

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 4, 2013, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Osterman was excused on verified illness.

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

Reps. Campbell and Peterson were excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, Dr. Eric Laverentz, senior pastor, The Presbyterian Church of Stanley, Overland Park, and guest of Rep. McPherson:

Blessed are you, O LORD, our father, forever and ever.
Yours O LORD, is the greatness and the power and the glory
and the victory and the majesty, for all that is in the heavens
and in the earth is yours. Yours is the kingdom, O LORD, and
you are exalted as head above all. Both riches and honor
come from you, and you rule over all. In your hand are power
and might, and in your hand it is to make great and to give
strength to all. And now we thank you, our God, and praise
your glorious name. Lord Jesus you are the image of the
invisible God, the firstborn of all creation. For by you all
things were created, in heaven and on earth, visible and
invisible, whether thrones or dominions or rulers or
authorities- all things were created through you and for you.
And you are before all things and in you all things hold
together.

O Lord, let your ear be attentive to the prayer of your
servants who delight to fear your name, give success to us
today, and grant us mercy. Amen.

The Pledge of Allegiance was led by Rep. Becker.

INTRODUCTION OF GUESTS

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

It is my honor to congratulate the Wamego High School Lady Raider basketball team, who are this year's 4A State Champions.

They are back to back undefeated league champions and sub-state champions. The basketball team record was 25-1 this year and 43-6 in the last two years. The Wamego girls placed fourth at the state tournament in 1986 and attended in 1992, but the last time a basketball team from Wamego won state was 45 years ago in 1968.

Wamego High School junior Kaylee Page is the first Lady Raider ever to be selected as a first-team all-state basketball player by the Topeka Capital-Journal. Her sister, sophomore Lanie Page, was named to the all-state second team. Senior Lakyn Rowden was named honorable mention.

I am pleased to introduce the Lady Raiders, their coaches, and administration: Seniors: Katie Baker, Rikki Alderson, Lakyn Rowden, Rachel Griffith; Juniors: Kaylee Page, Kasey Holle; Sophomores: Lanie Page, Maddie Vontz, Allison Seufert, Alexis Pettay, Brooke Woodward; Freshman: Jennifer Griffith; Manager: Kayla Lough; Alternates: Anna Stratton, Emmy Landis; Head Coach: Jim Page; Assistant Coaches: Andy Morton, Jana Biery; Athletic Director: Mark Stephan; Principal: Tim Winter; Superintendent: Denise O'Dea.

Rep. Highland presented the coaches and team with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2412, AN ACT concerning utilities; relating to the construction of electric transmission lines; concerning the issuance of certificates of public convenience; amending K.S.A. 2012 Supp. 66-131 and repealing the existing section, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Insurance: **SB 152**.

MESSAGE FROM THE SENATE

Announcing passage of **SB 181**, **SB 231**.

The Senate concurs in House amendments to **SB 1**, and requests return of the bill.

The Senate adopts the Conference Committee report on **H Sub for SB 83**.

The Senate adopts the Conference Committee report on **HB 2009**.

The Senate adopts the Conference Committee report on **Sub HB 2024**.

The Senate adopts the Conference Committee report on **HB 2033**.

The Senate adopts the Conference Committee report on **HB 2339**.

The Senate adopts the Conference Committee report on **S Sub for HB 2043**.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2183**, and has appointed Senators Pilcher-Cook, Bowers and Kelly as second conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2201**, and has appointed Senators Apple, Knox and Francisco as second conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were introduced and read by title:

SB 181, SB 231.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Edwards, **HR 6030**, A RESOLUTION designating April 4 as "Welcome Home Vietnam Veterans Day," was adopted.

There being no objection, the following remarks of Reps. Meier, Gonzalez and Edwards are spread upon the Journal:

Remarks of Rep. Meier:

Welcome Home.

Many Vietnam War veterans have waited decades to hear those two words. This past weekend marked the 40th anniversary of the departure of US Forces from Vietnam - ending that conflict.

