

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 19, 2013, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Osterman was excused on verified illness.

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

Prayer by guest chaplain, Father Loren Werth, retired, St. Thomas More Catholic Church, Manhattan, guest of Rep. Carlin:

This past Sunday we celebrated St. Patrick's Day. I was asked to bless the Opening of the Keg at the Little Apple Brewery in Manhattan before they began their St. Patrick's day festivities. Today I am asked to bless the Legislature as they begin their session. I hope that after this blessing the Legislature can solve as many problems as we did at the Brewery on Sunday morning.

Let us Pray,

God our Father, we give you praise and beg your wisdom on these legislators who spend many hours debating on what they believe is right for our State. Not everything is black and white. Consequently, much thought has to be given to many issues. We pray for our legislators and ask God to bless them as they go about their daily tasks reflecting what is right for our State. We are grateful to them for being willing to serve knowing that it is not always an easy task. We appreciate all that is accomplished and we ask God's blessings upon them. Amen.

The Pledge of Allegiance was led by Rep. Burroughs.

INTRODUCTION OF GUESTS

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

Nathan Butler - Leavenworth High School (Class of 2013) Leavenworth-Lansing Area Chamber of Commerce Junior Citizen of the Year; Three-Time State Wrestling Champion (undefeated 44-0 record this season).

This January, Leavenworth High School senior, Nathan Butler, was recognized by the Leavenworth-Lansing Area Chamber of Commerce as the Junior Citizen of the Year Award. Nathan is heavily involved throughout the community serving as a mentor and coach to youth wrestlers and football players, regularly volunteering his time to community clean-ups and annual events, and also takes time to visit Veterans in Leavenworth's VA Hospital. He is also a visible student leader at Leavenworth High School, involved in a number of activities ranging from National Honor Society to Marching Band to Student Government.

He is fresh off the 5A Kansas State Wrestling Tournament where he won his 3rd consecutive state championship, thus successfully completing an impressive undefeated 44-0 season at 285 lbs. Next year, Nathan will look to build on these accomplishments at the collegiate level at Stanford University.

"Nathan has achieved a high level of sustained academic success with a 4.1 GPA, a 35 on his ACT, and has scored 5's on the World and United States History AP Exams. He has challenged himself with a rigorous academic course load, several extra-curricular activities, and leadership organizations. In addition to being a varsity two-sport athlete for football and wrestling, Nathan has also attained leadership positions in Band, National Honor Society, and Student Council.

Nathan has realized remarkable development as an outstanding athlete and leader. Nathan Butler has been a tremendous leader for the Pioneer Wrestling team. He is Leavenworth's only three-time Kansas High school wrestling State Champion, as well as, only the third four-time state placer in school history. Nathan has earned All-American status at several elite level national competitions including: USA Fargo Greco-Roman Nationals, Brute Nationals, USAW Folk-style Nationals, and is the 2012 Fila Cadet Freestyle National Champion. His leadership and personal integrity qualities along with his willingness to spend extra time with new athletes who need encouraging or assistance in developing their wrestling skills have earned him the respect of his coaches and peers along with numerous team awards. As great of a wrestler Nathan is, he is an even better human being and model of character."

Rep. Bradford presented Nathan with a framed House certificate.

PERSONAL PRIVILEGE

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

Rep. Christmann:

It is my honor to yield the remainder of my time to Senator Holmes.

Remarks by Senator Mitch Holmes:

What a pleasure to stand here before my friends in the House. I know this is extremely unusual, but the support the Holmes family received from our friends in the House was unusual, and I wanted to have opportunity to formally say thanks.

Our daughter, Noelle, is the third of four daughters. She turned 18 just 2 weeks before the 2012 primary election and was thrilled to help me campaign and then vote for her Daddy.

Then on September 20, I got the phone call that every parent dreads...my daughter had been in a serious accident at an intersection known for its deadly accidents. She had not seen a semi approaching before she started to cross the highway. A helicopter was dispatched to take her to Wesley trauma center in Wichita, but we were able to see her for a few minutes at the Stafford hospital as we waited for the helicopter.

As we chased the helicopter to Wichita, I called our church's prayer chain, but I was trying to think of who I could call to get the word out to all my colleagues. Then it dawned on me...Martin Hawver! Martin sent out a newflash, and I immediately started getting texts from my friends saying they were praying for Noelle.

When we got to Wesley, Noelle was in a coma. She had suffered what is called Diffuse Axonal Injury, which is a shearing between brain cells caused by rapid acceleration and rotation. The doctors told us that the length of time she spent in a coma would be indicative of the amount of damage her brain had sustained. It might be 2 days, or it could be 2 months; there was no way to know. Noelle lay in a coma for 10 days, then a semi coma for another 4 days before being transferred to Madonna Rehabilitation Hospital in Lincoln, NE. Judging by the length of her coma, the doctors said it would take 12-18 months of therapy. The evaluation at Madonna predicted mid-December to complete in-patient therapy and the remainder in out-patient therapy. At that time, she was in a neck brace, her right arm and leg were non-functioning, and her left side was extremely limited.

To everyone's surprise, including her doctors and therapists, she made extremely rapid recovery. She was released from in-patient rehabilitation 3 weeks prior to predictions...just in time for Thanksgiving. Her neck brace was gone and she could walk good enough to navigate stairs with help. She could play some of her piano pieces, although very slowly.

