

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 15, 2013, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Doll and Edwards were excused on verified illness.

Reps. Johnson and Pauls were excused on legislative business.

Reps. Carpenter, Cassidy, Christmann, Hermanson, Montgomery and Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Branson Roberts, pastor, First Church of the Nazarene, Topeka:

Almighty God,

You are the Creator God, and everything exists for your glory. By your word you have shown us what you require of us: to act justly, to love mercy, and to walk humbly before you.

Lord, we are so grateful for the privilege to live in this land, at such a time as this.

Thank you for choosing and shaping ordinary people to rise up and lead this great state.

And now to this body of people, who are charged with serving the citizens of the state of Kansas; whom you have chosen and shaped for such a time as this.

O God, grant that all the public work which has been given to this body to do, will only motivate them to serve their fellow man.

Help them to set loyalty to the right things above all loyalty to party or to class.

Grant that the importance of their work may never make them full of their own self-importance, but rather that it may make them humbly eager to serve and to help the people of Kansas.

Give them wisdom of mind, clearness in their thinking, truth in their speaking, and always love in their hearts, so that they may try always to unite people and never to divide them.

Help them always to set the interests of the state above those

of the party; and faithfulness to your requirements to justice and mercy above everything else.

So grant that at the end of this day, they may win the approval of their own conscience, the respect of their fellow man, and Your “Well Done!”

I humbly offer this prayer for the sake of Jesus, who was also chosen by you to serve among his fellow man, and model the walk of justice and mercy.

AMEN.

The Pledge of Allegiance was led by Rep. Corbet.

PERSONAL PRIVILEGE

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

Mrs. Laura Moyers, Music teacher at Anthony Elementary in the Leavenworth School District, was selected as the Kansas State Department of Education’s Region 2 2013 Elementary Teacher of the Year this fall. This is Mrs. Moyer’s 23rd year in public education and third year in the Leavenworth School District. She is passionate about her role as an educator and has helped to secure more than \$16,000 for the Anthony Elementary music program through winning grant applications and contests.

Outside the classroom, Mrs. Moyers is a talented singer and songwriter and recorded a CD “Soldier’s Tribute” in honor of our military service members. She is heavily involved with her church and often contributes her musical talents to various community and charitable causes.

In her application for consideration for the Teacher of the Year recognition Program, she had this to say about her chosen profession: An outstanding teacher models what she expects from her students. She truly believes that each child is unique, valuable and impressionable and that the sky is the limit. She helps them understand that while there are limits to what our body can do, there are no limits to what you can think or dream. She believes that regardless of the circumstances everyone can and will learn if they see the need, rational and importance for learning.

We are thrilled for Mrs. Moyer to receive such a high level of recognition and praise for her professional accomplishments. Her passion for education is infectious, not only at Anthony Elementary, but throughout the Leavenworth School District.

I am honored to present this framed House certificate to Mrs. Moyer.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2356, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the issuance of the honor and remember plate, by Committee on Veterans, Military and Homeland Security.

HB 2357, AN ACT designating a portion of United States highway 169 as the 242nd engineer company – KS army national guard – memorial highway, by Committee on

Transportation.

HB 2358, AN ACT regulating traffic; promoting traffic safety; establishing a safety corridor program; safety corridor fund; amending K.S.A. 2012 Supp. 8-1560c, 8-1560d, 8-2118 and 74-7336 and repealing the existing sections, by Committee on Transportation.

HB 2359, AN ACT concerning agriculture; relating to the plant pest and agriculture commodity certification act; live plant dealer's licenses; amending K.S.A. 2012 Supp. 2-2120 and repealing the existing section, by Committee on Appropriations.

HB 2360, AN ACT concerning mortgages of real property; relating to stays of mortgage foreclosure proceedings against servicemembers, by Committee on Veterans, Military and Homeland Security.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2351; SB 91**.

Children and Seniors: **HB 2348**.

Commerce, Labor and Economic Development: **HB 2340, HB 2341; SB 37**.

Corrections and Juvenile Justice: **HB 2353; SB 41, SB 49, SB 92**.

Education: **HB 2349**.

Education Budget: **HB 2350**.

Elections: **HB 2342, HB 2354**.

Energy and Environment: **HR 6015**.

Federal and State Affairs: **Sub SB 36**.