Unfortunately, 40 years ago, in a time of division over the Vietnam conflict, our fighting men were not always treated with the support and respect they deserved. Today our fellow veterans, our neighbors, and Kansas have worked to finally right that wrong.

In 2010, the Kansas Legislature created a Vietnam War Era Medallion to be issued to any Kansas veteran who served during the Vietnam Conflict and last year, the Vietnam Veteran license plate was finally available. These are just a couple of our humble attempts to recognize our veterans and their service to our nation.

I have with me, two of our own Vietnam Veterans currently serving in the Legislature, Representative Joe Edwards and Representative Ramon Gonzalez. They have joined me to help acknowledge our guests and their fellow Vietnam Veterans.

Remarks of Rep Gonzalez:

I am honored to introduce: Ray Calore, the Commander of the Kansas Veterans of Foreign Wars; Herbert Schwartzkopf, who is also the Adjutant –Quartermaster of the Kansas Veterans of Foreign Wars; Larry Meadows, a Past First District VFW Commander; Lynn Rolf, Jr, Vice President of Chapter 75 of the Kansas Vietnam Veterans of America in Leavenworth.

These quiet heroes slogged through jungles. We fought side by side. We helped our wounded comrades and watched helplessly as comrades died. Despite all this, Vietnam Veterans have always considered themselves just ordinary people. They are humble and patriotic Americans. All they asked for in return for their service was respect and dignity.

Remarks of Rep Edwards:

Despite the lack of respect they received 40 years ago, Vietnam Veterans fight today to honor and assist the young returning veterans from the wars since 9-11. Through their dedication and service, our nation and our state has recognized that we must separate the war from the warrior.

We do not celebrate war. We historically recognize war. We celebrate our warriors who put their lives on the line to protect us and our way of life. We remember that the

character of a nation is measured in how it treats its veterans.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 187** submits the following report:

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

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

MARVIN KLEEB

GENE SUELLENTROP

Conferees on part of House

JULIA LYNN

SUSAN WAGLE

Conferees on part of Senate

On motion of Rep. Kleeb the conference committee report on **SB 187** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Kleeb, Suellentrop and Frownfelter as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2183** submits the following report:

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

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

MARY PILCHER-COOK

ELAINE BOWERS

Conferees on part of Senate

J. DAVID CRUM

BRIAN WEBER

Conferees on part of House

On motion of Rep. Crum the conference committee report on **Sub HB 2183** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Crum, Weber and Ward as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2201** submits the following report:

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

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

PAT APPLE
 FORREST J. KNOX
Conferees on part of Senate

JOE SEIWERT
 RANDY GARBER
Conferees on part of House

On motion of Rep. Seiwert the conference committee report on **HB 2201** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Seiwert, Garber and Kuether as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 122** submits the following report:

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

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

LANCE KINZER
 ROB BRUCHMAN
 JANICE L. PAULS
Conferees on part of House

JEFF KING
 GREG SMITH
 DAVID HALEY
Conferees on part of Senate

On motion of Rep. Kinzer the conference committee report on **SB 122** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Kinzer, Bruchman and Pauls as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Siegfried, the House concurred in Senate amendments to **S Sub for HB 2167**, AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 and repealing the existing section; also repealing K.S.A. 31-155 and 31-156.

Call of the House was demanded.

On roll call, the vote was: Yeas 100; Nays 23; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carlson, Carpenter, Cassidy, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Doll, Dove, Edmonds, Edwards, Ewy, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Grant, Hedke, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kinzer, Kleebe, Lane, Lunn, Lusk, Mast, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls,

Peck, Perry, Peterson, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Winn.

Nays: Bradford, Bridges, Couture-Lovelady, Christmann, DeGraaf, Dillmore, Esau, Garber, Grosserode, Hawkins, Hildabrand, Kelley, Kuether, Macheers, McPherson, Petty, Powell, Sloop, Sutton, Ward, Weber, Wilson, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Finch, Osterman.