She just finished her out-patient therapy last week, which was less than 6 months after the accident...far shorter than the 12-18 months we expected. She will continue to recover, as brain injuries take time to fully heal. But she is able to do things she had previously been able to do with the exception that her right hand doesn't seem as strong as her left when she's milking goats.

One thing that stood out to us throughout the whole ordeal was the support and prayers from friends from the statehouse: legislators, staff, the Governor, and lobbyists. Rep. Pete DeGraaf and Sen. Jeff King helped establish a fund to assist with our deductibles, co-pays, and related expenses. We had cards and letters pouring in with support, as well as calls and text messages. Everyone expressed they were praying and we could feel the power of God throughout the ordeal.

Today, I present to you Noelle Holmes...our version of a walking miracle. She's shy and doesn't want to come down front. But she and the rest of the Holmes family wish to say thanks to our friends in the House for all the support and prayers you showed us during this difficult time. Thank you. And thank you Mr. Speaker for the privilege of addressing the House again!

PERSONAL PRIVILEGE

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

Lupus affects 1 in 185 individuals; yet despite its prevalence, lupus remains one of

the least recognizable and most misunderstood diseases in both the medical and lay communities. The most common form is systemic lupus erythematosus, which accounts for nearly 70 percent of cases. It's an autoimmune disease that causes the immune system to attack normal tissue and organs, including the kidneys, heart, lungs and skin.

This major health issue has a significant impact on our state economy, with one in five lupus patients receiving disability. The effects on many families can be devastating, chronic, life long and life threatening. Lupus affects primarily young women in their crucial childbearing years but also men, children and women of all ages and can result in immeasurable physical, financial and emotional toll on many families in our state.

The Lupus Foundation of America, Kansas Chapter is part of a national force devoted to solving the cruel mystery of lupus, one of the world's cruelest, most unpredictable and devastating diseases, while giving caring support to those who suffer from its brutal impact. Their Lupus Activists are here in the capitol today, many of them wearing the color purple. They will be visiting with different legislators to discuss issues of importance to people living with Lupus in Kansas, and they will be hosting a Mexican buffet lunch catered by Carlos O'Kelley in the first floor rotunda north wing today immediately following adjournment of the House. As a Lupus patient, I am pleased that they are here today and ask each of you to join us for lunch today and welcome them.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2404**.

Pensions and Benefits: **HB 2403**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **SB 171** from Committee on Education and referral to Committee on Education Budget.

COMMUNICATIONS FROM STATE OFFICERS

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Department of Health and Environment, in accordance with K.S.A. 49-512(h), Treece Relocation Assistance Project Monthly Expenditure/Income Report for February 2013.

From Bob Jurgens, Chief, Assessment & Restoration Section, Bureau of Environmental Remediation, Department of Health and Environment, Treece Relocation Trust Fiscal Year 2012 Auditor's Report and Financial Statements.

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

MESSAGE FROM THE SENATE

Announcing adoption of **HCR 5015**.

CONSENT CALENDAR

No objection was made to **SB 28, SB 52, SB 113, SB 216** appearing on the Consent

Calendar for the first day.

No objection was made to **SB 85** appearing on the Consent Calendar for the second day.

No objection was made to **SB 62** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 62, AN ACT concerning utilities; relating to the Kansas corporation commission; gas pipeline safety; amending K.S.A. 66-1,154 and 66-1,157a and K.S.A. 2012 Supp. 66-1,153 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

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, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., 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: Osterman, Sawyer.

The bill passed.

HB 2094, AN ACT concerning public and private postsecondary educational institutions; relating to student electronic privacy, 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, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfreid, 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: Osterman, Sawyer.

The bill passed, as amended.

Sub HB 2166, AN ACT concerning social welfare; relating to the medical assistance recovery program; amending K.S.A. 39-702 and 58-3957 and K.S.A. 2012 Supp. 28-115 and 39-709 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Alcalá, Carlin, Dillmore, Henderson, Kuether, Lane, Menghini, Peterson, Ruiz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The substitute bill passed, as amended.

SB 27, AN ACT concerning the military service scholarship program act; relating to qualified students; amending K.S.A. 2012 Supp. 74-32,228 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, 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, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz,

Siegfreid, 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: Osterman, Sawyer.

The bill passed, as amended.

SB 69, AN ACT concerning motor vehicles; relating to vehicle registration; license plates; amending K.S.A. 8-163 and 8-167 and K.S.A. 2012 Supp. 8-136, 8-139, 8-171 and 8-2409 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 0; Absent or not voting: 2.

Yeas: 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, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Kuether, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, Weigel, Wilson, Winn, Wolfe Moore.

Nays: Alcalá, Dillmore, Henderson, Lane, Ward, Whipple.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The bill passed.

SB 128, AN ACT concerning career technical education ; amending K.S.A. 2012 Supp. 72-4484 and 72-4489 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, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, 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: Osterman, Sawyer.

The bill passed, as amended.

SB 168, AN ACT concerning agriculture; relating to agricultural activities; protection of farmland and agricultural activities from certain nuisance actions; amending K.S.A. 2-3202 and 2-3203 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: 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, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kleeb, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wolfe Moore.

