing the existing sections, by Committee on Children and Seniors.

HB 2349, AN ACT concerning legislative post audit committee; auditing unified school districts, by Committee on Education.

HB 2350, AN ACT concerning schools; removing the authority to receive certain federal aid made available for educational purposes; amending K.S.A. 72-6201 and K.S.A. 2012 Supp. 79-3620 and 79-3710 and repealing the existing sections; also repealing K.S.A. 72-6202 and K.S.A. 2012 Supp. 72-6203, by Committee on Education.

HB 2351, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2014 and June 30, 2015, for the Kansas department for aging and disability services; relating to home and community based services I/DD waiver, by Committee on Appropriations.

HB 2352, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; maximum retirement benefits; employee contributions; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Committee on Pensions and Benefits.

HB 2353, AN ACT concerning controlled substances; amending K.S.A. 2012 Supp.

65-4105 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2354, AN ACT concerning the ethics commission; relating to fees, fines and civil penalties; amending K.S.A. 2012 Supp. 25-4119f, 25-4145, 25-4152, 25-4180, 25-4181, 25-4186, 46-265, 46-280 and 46-288 and repealing the existing sections, by Committee on Appropriations.

HB 2355, AN ACT concerning taxation; enacting the Kansas fair tax of 2013; eliminating sales taxes and phasing out income taxes; imposing a consumption tax; providing certain duties and requirements on retailers and providers and the department of revenue; exemptions; consumption allowance; creating the consumption tax transition committee; providing for state compensating consumption tax and local retailers' consumption tax and compensating consumption tax; amending K.S.A. 2012 Supp. 79-32,110 and 79-3702 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2011 reported correctly engrossed February 13, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6011 reported correctly enrolled and properly signed on February 14, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 15, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