Financial Institutions: **SB 52**.

General Government Budget: **SB 102**.

Health and Human Services: **HB 2343**.

Insurance: **HB 2339; SB 24, SB 25, SB 51**.

Judiciary: **HB 2345, HB 2346; SB 59, SB 80**.

Pensions and Benefits: **HB 2352**.

Taxation: **HB 2344, HB 2347, HB 2355**.

Transportation: **SB 68, SB 69**.

COMMUNICATIONS FROM STATE OFFICERS

From Barbara J. Hickert, State LTC Ombudsman, Kansas Department of Administration, pursuant to K.S.A.75-7306, Long-Term Care Ombudsman 2012 Annual Report, which can also be found at <http://www.kansasombudsmanksgov.com>.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 107**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was introduced and read by title:

SB 107.

CONSENT CALENDAR

No objection was made to **HB 2106, HB 2140, HB 2142, HB 2148, HB 2149, HB 2151, HB 2156** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2130** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

Speaker Merrick announced that **HB 2130** will be voted on Final Action on Monday.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2030, AN ACT concerning hunting, relating to deer permits; amending K.S.A. 2012 Supp. 32-971 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Dove, Edmonds, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Peck, Perry, 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: Carpenter, Cassidy, Christmann, Doll, Edwards, Hermanson, Johnson, Montgomery, Pauls, Peterson.

The bill passed, as amended.

HB 2066, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2012 Supp. 65-2921 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 16; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Carlin, Carlson, Claeys, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Dove, Edmonds, Esau, Ewy, Finch, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Hutton, Jennings, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Bollier, Campbell, Clayton, Concannon, Finney, Frownfelter, Gandhi, Henderson, Meier, Perry, Rooker, Ruiz, Schwartz, Thimesch, Tietze, Ward.

Present but not voting: None.

Absent or not voting: Carpenter, Cassidy, Christmann, Doll, Edwards, Hermanson, Huebert, Johnson, Montgomery, Pauls, Peterson.

The bill passed, as amended.

HB 2213, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; certain member elections; retirement benefit determinations, one-time payment; membership; amending K.S.A. 2012 Supp. 74-49,135, 74-49,205, 74-49,301, 74-49,306, 74-49,308, 74-49,313 and 74-49,315 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Dove, Edmonds, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Peck, Perry, 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: Carpenter, Cassidy, Christmann, Doll, Edwards, Hermanson, Johnson, Montgomery, Pauls, Peterson.

The bill passed, as amended.

HB 2228, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; employer payments to group insurance reserve fund; amending K.S.A. 2012 Supp. 74-4927 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Dove, Edmonds, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Peck, Perry, 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: Carpenter, Cassidy, Christmann, Doll, Edwards, Hermanson, Johnson, Montgomery, Pauls, Peterson.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2035** be passed.

Committee report to **HB 2201** be adopted; also, on motion of Rep. Sloan to amend, the motion did not prevail and the bill be passed as amended.

Committee report to **HB 2154** be adopted; and the bill be passed as amended.

Committee report to **HB 2155** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2050** be amended on page 5, in line 40, by striking all after "2-2448"; in line 41, by striking "2-2910"; also in line 41, by striking all after "2-2204"; in line 42, by striking all before "are";

On page 1, in the title, in line 2, by striking all after the second semicolon; in line 3, by striking all before "amending" in line 4, by striking all after "sections"; by striking all in line 5; in line 6, by striking all before the period; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2139** be passed.

Committee on **Financial Institutions** recommends **HB 2152** 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 **General Government Budget** recommends **HB 2143**, **HB 2145** 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 **Health and Human Services** recommends **HB 2153** be amended on page 3, in line 25, by striking "by December 1, 2008,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2115**, **HB 2163** be passed.