Nays: Alcalá, Dillmore, Finney, Henderson, Houston, Kinzer, Kuether, Lane, Sloop, Todd, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Osterman, Sawyer.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kleeb, the House nonconcurred in Senate amendments to **S Sub for HB 2022** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **HB 2081** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Kinzer, Bruchman and Pauls as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2037** be passed.

Committee report to **HB 2253** be adopted; also, roll call was demanded on motion of Rep. Wilson to amend **on page 5, following line 6, by inserting:**

"New Sec. 10. The provisions of K.S.A. 65-6701 through 65-6725, and amendments thereto, shall not apply to an abortion if the pregnancy is the result of an act of rape, aggravated indecent liberties with a child or incest, as those crimes are defined under the Kansas criminal code.";

And by renumbering remaining sections accordingly;

On roll call, the vote was: Yeas 31; Nays 90; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Bollier, Bridges, Burroughs, Carlin, Clayton, Davis, Dillmore, Finney, Frownfelter, Henderson, Hill, Houston, Kuether, Lane, Lusk, Menghini, Perry, Rooker, Ruiz, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alcalá, Alford, Barker, Becker, Bideau, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, Crum, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henry, Hermanson, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Waymaster, Weber.

Present but not voting: None.

Absent or not voting: Kleeb, Osterman, Peterson, Sawyer.

The motion of Rep. Wilson did not prevail.

On motion of Rep. Bollier to amend **HB 2253**, the motion did not prevail. Also, on further motion of Rep. Bollier to amend, the motion did not prevail. Also, on further motion of Rep. Bollier to amend, the motion did not prevail; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2262** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2262," as follows:

"Substitute for HOUSE BILL NO. 2262

By Committee on Appropriations

"AN ACT concerning the oil and gas valuation depletion trust fund; relating to amount credited to such fund; amending K.S.A. 2012 Supp. 79-4227 and repealing the existing section."; and the substitute bill be passed.

(**Sub HB 2262** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2384** be amended on page 7, in line 7, by striking all after "(A)"; by striking all in lines 8 through 10; in line 11, by striking all before the period and inserting "On and after the effective date of this act, any state agency that has positions in the classified service within the Kansas civil service act to satisfy any requirement of maintaining personnel standards on a merit basis pursuant to federal law or the rules and regulations promulgated thereunder by the federal government or any agency thereof, may adopt a binding statement of agency policy

pursuant to K.S.A. 77-415, and amendments thereto, to satisfy such requirements"; in line 13, after the first comma by inserting "the juvenile justice authority,"; in line 14, after "investigation" by inserting "or any person in a classified position who holds a full-time active law enforcement certificate or a provisional law enforcement certificate"; in line 16, after "6." by inserting "On and after July 1, 2013,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 49, SB 58** be passed.

Committee on **Corrections and Juvenile Justice** recommends **SB 41** be amended on page 4, in line 38, by striking "a drug felony" and inserting "a felony violation of any provision of article 57 of chapter 21, and amendments thereto"; also in line 38, by striking the second "or"; in line 39, by striking "conspiracy"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2381** be amended on page 1, in line 24, after "(a)" by inserting "except that a general public solicitation which does not target a specific individual and is distributed via social media shall be permissible"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 63** be amended on page 1, by striking all in lines 7 through 22; in line 23, by striking "Sec. 2." and inserting "New Section 1."; in line 31, by striking "7" and inserting "9";

On page 3, in line 10, by striking "severity level 9, nonperson felony" and inserting "class A misdemeanor"; in line 31, by striking "7" and inserting "9"; in line 35, by striking "7" and inserting "8"; in line 40, by striking "8" and inserting "9";

Also on page 3, following line 41, by inserting:

"New Sec. 8. In addition to any sentence that may be imposed for a violation of article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, the court shall order the right of the convicted person to vote be disenfranchised for a period of four years. The court shall direct that a copy of the order disenfranchising the right to vote be delivered to the election officer of the county of residence of the convicted person and the secretary of state for the purpose of removing the defendant from the official records for voter registration.";

On page 4, following line 28, by inserting:

"Sec. 10. K.S.A. 25-4153b is hereby amended to read as follows: 25-4153b. (a) No political committee, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or to make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature, shall be established by a member of the legislature.

(b) Any such political committee existing prior to the effective date of this act is hereby abolished.";

And by renumbering sections accordingly;

Also on page 4, in line 29, by striking the first "and" and inserting a comma; also in line 29, after "25-2431" by inserting "and 25-4153b";

On page 1, in the title, in line 3, by striking the first "and" and inserting a comma; also in line 3, after "25-2431" by inserting "and 25-4153b"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 111** be amended on page

1, following line 11, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 38-2285 is hereby amended to read as follows: 38-2285. (a) The board of education of a school district shall award a high school diploma to any person requesting a diploma if such person: (1) Is at least 17 years of age; (2) is enrolled or resides in such school district; (3) is or has been a child in the custody of the secretary, or in the custody of a federally recognized Indian tribe in this state, at any time on or after such person's 14th birthday; and (4) has achieved at least the minimum high school graduation requirements adopted by the state board of education.