On motion of Rep. Vickrey, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 57** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, following line 35, by inserting:

"Sec. 4. K.S.A. 2012 Supp. 47-619 is hereby amended to read as follows: 47-619. ~~When requested by the animal health commissioner, the owner or owners of any stockyards doing business in this state shall keep constantly in their employ a competent inspector of livestock appointed by the commissioner whose compensation shall be fixed and duties prescribed by the animal health commissioner. The animal health commissioner shall prescribe that portion of the compensation which shall be paid by the owner or owners of the stockyards.~~ It shall be the duty of such inspector the animal health commissioner or the commissioner's designee to work in conjunction with the United States government authorities to prohibit and prevent any stock affected with any contagious or infectious disease to be driven or shipped out of any such stockyards except to some licensed rendering establishment.";

On page 3, in line 4, by striking "except as"; by striking all in lines 5 through 11 and inserting the following:

"unless the commissioner has:

(A) Discovered a violation of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto; or

(B) received a complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations adopted pursuant to this section.";

Also on page 3, in line 12, by striking "(3)" and inserting "(2)"; in line 18, by striking "(2)";

And by renumbering sections accordingly;

Also on page 3, in line 34, before "47-650" by inserting "47-619,";

On page 1, in line 2, after the first semicolon by inserting "duties of the animal health

commissioner;" also in line 2, following "2-907" by inserting ", 47-619";

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

SHARON SCHWARTZ

KYLE HOFFMAN

J. PONKA-WE VICTORS

Conferees on part of House

GARRETT LOVE

DAN KERSCHEN

MARCI FRANCISCO

Conferees on part of Senate

On motion of Rep. Schwartz, the conference committee report on **Sub SB 57** was adopted.

On roll call, the vote was: Yeas 80; Nays 42; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bridges, Brunk, Burroughs, Couture-Lovelady, Carlin, Carpenter, Cassidy, Claeys, Clayton, Concannon, Crum, Dierks, Dillmore, Doll, Dove, Ewy, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Grant, Henderson, Henry, Hermanson, Hibbard, Highland, Hill, Hineman, Hoffman, Houston, Huebert, Hutton, Jennings, Johnson, Kelly, Kleeb, Lane, Lunn, Lusk, Meigs, Moxley, O'Brien, Pauls, Perry, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Swanson, Thimesch, Tietze, Trimmer, Vickrey, Victors, Waymaster, Weber, Weigel, Wilson, Winn, Wolfe Moore.

Nays: Bradford, Bruchman, Campbell, Carlson, Christmann, Corbet, Davis, DeGraaf, Edmonds, Edwards, Esau, Garber, Grosserode, Hawkins, Hedke, Hildabrand, Houser, Howell, Jones, Kahrs, Kelley, Kinzer, Kuether, Macheers, Mast, McPherson, Meier, Menghini, Merrick, Montgomery, Peck, Petty, Powell, Rubin, Ruiz, Ryckman Jr., Sawyer, Sloop, Sutton, Todd, Ward, Whipple.

Present but not voting: None.

Absent or not voting: Finch, Osterman, Peterson.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 96** submits the following report:

The House recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill, as introduced, as follows:

On page 1, in line 14, after "fee" by inserting "as follows: (1)"; in line 18, after "treasurer" by inserting "; and (2) in an amount not to exceed \$2.50 per vehicle registration or renewal thereof for registration, when such application is made at a registration facility in a county with a single vehicle registration facility as established by the county treasurer";

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

RICHARD J. PROEHL
 RONALD RYCKMAN, SR.
 EMILY PERRY

Conferees on part of House

MIKE PETERSEN
 KAY WOLF
 PAT PETTEY

Conferees on part of Senate

On motion of Rep. Proehl, the conference committee report on **SB 96** was adopted.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, 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, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, 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, Waymaster, Weber, Weigel, Winn, Wolfe Moore.

Nays: Bridges, Burroughs, Carlin, Dillmore, Kuether, Ward, Whipple, Wilson.

Present but not voting: None.