Committee on **Judiciary** recommends **HB 2014** be amended on page 2, in line 14, after "annulment," by inserting "if the decree of divorce or annulment specifies any interests of the former spouse described in this subsection which are to be revoked or severed,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2017** be amended by substituting a new

bill to be designated as "Substitute for HOUSE BILL NO. 2017," as follows:

"Substitute for HOUSE BILL NO. 2017

By Committee on Judiciary

"AN ACT concerning criminal procedure; relating to appeals from municipal court; amending K.S.A. 12-4601 and K.S.A. 2012 Supp. 22-3609 and 22-3609a and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2017** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2128** be amended on page 3, in line 2, after "acquisition" by striking "or"; in line 3, by striking "disposal";

On page 4, in line 19, before "information" by inserting "usage and cost"; also in line 19, by striking "individual"; in line 20, by striking "customers named" and inserting "addresses identified";

On page 8, in line 7, after "electric," by inserting "potable water, waste water disposal,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2164** be amended on page 1, in line 6, after "information" by inserting "regarding citizenship"; in line 9, by striking "in a form and manner approved"; in line 10, by striking "by the secretary of state" and inserting "as established by supreme court rule"; in line 12, by striking "and any other lawful"; in line 13, by striking "purpose"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2118** be passed.

Committee on **Local Government** recommends **HB 2075** be amended on page 1, in line 25, by striking ", morals"; in line 26, by striking "including, but not limited to, economic welfare,"; in line 30, by striking "light" and inserting "lack of ventilation"; in line 31, by striking "uncleanliness,"; in line 33, by striking "walls, sidings or"; by striking all in line 34; in line 35, by striking "of the properties in the neighborhood,";

On page 2, in line 1, by striking "inadequate drainage,"; also in line 1, after "of" by inserting "a property maintenance code or of any"; in line 19, by striking "or economic"; in line 20, by striking "development"; in line 35, by striking "or economic development"; 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. 23, by Representative Ewy, congratulating Alex Ford on achieving the rank of Eagle Scout;

Request No. 24, by Representative Jennings, congratulating David James Huddleston on achieving the rank of Eagle Scout;

Request No. 25, by Representative Hermanson, congratulating Ashley Goodrich for being an outstanding campaign manager in 2012;

Request No. 26, by Representative Trimmer, congratulating Dakota Soukup for achieving the rank of Eagle Scout;

Request No. 27, by Representative Mast, congratulating Coffey County Land Title Company for twenty-five years of service to Coffey County community;

Request No. 28, by Representatives Howell and DeGraaf, honoring Colonel George Boyd, USA, Retired, for his dedicated service for twenty-eight years during the Korean

War, Vietnam War, and World War II and receiving the Congressional Gold Medal;

Request No. 29, by Representatives Hawkins and Ward, congratulating Kiah Duggins on receiving the Barton Scholarship;

Request No. 30, by Representatives Hawkins and Ward, congratulating Amanda Johnson for receiving the Gore Scholarship;

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 were thereupon introduced and read by title:

HB 2361, AN ACT concerning the Kansas limited liability company act; relating to low-profit limited liability companies; amending K.S.A. 17-7664 and K.S.A. 2012 Supp. 17-7663 and repealing the existing sections, by Committee on Judiciary.

HB 2362, AN ACT concerning wildlife, parks, recreation and tourism; relating to endangered species conservation; amending K.S.A. 32-958, 32-960, 32-960a and 32-961 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2363, AN ACT concerning water; relating to wastewater regulations; relating to aggregate mining operations; amending K.S.A. 2012 Supp. 82a-734 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2364, AN ACT concerning publication of constitutional amendments; relating to publication on a website; amending K.S.A. 64-103 and repealing the existing section, by Committee on General Government Budget.

HB 2365, AN ACT concerning property; relating to conservation easements; amending K.S.A. 24-1209, 58-3810, 58-3811 and 58-3812 and repealing the existing sections, by Committee on Energy and Environment.

HB 2366, AN ACT concerning the use of public funds to promote or implement sustainable development, by Committee on Energy and Environment.

HB 2367, AN ACT concerning energy; relating to wind turbines, setback and siting requirements, by Committee on Energy and Environment.

HB 2368, AN ACT concerning social welfare; relating to the governor's mental health services planning council; amending K.S.A. 39-1606 and K.S.A. 2012 Supp. 39-1605 and repealing the existing sections, by Committee on Health and Human Services.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Burroughs as a member of Committee on Appropriations to replace Rep. Grant for February 18 and 19. Rep. Grant will return to the committee on February 20.

REPORT ON ENGROSSED BILLS

HB 2030, HB 2066, HB 2213, HB 2228 reported correctly engrossed February 14, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6007 reported correctly enrolled and properly signed on February 15, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Monday, February 18, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