(b) This section shall be part of and supplemental to the revised Kansas code for care of children.";

And by renumbering sections accordingly;

Also on page 1, in line 12, by striking "is" and inserting "and K.S.A. 2012 Supp. 38-2285 are"; in line 14, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "designating native American legislative day at the capitol" and inserting "concerning native Americans"; in line 2, after "and" by inserting "K.S.A. 2012 Supp. 38-2285 and"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 107** be passed.

Committee on **Health and Human Services** recommends **SCR 1606** be adopted.

Committee on **Insurance** recommends **SB 51** 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 2134** be amended on page 3, in line 32, following "property" by inserting "conducted specifically to determine the value of the property for purposes of ad valorem taxation and"; in line 34, following "thereto" by inserting ", within the previous 12 months"; in line 39, by striking all following the period; by striking all in lines 40 through 43;

On page 4, in line 1, by striking "pay reasonable attorney fees and costs to the prevailing taxpayer."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2267** be amended on page 1, in line 7, by striking "2011" and inserting "2012";

On page 3, following line 17, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 79-32,160a is hereby amended to read as follows: 79-32,160a. (a) For taxable years commencing after December 31, 1999, and before January 1, 2012, any taxpayer who shall invest in a qualified business facility, as defined in subsection (b) of K.S.A. 79-32,154, and amendments thereto, and effective for tax years commencing after December 31, 2010, and before January 1, 2012, located in an area other than a metropolitan county as defined in either K.S.A. 2012 Supp. 74-50,114 or 74-50,211, and amendments thereto, and also meets the definition of a business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, shall be allowed a credit for such investment, in an amount determined under subsection (b) or (c), as the case requires, against the tax imposed by the Kansas income tax act or where the qualified business facility is the principal place from which the trade or business of the taxpayer is directed or managed and the facility has facilitated the creation of at least 20 new full-time positions, against the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas

Statutes Annotated, and amendments thereto, for the taxable year during which commencement of commercial operations, as defined in subsection (f) of K.S.A. 79-32,154, and amendments thereto, occurs at such qualified business facility. In the case of a taxpayer who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds two. In the case of a taxpayer who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, no credit shall be allowed under this section unless the number of qualified business facility employees, as determined under subsection (d) of K.S.A. 79-32,154, and amendments thereto, engaged or maintained in employment at the qualified business facility as a direct result of the investment by the taxpayer for the taxable year for which the credit is claimed equals or exceeds five. Where an employee performs services for the taxpayer outside the qualified business facility, the employee shall be considered engaged or maintained in employment at the qualified business facility if: (1) The employee's service performed outside the qualified business facility is incidental to the employee's service inside the qualified business facility; or (2) the base of operations or, the place from which the service is directed or controlled, is at the qualified business facility.

(b) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility which is located in a designated nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) Two thousand five hundred dollars for each qualified business facility employee determined under K.S.A. 79-32,154, and amendments thereto; plus

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment, as determined under K.S.A. 79-32,154, and amendments thereto.

(c) The credit allowed by subsection (a) for any taxpayer who invests in a qualified business facility, which is not located in a nonmetropolitan region established under K.S.A. 74-50,116, and amendments thereto, and effective for tax years commencing after December 31, 2010, and before January 1, 2012, located in an area other than a metropolitan county as defined in either K.S.A. 2012 Supp. 74-50,114 or 74-50,211, and amendments thereto, and which also meets the definition of business in subsection (b) of K.S.A. 74-50,114, and amendments thereto, on or after the effective date of this act, shall be a portion of the income tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net

income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year for which such credit is allowed, but in the case where the qualified business facility investment was made prior to January 1, 1996, not in excess of 50% of such tax. Such portion shall be an amount equal to the sum of the following:

(1) One thousand five hundred dollars for each qualified business facility employee as determined under K.S.A. 79-32,154, and amendments thereto; and

(2) one thousand dollars for each \$100,000, or major fraction thereof, which shall be deemed to be 51% or more, in qualified business facility investment as determined under K.S.A. 79-32,154, and amendments thereto.

(d) The credit allowed by subsection (a) for each qualified business facility employee and for qualified business facility investment shall be a one-time credit. If the amount of the credit allowed under subsection (a) exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income, the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by the net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year, or in the case where the qualified business facility investment was made prior to January 1, 1996, 50% of such tax imposed upon the amount which exceeds such tax liability or such portion thereof may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. Except that, before the credit is allowed, a taxpayer, who meets the definition of a manufacturing business in subsection (d) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of two qualified business facility employees has continued to be maintained and a taxpayer, who meets the definition of a nonmanufacturing business in subsection (f) of K.S.A. 74-50,114, and amendments thereto, shall recertify annually that the net increase of a minimum of five qualified business employees has continued to be maintained.