Absent or not voting: Finch, Osterman, Peterson.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 168** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 43, by striking the colon;

On page 3, in line 1, by striking "(1) Wholesale"; in line 2, by striking "; or"; by striking all in line 3; in line 4, by striking all before the period;

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

SHARON SCHWARTZ
 KYLE HOFFMAN
 J. PONKA-WE VICTORS

Conferees on part of House

GARRETT LOVE
 DAN KERSCHEN
 MARCI FRANCISCO

Conferees on part of Senate

On motion of Rep. Schwartz, the conference committee report on **SB 168** was adopted.

On roll call, the vote was: Yeas 110; Nays 12; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, C-Lovelady, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Grosserode, Hawkins, Hedke, Henderson, 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, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Whipple, Wolfe Moore.

Nays: Alcala, Campbell, Dillmore, Houston, Kinzer, Kuether, Lane, Sloop, Todd, Weigel, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Finch, Osterman, Peterson.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2024** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 7, in line 37, by striking "\$1,000" and inserting "\$2,000";

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

JULIA LYNN
 SUSAN WAGLE
 G. THOMAS HOLLAND

Conferees on part of Senate

MARVIN KLEEB
 GENE SUELLENTROP
 STAN FROWN FELTER

Conferees on part of House

On motion of Rep. Kleeb, the conference committee report on **Sub HB 2024** was adopted.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 0; Absent or not

voting: 3.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Crum, Davis, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Ewy, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grant, Hawkins, Hedke, Henderson, Henry, Hermanson, Hibbard, Hill, Hineman, Hoffman, Houston, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kleeb, Kuether, Lane, Lusk, Macheers, Mast, Meier, Meigs, Menghini, Merrick, Montgomery, O'Brien, Pauls, Peck, Perry, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Sawyer, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Trimmer, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Bruchman, Carlson, Corbet, DeGraaf, Esau, Grosserode, Highland, Hildabrand, Houser, Howell, Kelley, Kinzer, Lunn, McPherson, Moxley, Petty, Powell, Ryckman Jr., Ryckman Sr., Schwab, Todd, Vickrey.

Present but not voting: None.

Absent or not voting: Finch, Osterman, Peterson.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. DeGraaf, the House concurred in Senate amendments to **HB 2139**, AN ACT concerning state finance; relating to canceled warrants; amending K.S.A. 10-811, 46-913, 46-924 and 58-3974 and repealing the existing sections; also repealing K.S.A. 10-812 and K.S.A. 2012 Supp. 46-921.

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

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, C-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, 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, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Jr. Ryckman, Sr. Ryckman, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Tietze, Todd, Trimmer, Vickrey, Waymaster, Weber, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alcalá, Burroughs, Dillmore, Ruiz, Sloop, Victors, Ward, Wilson.

Present but not voting: None.

Absent or not voting: Finch, Osterman, Peterson.

On motion of Rep. Kleeb, the House concurred in Senate amendments to **S Sub for HB 2150**, AN ACT concerning the Kansas employment first oversight commission; amending K.S.A. 2012 Supp. 44-1138 and repealing the existing section.

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

On roll call, the vote was: Yeas 110; Nays 12; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, 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, Menghini, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Todd, Trimmer, Vickrey, Waymaster, Weber, Whipple, Wilson, Wolfe Moore.

Nays: Alcalá, Burroughs, Dillmore, Henderson, Kuether, Lane, Ruiz, Tietze, Victors, Ward, Weigel, Winn.

Present but not voting: None.

Absent or not voting: Finch, Osterman, Peterson.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2069** and has appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2199** and has appointed Senators Ostmeyer, Emler and Faust-Goudeau as conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **SB 199**, and has appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2249**, and has appointed Senators Pyle, Holmes and Faust-Goudeau as conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2253**, and has appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

The President announced the appointment of Senator Francisco as a member of the conference committee on **HB 2253** to replace Senator Kelly.

On motion of Rep. Vickrey, the House recessed until 4:30 p.m.

LATE AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 88**.

The Senate adopts the Conference Committee report on **HB 2078**.

The Senate adopts the Conference Committee report on **HB 2107**.

The Senate adopts the Conference Committee report on **HB 2109**.