(e) Notwithstanding the foregoing provisions of this section, any taxpayer qualified and certified under the provisions of K.S.A. 74-50,131, and amendments thereto; which, prior to making a commitment to invest in a qualified Kansas business, has filed a certificate of intent to invest in a qualified business facility in a form satisfactory to the secretary of commerce; and that has received written approval from the secretary of commerce for participation and has participated, during the tax year for which the exemption is claimed, in the Kansas industrial training, Kansas industrial retraining or the state of Kansas investments in lifelong learning program or is eligible for the tax credit established in K.S.A. 74-50,132, and amendments thereto, shall be entitled to a credit in an amount equal to 10% of that portion of the qualified business facility investment which exceeds \$50,000 in lieu of the credit provided in subsection (b)(2) or (c)(2) without regard to the number of qualified business facility employees engaged or maintained in employment at the qualified business facility. The credit allowed by this subsection shall be a one-time credit. If the amount thereof exceeds the tax imposed by the Kansas income tax act on the taxpayer's Kansas taxable income or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, for the taxable year, the amount thereof which exceeds such tax liability may be carried

forward for credit in the succeeding taxable year or years until the total amount of the tax credit is used, except that no such tax credit shall be carried forward for deduction after the 16th taxable year succeeding the taxable year in which such credit initially was claimed, and no carryforward shall be allowed for deduction in any succeeding taxable year unless the taxpayer certifies under oath that the taxpayer continues to meet the requirements of K.S.A. 74-50,131, and amendments thereto, and this act. In no event shall any credit allowed under this section that expired during any taxable year prior to the taxable year commencing January 1, 2011, be revived under the provisions of this act.

(f) For tax years commencing after December 31, 2005, any taxpayer claiming credits pursuant to this section, as a condition for claiming and qualifying for such credits, shall provide information pursuant to K.S.A. 2012 Supp. 79-32,243, and amendments thereto, as part of the tax return in which such credits are claimed. Such credits shall not be denied solely on the basis of the contents of the information provided by the taxpayer pursuant to K.S.A. 2012 Supp. 79-32,243, and amendments thereto.

(g) This section and K.S.A. 79-32,160b, and amendments thereto, shall be part of and supplemental to the job expansion and investment credit act of 1976, and amendments thereto.;

And by renumbering sections accordingly;

Also on page 3, in line 18, by striking "is" and inserting ", 79-32,160a and 79-32,160f are";

On page 1, in the title, in line 3, by striking "and repealing the existing section" and inserting "and 79-32,160a and repealing the existing sections; also repealing K.S.A. 2012 Supp. 79-32,160f"; and the bill be passed as amended.

Committee on **Taxation** recommends **SB 83** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 83," as follows:

"House Substitute for SENATE BILL NO. 83

By Committee on Taxation

"AN ACT concerning taxation; relating to delinquent tax liabilities; service fees, remittance; income tax deductions and modifications; severance tax; sales tax; amending K.S.A. 79-32,109 and K.S.A. 2012 Supp. 75-5162, 79-32,117, 79-32,118, 79-32,266, 79-3620 and 79-4217 and repealing the existing sections; also repealing K.S.A. 79-3632 and K.S.A. 2012 Supp. 79-32,117n and 79-3639a."; and the substitute bill be passed.

(**H Sub for SB 83** was thereupon introduced and read by title.)

Committee on **Veterans, Military and Homeland Security** recommends **SB 136** be amended on page 2, in line 43, before "driver's" by inserting "front of the";

On page 5, in line 15, before "nondriver" by inserting "front of the"; 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 and resolution were thereupon introduced and read by title:

HB 2405, AN ACT concerning sales and compensating use tax; relating to

distribution of revenues; amending K.S.A. 2012 Supp. 79-3620 and 79-3710 and repealing the existing sections, by Committee on Appropriations.

HB 2406, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2012 Supp. 74-8702, 74-8734, 74-8741, 74-8751 and 74-8768 and repealing the existing sections, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. **HCR 5016**—
By Representative Hildabrand

A CONCURRENT RESOLUTION making application to the congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States with respect to states' rights.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That pursuant to article V of the constitution of the United States, the legislature of the state of Kansas hereby makes application to the congress of the United States for the calling of a constitutional convention for the sole purpose of proposing the following article as an amendment to the constitution of the United States:

"ARTICLE _____

"Section 1. The states and the citizens thereof have the sole and exclusive authority to regulate directly, and to regulate indirectly through taxes, the following subjects: Education; the time, place and manner of elections; marriage and law relating to the family; firearms, ammunition and their use; land use; the management of wildlife, game and fisheries; health care; and all forms of insurance.

"Sec. 2. Section 1 is not an exclusive list of subjects that the states may regulate. With respect to all other subjects, other than those enumerated in sections 9 and 10 of article I, the states may regulate those subjects. Congress may not exercise its enumerated powers to impliedly preempt or otherwise impliedly displace state laws. The preemption or displacement of such state laws may only occur if an act of congress expressly and unmistakably states its intention to preempt or displace state law."; and

Be it further resolved: That this application constitutes a continuing application in accordance with article V of the constitution of the United States until at least two-thirds of the several states shall have made similar applications to the congress of the United States; and

Be it further resolved: That the secretary of state is hereby directed to transmit copies of this resolution to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, each member of the Kansas delegation in the United States Congress and to the legislatures of all other states of the United States.

On motion of Rep. Vickrey, the House recessed until 1:45 p.m.

AFTEROON SESSION

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

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2289** from Committee on Education and referral to Committee on Appropriations.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Vickrey, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing designated members to speak more than once on **Sub HB 2231**. Those members are Reps. Suellentrop and Henry.