The Senate adopts the Conference Committee report on **S Sub for HB 2140**.

The Senate adopts the Conference Committee report on **HB 2261**.

The Senate adopts the Conference Committee report on **HB 2303**.

The Senate adopts the Conference Committee report on **HB 2319**.

The Senate adopts the Conference Committee report on **HB 2363**.

The Senate adopts the Conference Committee report to agree to disagree on **SB 122**, and has appointed Senators King, Haley and Smith as second conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **SB 187**, and has appointed Senators Lynn, Wagle and Holland as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2249** submits the following report:

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

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

DENNIS PYLE

MITCH HOLMES

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

Conferees on part of House

On motion of Rep. Huebert the conference committee report on **HB 2249** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Huebert, Phillips and Alcala as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2253** submits the following report:

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

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

MARY PILCHER-COOK
ELAINE BOWERS
Conferees on part of Senate

ARLEN H. SIEGFREID
STEVEN R. BRUNK
Conferees on part of House

On motion of Rep. Siegfroid the conference committee report on **HB 2253** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Siegfroid, Brunk and Ruiz as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23** submits the following report:

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

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

WARD CASSIDY
AMANDA GROSSERODE
VALDENIA C. WINN
Conferees on part of House

STEVE E. ABRAMS
TOM ARPKE
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Cassidy the conference committee report on **SB 23** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Cassidy, Grosserode and Winn as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 102** submits the following report:

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

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

ARLEN H. SIEGFREID
STEVEN R. BRUNK
Conferees on part of House

RALPH OSTMEYER
 JAY SCOTT EMLER
Conferees on part of Senate

On motion of Rep. Siegfroid the conference committee report on **SB 102** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Siegfroid, Brunk and Ruiz as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 124** submits the following report:

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

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

LANCE KINZER
 ROB BRUCHMAN
 JANICE L. PAULS
Conferees on part of House

JEFF KING
 GREG SMITH
Conferees on part of Senate

On motion of Rep. Kinzer the conference committee report on **SB 124** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Kinzer, Bruchman and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 164** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 9 through 32; by striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 29 and inserting:

"(a) "All-terrain vehicle" means any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, having a seat designed to be straddled by the operator. As used in this subsection, nonhighway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(b) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(c) "Contractor" means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the

department to provide services associated with vehicle functions.

(d) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(e) "Division" means the division of vehicles of the department of revenue.

(f) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(g) "Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

(1) Residential electric service;

(2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station.

(h) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2012 Supp. 8-135d, and amendments thereto.

(i) "Electronic notice of security interest" means the division's online internet program which enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

(j) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(k) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

(l) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(n) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(o) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

(1) A farm tractor;

(2) a self-propelled farm implement;

(3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;

(4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;

(5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(p) "Lien" means a security interest as defined in this section.

(q) "Lightweight roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

(r) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(s) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle or recreational off-highway vehicle.

(t) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(u) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as defined in this section.

(v) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

(1) A motor which produces not more than 3.5 brake horsepower;

(2) a cylinder capacity of not more than 130 cubic centimeters;

(3) an automatic transmission; and

(4) the capability of a maximum design speed of no more than 30 miles per hour.

(w) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

(x) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(y) "Nonresident" means every person who is not a resident of this state.

(z) "Notice of security interest" means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle which has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

(aa) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(bb) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(cc) "Passenger vehicle" means every motor vehicle, as defined in this section, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(dd) "Person" means every natural person, firm, partnership, association or corporation.

(ee) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(ff) "Recreational off-highway vehicle" means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires, having a nonstraddle seat and steering wheel for steering control.

(gg) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(hh) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(ii) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(ji) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(kk) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(ll) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(mm) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(nn) "Truck tractor" means every motor vehicle designed and used primarily for

drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(oo) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers or vehicles.

(pp) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(qq) "Vehicle functions" means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title, driver's licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. "Vehicle functions" may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(rr) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck or recreational off-highway vehicle."