Committee report recommending a substitute bill to **Sub HB 2231** be adopted; also, on motion of Rep. Rhoades be amended on page 93, by striking all in lines 39 through 43;

On page 94, by striking all in lines 1 through 13; following line 13, by inserting:

"(h) On July 1, 2013, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund of the state corporation commission to the state general fund.";

On page 97, following line 23, by inserting:

"(h) On July 1, 2014, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund of the state corporation commission to the state general fund.";

On page 192, in line 7, by subtracting \$6,624 from the dollar amount and by adjusting the dollar amount in line 7 accordingly;

On page 194, in line 27, by subtracting \$7,407 from the dollar amount and by adjusting the dollar amount in the line 27 accordingly;

On page 226, in line 34, by adding \$172,737 to the dollar amount and by adjusting the dollar amount in line 34 accordingly;

On page 276, in line 38, by subtracting \$11,984 from the dollar amount and by adjusting the dollar amount in line 38 accordingly;

On page 302, in line 33, by adding \$11,984 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

On page 326, in line 17, by striking all after "providers"; by striking all in line 18; in line 19, by striking all before the period; in line 28, by striking all after "providers"; by striking all in lines 29 and 30; in line 31, by striking "thereto";

On page 333, in line 37, by striking all after "providers"; by striking all in line 38; in line 39, by striking all before the period;

On page 334, in line 4, by striking all after "providers"; by striking all in line 5; in line 6, by striking all before the period;

Also, on motion of Rep. Cassidy, **Sub HB 2231** be amended on page 416, by striking lines 32 through 42;

On page 417, in line 31, by striking the second comma and inserting "and"; in line 32, by striking all after "Facility"; in line 33, by striking all before the comma;

On page 419, by striking lines 27 through 37;

On page 420, in line 27, by striking the comma and inserting "and"; also on line 27, by striking all after "Facility"; in line 28, by striking all before the comma;

Also, on motion of Rep. Rothlisberg to amend **Sub HB 2231**, Rep. Henry requested the question be divided. The Rules Chair ruled the request out of order under the provisions of House Rule 2110.

The question reverted back to the motion of Rep. Rothlisberg and roll call was demanded on the motion to amend on page 99, by striking lines 41 through 43; on page 100, by deleting lines 1 through 12; and relettering the remaining subsections accordingly;

On page 109, in line 13, before the comma by striking "(p)" and inserting "(o)"; in line 35, by striking "(p)(3)(A)" and inserting "(o)(3)(A)";

On page 110, in line 1, by striking "(p)(3)(B)" and inserting "(o)(3)(B)"; in line 17, by striking "(p)(3)(A)(i)" and inserting "(o)(3)(A)(i)"; in line 22 by striking "(p)(3)(A)(i)" and inserting "(o)(3)(A)(i)"; in line 25, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 30, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 41, by striking "(p)" and inserting "(o)";

On page 111, in line 6, by striking "(p)" and inserting "(o)"; in line 18, by striking "(p)(6)" and inserting "(o)(6)"; in line 24, by striking "(p)(6)" and inserting "(o)(6)"; in line 26, by striking "(p)" and inserting "(o)"; in line 32, by striking "(p)" and inserting "(o)"; in line 37, by striking "(p)(3)" and inserting "(o)(3)"; also in line 37, by striking "(p)(6)" and inserting "(o)(6)";

On page 112, in line 5, by striking "(p)" and inserting "(o)"; in line 7, by striking "(p)" and inserting "(o)"; in line 9, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 13, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 34, by striking "(p)" and inserting "(o)"; in line 35, by striking "(p)" and inserting "(o)"; in line 40, by striking "(p)" and inserting "(o)";

On page 113, in line 3, by striking "(p)" and inserting "(o)"; in line 14, by striking "(p)" and inserting "(o)"; in line 25, by striking "(p)" and inserting "(o)";

On page 117, by striking all in lines 18 through 32; and by relettering remaining subsections accordingly;

On page 126, in line 25, by striking "(p)" and inserting "(o)";

On page 127, in line 4, by striking "(p)(3)(A)" and inserting "(o)(3)(A)"; in line 13, by striking "(p)(3)(B)" and inserting "(o)(3)(B)"; in line 29, by striking "(p)(3)(A)(i)" and inserting "(o)(3)(A)(i)"; in line 34, by striking "(p)(3)(A)(i)" and inserting "(o)(3)(A)(i)"; in line 37, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 42, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)";

On page 128, in line 2, by striking "(p)(3)" and inserting "(o)(3)"; in line 10, by striking "(p)" and inserting "(o)"; in line 18, by striking "(p)" and inserting "(o)"; in line 30, by striking "(p)(6)" and inserting "(o)(6)"; in line 36, by striking "(p)(6)" and inserting "(o)(6)"; in line 38, by striking "(p)" and inserting "(o)";

On page 129, in line 1, by striking "(p)" and inserting "(o)"; in line 6, by striking "(p)(3)" and inserting "(o)(3)"; also in line 6, by striking "(p)(6)" and inserting "(o)(6)"; in line 17, by striking "(p)" and inserting "(o)"; in line 19, by striking "(p)" and inserting "(o)"; in line 21, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 25, by striking "(p)(3)(A)(ii)" and inserting "(o)(3)(A)(ii)"; in line 36, by striking "(p)" and inserting "(o)";

On page 130, in line 3, by striking "(p)" and inserting "(o)"; in line 4, by striking "(p)" and inserting "(o)"; in line 9, by striking "(p)" and inserting "(o)"; in line 15, by striking "(p)" and inserting "(o)"; in line 26, by striking "(p)" and inserting "(o)"; in line 31, by striking "(p)" and inserting "(o)"; in line 37, by striking "(p)" and inserting "(o)";

On page 207, in line 7, by adding \$600,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly;

On page 220, in line 42, by adding \$600,000 to the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On roll call, the vote was: Yeas 53; Nays 69; Present but not voting: 0; Absent or not voting: 3.

Yeas: Barker, Bradford, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Christmann, Claeys, Corbet, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Gandhi, Garber, Goico, Gonzalez, Grant, Hedke, Hermanson, Hibbard, Highland, Hildabrand, Houser, Howell, Huebert, Jones, Kahrs, Kelley, Kinzer, Lunn, Macheers, Mast, McPherson, Merrick, O'Brien, Peck, Petty, Powell, Read, Rhoades, Rothlisberg, Ryckman Jr., Siegfried, Suellentrop, Sutton, Todd, Vickrey, Ward, Whipple.

Nays: Alcalá, Alford, Ballard, Becker, Bideau, Boldra, Bollier, Bridges, Bruchman, Burroughs, Carlin, Cassidy, Clayton, Concannon, Davis, Dierks, Dillmore, Doll, Ewy, Finch, Finney, Frownfelter, Grosserode, Hawkins, Henderson, Henry, Hill, Hineman, Hoffman, Houston, Hutton, Jennings, Johnson, Kelly, Kleeb, Kuether, Lane, Lusk, Meier, Meigs, Menghini, Montgomery, Moxley, Pauls, Perry, Phillips, Proehl, Rooker, Rubin, Ruiz, Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Sloan, Sloop, Swanson, Thimesch, Tietze, Trimmer, Victors, Waymaster, Weber, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Osterman, Peterson, Sawyer.

The motion of Rep. Rothlisberg did not prevail

Also, on motion of Rep. Peck, **Sub HB 2231** be amended on page 326, in line 16, by striking "public" and inserting "accredited"; in line 28, by striking "public" and inserting "accredited";

On page 333, in line 37, by striking "public" and inserting "accredited";

On page 334, in line 3, by striking "public" and inserting "accredited";

Also, on motion of Rep. Jennings, **Sub HB 2231** be amended on page 329, in line 37, by striking the comma and inserting "or"; also in line 37, by striking "or juvenile facility"; in line 40, by striking the comma and inserting "or"; in line 41, by striking "or juvenile facility"; in line 42, after the period by inserting "During the fiscal year ending June 30, 2014, the secretary of corrections shall not transfer any part of any item of appropriation for the fiscal year ending June 30, 2014, from the state general fund for the department of corrections or any juvenile facility under the general supervision and management of the secretary of corrections for juvenile programs or services to another item of appropriation for fiscal year 2014 from the state general fund for the department of corrections or any correctional institution, correctional facility or program or service for the adult offender population. During the fiscal year ending June 30, 2014, the secretary of corrections shall not transfer any part of any item of appropriation for the fiscal year ending June 30, 2014, from any special revenue fund or funds for the department of corrections or any juvenile facility under the general supervision and management of the secretary of corrections for juvenile programs or services to another

item of appropriation for fiscal year 2014 from any special revenue fund or funds for the department of corrections or any correctional institution, correctional facility or program or service for the adult offender population.";

Also, on further motion of Rep. Jennings to amend **Sub HB 2231**, the motion did not prevail. Also, on motion of Rep. DeGraaf to amend, the motion did not prevail. Also, on motion of Rep. Burroughs to amend, the motion did not prevail. Also, on motion of Rep. Sloan to amend, the motion did not prevail. Also, on motion of Rep. Henry to amend, the motion did not prevail. Also, on motion of Rep. Hineman to amend, the motion did not prevail. On motion of Rep. Sloan to amend, the motion did not prevail.

Also, on motion to recommend **Sub HB 2231** favorably for passage, roll call was demanded.

On roll call, the vote was: Yeas 71; Nays 51; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Barker, Becker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbet, Crum, DeGraaf, Dove, Edwards, Esau, Ewy, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Peck, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Seiwert, Shultz, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcalá, Ballard, Bideau, Bollier, Bridges, Burroughs, Carlin, Clayton, Concannon, Davis, Dierks, Dillmore, Doll, Edmonds, Finch, Finney, Frownfelter, Grant, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Jennings, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Petty, Phillips, Rooker, Ruiz, Schroeder, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Osterman, Peterson, Sawyer.

The motion prevailed and **Sub HB 2231** 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 bill was introduced and read by title:

HB 2407, AN ACT concerning sales taxation; relating to exemptions; business property construction; amending K.S.A. 2012 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6020**—

By Committee on Federal and State Affairs

A RESOLUTION opposing the International Olympic Committee's decision to eliminate wrestling from the Summer Olympic Games beginning in 2020.