On page 7, following line 13, by inserting:

"Sec. 3. K.S.A. 8-1436 is hereby amended to read as follows: 8-1436. "Motor home" means every motor vehicle designed, ~~used or maintained primarily as a mobile dwelling, office or commercial space to provide temporary living quarters for recreational, camping or travel use.~~

Sec. 4. K.S.A. 40-298 is hereby amended to read as follows: 40-298. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Automobile dealer" means a new vehicle dealer or a used vehicle dealer as defined by K.S.A. 8-178 8-126, and amendments thereto;

(b) "Automobile" means a passenger vehicle as defined by ~~subsection (x) of~~ K.S.A. 8-126, and amendments thereto;

(c) "Dealer" means any automobile dealer or lending agency;

(d) "Lending agency" means any person engaged in the business of financing or lending money to any person to be used in the purchase or financing of a motor vehicle; and

(e) "Person" means any individual, partnership, corporation or other association of persons.

Sec. 5. K.S.A. 2012 Supp. 44-1204 is hereby amended to read as follows: 44-1204. (a) On and after January 1, 1978, no employer shall employ any employee for a workweek longer than ~~forty-six (46)~~ 46 hours, unless such employee receives compensation for employment in excess of ~~forty-six (46)~~ 46 hours in a workweek at a

rate of not less than ~~one and one-half~~ $(1\frac{1}{2})$ 1 $\frac{1}{2}$ times the hourly wage rate at which such employee is regularly employed.

(b) No employer shall be deemed to have violated subsection (a) with respect to the employment of any employee who is covered by this section, who is engaged in the public or private delivery of emergency medical services as an attendant as defined by K.S.A. 65-6112, and amendments thereto, or who is engaged in fire protection or law enforcement activities, including any member of the security personnel in any correctional institution, and who is paid compensation at a rate of not less than $1\frac{1}{2}$ times the regular rate at which such employee is employed:

(1) In any work period of 28 consecutive days in which such employee works for tours of duty which in the aggregate exceed 258 hours; or

(2) in the case of any such employee to whom a work period of at least seven but less than 28 days applies, in any such work period in which such employee works for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in such work period as 258 hours bears to 28 days.

(c) The provisions of this section shall not apply to the employment of:

(1) Any employee who is covered under the provisions of section 7 of the fair labor standards act of 1938 as amended (~~29 U.S.C.A. § 207~~), and as amended by the fair labor standards amendments of 1974, and ~~any other acts amendatory thereof or supplemental amendments~~ amendments thereto; or

(2) any employee who is primarily engaged in selling motor vehicles, as defined in ~~subsection (b) of K.S.A. 8-126, and amendments thereto,~~ for a nonmanufacturing employer primarily engaged in the business of selling such vehicles to ultimate purchasers;

(3) any person who is sentenced to the custody of the secretary of corrections and any person serving a sentence in a county jail.

(d) For the purposes of this section, the agreement or practice by employees engaged in fire protection or law enforcement activities of substituting for one another on regularly scheduled tours of duty, or a part thereof, shall be deemed to have no effect on hours of work if:

(1) The substituting is done voluntarily by the employees and not at the behest of the employer;

(2) the reason for substituting is due not to the employer's business practice but to the employee's desire or need to attend to a personal matter;

(3) a record is maintained by the employer of all time substituted by the employer's employees; and

(4) the period during which time is substituted and paid back does not exceed 12 months.

Sec. 6. K.S.A. 59-3508 is hereby amended to read as follows: 59-3508. A motor vehicle, as defined by ~~subsection (b) of K.S.A. 8-126, and amendments thereto,~~ may be titled in transfer-on-death, TOD, form by including in the certificate of title a designation of a beneficiary or beneficiaries to whom the motor vehicle shall be transferred on death of the owner or the last survivor of the joint tenant with right of survivorship owners, subject to the rights of all lien holders.";

And by renumbering remaining sections accordingly;

3508 and K.S.A."; also in line 14, by striking "and" and inserting a comma; also in line 14, following "8-129" by inserting "and 44-1204";

On page 1, in the title, in line 1, by striking "the" and inserting "definitions;"; in line 2, following "K.S.A" by inserting "8-1436, 40-298 and 59-3508 and K.S.A."; also in line 2, by striking "and" and inserting a comma; in line 3, following "129" by inserting "and 44-1204";

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

RICHARD J. PROEHL
 RONALD RYCKMAN, SR.
 EMILY PERRY
Conferees on part of House

MIKE PETERSEN
 KAY WOLF
 PAT PETTEY
Conferees on part of Senate

On motion of Rep. Proehl, the conference committee report on **SB 164** was adopted.

On roll call, the vote was: Yeas 111; Nays 9; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Couture-Lovelady, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Ewy, 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, Lane, Lunn, Lusk, Macheers, Mast, McPherson, Meier, Meigs, Merrick, Montgomery, Moxley, O'Brien, Pauls, Peck, Perry, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Suellentrop, Sutton, Swanson, Thimesch, Todd, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: Burroughs, DeGraaf, Dillmore, Kuether, Menghini, Sloop, Tietze, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Campbell, Finch, Osterman, Peterson, Powell.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2009** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, in line 14, before "during" by inserting "in going to or returning from an appointment with a health care provider or"; by striking all in line 19;

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

JEFF KING
 GREG SMITH
 DAVID HALEY

Conferees on part of Senate

RICHARD J. PROEHL
 RONALD RYCKMAN, SR.
 EMILY PERRY

Conferees on part of House

On motion of Rep. Proehl, the conference committee report on **HB 2009** was adopted.

On roll call, the vote was: Yeas 75; Nays 44; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Ballard, Boldra, Bollier, Bridges, Brunk, Burroughs, Couture-Lovelady, Carlin, Carlson, Cassidy, Clayton, Crum, Davis, Dierks, Dillmore, Doll, Dove, Edwards, Ewy, Finney, Frownfelter, Goico, Grant, Hedke, Henderson, Hermanson, Hibbard, Hill, Hineman, Houston, Huebert, Jennings, Johnson, Kelly, Kleebe, Kuether, Lane, Lunn, Lusk, Mast, Meier, Menghini, Merrick, Montgomery, Moxley, Pauls, Perry, Petty, Phillips, Proehl, Read, Rhoades, Rothlisberg, Ruiz, Ryckman Sr., Sawyer, Schroeder, Schwartz, Shultz, Siegfroid, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Waymaster, Weber, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Barker, Becker, Bideau, Bradford, Carpenter, Christmann, Claeys, Concannon, Corbet, DeGraaf, Edmonds, Esau, Garber, Gonzalez, Grosserode, Hawkins, Henry, Highland, Hildabrand, Hoffman, Houser, Howell, Hutton, Jones, Kahrs, Kelley, Kinzer, Macheers, McPherson, Meigs, O'Brien, Peck, Powell, Rooker, Rubin, Ryckman Jr., Schwab, Seiwert, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Bruchman, Campbell, Finch, Gandhi, Osterman, Peterson.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2033** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 19, by striking "38-3202" and inserting "38-2302"; in line 20, by striking "38-3202" and inserting "38-2302"; in line 25, by striking "or" and inserting a comma; in line 30, before the semicolon by inserting "or throwing star";

On page 5, in line 39, by striking "or" and inserting a comma;

On page 6, in line 1, before the semicolon by inserting "or throwing star";

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

RALPH OSTMEYER

JAY SCOTT EMLER

TOM HAWK

Conferees on part of Senate

ARLEN H. SIEGFREID

STEVEN R. BRUNK

LOUIS E. RUIZ

Conferees on part of House

On motion of Rep. Siegfroid, the conference committee report on **HB 2033** was adopted.