WHEREAS, Wrestling is recognized as one of the world's oldest competitive sports dating back to 3000 B.C.; and

WHEREAS, Wrestling was one of the original sports of the ancient Greek Olympic games and of the first modern Olympic games; and

WHEREAS, Wrestling is one of the world's most diverse sports, with participants from almost 200 countries around the world; and

WHEREAS, Over 280,000 high school students in the United States participated in wrestling in 2012; and

WHEREAS, There are over 300 intercollegiate wrestling programs in the United States; and

WHEREAS, Wrestling represents the determination and hard work it takes to succeed in life and sport; and

WHEREAS, The United States has a long, proud and storied Olympic wrestling history; and

WHEREAS, Wrestling epitomizes the spirit of the Olympic games: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we oppose the decision of the International Olympic Committee to eliminate wrestling from the Summer Olympic Games beginning in 2020; and

Be it further resolved: That we thank the United States Olympic Committee for their continued support of wrestling and encourage them to work actively to reverse this decision; and

Be it further resolved: That we urge the International Olympic Committee to reinstate wrestling as a core sport of the Summer Olympic Games; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send one copy of this resolution to the United States Olympic Committee and one copy of this resolution to the International Olympic Committee.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, in not passing **HB 2086** under that order of business, Final Action on Bills and Concurrent Resolutions, Rep. Schwab moved the House of Representatives reconsider its action on **HB 2086**. The motion prevailed and the bill was returned to that order of business, Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2086, AN ACT concerning economic development financing; relating to eligible project costs for tax increment financing and community improvement districts; bond repayment pledge requirements; amending K.S.A. 2012 Supp. 12-6a27, 12-1770a and 12-1774 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 41; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bruchman,

Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Doll, Dove, Ewy, Finch, Frownfelter, Gandhi, Gonzalez, Hedke, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Hutton, Jennings, Johnson, Jones, Kelly, Kleeb, Lunn, Lusk, Mast, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Perry, Petty, Phillips, Proehl, Read, Rooker, Rothlisberg, Ryckman Jr., Ryckman Sr., Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Waymaster, Weber, Whipple, Winn, Wolfe Moore.

Nays: Alcalá, Bradford, Bridges, Brunk, Christmann, DeGraaf, Dillmore, Edmonds, Edwards, Esau, Finney, Garber, Goico, Grant, Grosserode, Hawkins, Henderson, Hildabrand, Houser, Houston, Howell, Huebert, Kahrs, Kelley, Kinzer, Kuether, Lane, Macheers, McPherson, Meier, Peck, Powell, Rhoades, Rubin, Ruiz, Schroeder, Sutton, Victors, Ward, Weigel, Wilson.

Present but not voting: None.

Absent or not voting: Osterman, Peterson, Sawyer.

The bill passed.

EXPLANATION OF VOTE

Mr. Speaker: Community Investment Districts, generally a good idea for Kansas, are being misused. They are intended to capture additional sales tax revenue from transient travelers, not to further tax already overburdened Kansans who live near them. In Shawnee, a CID for a strip mall requires nearby poor or middle class residents regularly to pay an additional one-half cent sales tax for their groceries and other necessities to bail out the developer's maintenance costs. Now, this bill will maintain nearby streets on their backs as well. That is wrong. I vote NO on **HB 2086**. – JOHN RUBIN, CHARLES MACHEERS

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kleeb, the House concurred in Senate amendments to **S Sub for HB 2022**, AN ACT concerning employees; relating to certain employee organizations; political activities; certain deductions from wages; amending K.S.A. 75-4333 and K.S.A. 2012 Supp. 44-319 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Barker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Claeys, Concannon, Crum, DeGraaf, Dove, Edmonds, Edwards, Esau, Ewy, Gandhi, Garber, Goico, Grosserode, Hedke, Hermanson, Highland, Hildabrand, Hineman, Hoffman, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Montgomery, O'Brien, Peck, Petty, Powell, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Schwartz, Seiwert, Siegfried, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber.

Nays: Alcalá, Ballard, Becker, Bideau, Bollier, Bridges, Burroughs, Campbell, Carlin, Christmann, Clayton, Corbet, Davis, Dierks, Dillmore, Doll, Finch, Finney, Frownfelter, Gonzalez, Grant, Hawkins, Henderson, Henry, Hibbard, Hill, Houser,

Houston, Kuether, Lane, Lusk, Meier, Menghini, Moxley, Pauls, Perry, Phillips, Proehl, Rooker, Ruiz, Schroeder, Shultz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Osterman, Peterson, Sawyer.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Tietze to replace Rep. Sawyer on Committee on Taxation through March 22.

Also, the appointment of Rep. Henderson to replace Rep. Sawyer on Committee on Elections for March 20.

Also, the appointment of Rep. Ballard to replace Rep. Frownfelter on Committee on Commerce, Labor and Economic Development through March 22.

Also, the appointment of Rep. Burroughs to replace Rep. Frownfelter on Committee on Insurance for March 20.

Also, the appointment of Rep. Mast to replace Rep. Osterman on Committee on Judiciary for March 20.

REPORT ON ENGROSSED BILLS

HB 2094, Sub HB 2166 reported correctly engrossed March 18, 2013.

Also, **HB 2253** reported correctly engrossed March 19, 2013.

REPORT ON ENROLLED BILLS

HB 2006, HB 2013, HB 2019, HB 2066 reported correctly enrolled, properly signed and presented to the Governor on March 19, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Wednesday, March 20, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