On roll call, the vote was: Yeas 95; Nays 26; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Bollier, Bridges, Carlin, Clayton, Dillmore, Doll, Frownfelter, Gonzalez, Henderson, Hill, Houston, Kuether, Lusk, Moxley, Perry, Phillips, Rooker, Ruiz, Sloop, Tietze, Victors, Ward, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Campbell, Finch, Osterman, Peterson.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2043** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2043, as follows:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2012 Supp. 21-6617 is hereby amended to read as follows: 21-6617. (a) If a defendant is charged with capital murder, the county or district attorney shall file written notice if such attorney intends, upon conviction of the defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. In cases where the county or district attorney or a court determines that a conflict exists, such notice may be filed by the attorney general. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than seven days after the time of arraignment. If such notice is not filed and served as required by this subsection, the ~~county or district~~ prosecuting attorney may not request

such a sentencing proceeding and the defendant, if convicted of capital murder, shall be sentenced to life without the possibility of parole, and no sentence of death shall be imposed hereunder.

(b) Except as provided in K.S.A. 2012 Supp. 21-6618 and 21-6622, and amendments thereto, upon conviction of a defendant of capital murder, the court, upon motion of the ~~county or district~~ prosecuting attorney, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the sentencing proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the sentencing proceeding, the trial judge may summon a special jury of 12 persons which shall determine the question of whether a sentence of death shall be imposed. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such special jury. The jury at the sentencing proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the sentencing proceeding has been waived or the trial jury has been waived, the sentencing proceeding shall be conducted by the court.

(c) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 2012 Supp. 21-6624, and amendments thereto, and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the state has made known to the defendant prior to the sentencing proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the sentencing proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(d) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations.

(e) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2012 Supp. 21-6624, and amendments thereto, exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced to death; otherwise, the defendant shall be sentenced to life without the possibility of parole. The jury, if its verdict is a unanimous recommendation of a sentence of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict, the judge shall dismiss the jury and impose a sentence of life without the possibility of parole and shall commit the defendant to the custody of the secretary of corrections. In nonjury cases, the court shall follow the requirements of this subsection

in determining the sentence to be imposed.

(f) Notwithstanding the verdict of the jury, the trial court shall review any jury verdict imposing a sentence of death hereunder to ascertain whether the imposition of such sentence is supported by the evidence. If the court determines that the imposition of such a sentence is not supported by the evidence, the court shall modify the sentence and sentence the defendant to life without the possibility of parole, and no sentence of death shall be imposed hereunder. Whenever the court enters a judgment modifying the sentencing verdict of the jury, the court shall set forth its reasons for so doing in a written memorandum which shall become part of the record.

(g) A defendant who is sentenced to imprisonment for life without the possibility of parole shall spend the remainder of the defendant's natural life incarcerated and in the custody of the secretary of corrections. A defendant who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence. Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.";

And by redesignating sections accordingly;

Also on page 1, in line 22, following "Supp." by inserting "21-6617 and"; also in line 22, by striking "is" and inserting "are";

Also on page 1, in the title, in line 2, following "authority;" by inserting "relating to notice of intent to seek the death penalty;"; also in line 2, following "Supp." by inserting "21-6617 and"; in line 3, by striking "section" and inserting "sections";

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

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

JOHN J. RUBIN
RAMON C. GONZALEZ, JR.
GAIL FINNEY

Conferees on part of House

On motion of Rep. Rubin, the conference committee report on **S Sub for HB 2043** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Bideau, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Davis, DeGraaf, Dierks, Dillmore, Doll, Dove, Edmonds, Edwards, Esau, Ewy, 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, 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: Campbell, Finch, Osterman, Peterson.

MESSAGE FROM THE GOVERNOR

HB 2028, HB 2044, HB 2156, HB 2163, HB 2169, HB 2181, HB 2193, HB 2205, HB 2269, HB 2318, HB 2357 approved on April 4, 2013

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Rep. Menghini as a member of the conference committee on **H Sub for SB 84; HB 2059, HB 2060** to replace Rep. Sawyer.

REPORT ON ENGROSSED BILLS

HB 2128 reported correctly engrossed April 4, 2013.

REPORT ON ENROLLED RESOLUTIONS

HCR 5017; HR 6019, HR 6021, HR 6025, HR 6026, HR 6028 reported correctly enrolled and properly signed on April 4, 2013.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Friday, April 5, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

