

Journal of the House

FOURTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 31, 2014, 11:00 a.m.

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

The roll was called with 104 members present.

Reps. Jennings, Kiegerl and Peterson were excused on verified illness.

Reps. Ballard, Suellentrop and Wolfe Moore were excused on legislative business.

Reps. Bruchman, Carpenter, E. Davis, Doll, Frownfelner, Hibbard, Hill, Houston, Huebert, Kahrs, Kelley, Perry, Rhoades, Sawyer and Thimesch were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord of all Creation,
In this place, many laws are determined.
Laws that are to be followed
or a penalty will be imposed.
Laws that hopefully make things better,
but sometimes can be painful.
There is, however, something
that there can never be a law against.
We read about it in Your word,
“...the fruit of Your Spirit is
love, joy, peace, patience, kindness,
goodness, faithfulness, gentleness and self control.
Against such things there is no law.”
(Galatians 5:22-23)
Help this fruit to be evident in our lives today.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Burroughs.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2544, AN ACT concerning postsecondary educational institutions; relating to distance education; state authorization reciprocity agreement; amending K.S.A. 2013 Supp. 74-32,164 and repealing the existing section, by Committee on Appropriations.

HB 2545, AN ACT concerning the Kansas department of agriculture; relating to fees; extending sunset date on certain fees; amending K.S.A. 2013 Supp. 2-2440, 2-2440b, 2-

2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, by Committee on Agriculture and Natural Resources Budget.

HB 2546, AN ACT concerning schools; relating to statewide assessments; pertaining to nonpublic schools accredited by the state board of education; amending K.S.A. 2013 Supp. 72-6439 and repealing the existing section, by Representatives Rothlisberg, Bradford, Edwards and Goico.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2538**.

Corrections and Juvenile Justice: **HB 2540**.

Elections: **HB 2535**, **HB 2536**.

Energy and Environment: **HR 6043**.

Insurance: **HB 2537**.

Local Government: **HB 2541**.

Pensions and Benefits: **HB 2539**.

Taxation: **HB 2542**.

Transportation: **HB 2543**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2376** from Committee on Health and Human Services and referral to Committee on Judiciary.

Also, the withdrawal of **SB 203** from Committee on Calendar and Printing and referral to Committee on Commerce, Labor and Economic Development.

COMMUNICATIONS FROM STATE OFFICERS

From Mike Michael, Director, State Employee Health Plan, Division of Health Care Finance, Kansas Department of Health and Environment, in compliance with K.S.A. 75-6509, Kansas State Employees Health Care Commission 2013 Annual Report.

From Board of Indigents' Defense Services, Annual Report, Fiscal Year 2013.

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 5025**.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2429** be amended on page 1, in line 24, by striking "water conservation districts" and inserting "the water rights conservation program"; in line 26, by striking "secretary of agriculture" and inserting "chief engineer"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2431** be passed.

Committee on **Vision 2020** recommends **HB 2436** be amended on page 1, by striking all in lines 6 through 25; following line 25, by inserting:

"Section 1. The chairpersons of the board of barbering and the board of cosmetology may come to an agreement, approved by each board, as to which board's inspectors shall inspect a dual-licensed salon and barber shop. Such designated inspectors shall perform all of the inspection duties of both boards as required by the act, rules and regulations of both boards and the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Such designated inspectors shall be trained by both boards.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "cosmetology and barbering" and inserting "barbering and cosmetology" in line 2, by striking all after "facilities"; in line 3, by striking all before the period; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 12, by Representative O'Brien, congratulating Dewey and Donna Gillett on their 60th wedding anniversary;

Request No. 13, by Representative Sloan, congratulating Pieter Berendsen on becoming a U.S. Citizen;

Request No. 14, by Representative Sloan, congratulating Courtney Cooper for receiving the Girl Scout Gold Award;

Request No. 15, by Representative Sloan, congratulating Sarah Kinder for receiving the Girl Scout Gold Award;

Request No. 16, by Representative Sloan, congratulating the Royal Valley Native American Youth Dancers and Singers for success in the "Battle of the Plains" Native American Dance Competition;

Request No. 17, by Representative Becker, congratulating the Buhler High School football team and Coach Steve Warner in recognition of becoming the 2013 Kansas 4A State Football Champions;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

HB 2547, AN ACT concerning mines and mining; relating to mining permit applications; amending K.S.A. 49-406 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2548, AN ACT concerning the department of health and environment; relating to fee funds; creating the water program management fund; transferring the air quality fee fund; amending K.S.A. 65-3008 and 65-3024 and K.S.A. 2013 Supp. 65-166a and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2549, AN ACT concerning hazardous waste; relating to burial on-site; amending K.S.A. 2013 Supp. 65-3458 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2550, AN ACT repealing K.S.A. 2013 Supp. 75-5673; concerning the atmospheric mercury deposition monitoring network, by Committee on Agriculture and Natural Resources.

HB 2551, AN ACT repealing K.S.A. 65-3480, 65-3481, 65-3482, 65-3484, 65-3485, 65-3486, 65-3487 and 65-3489 and K.S.A. 2013 Supp. 65-3483, 65-3488 and 65-3490; concerning the regulation of PCB disposal facilities, by Committee on Agriculture and Natural Resources.

HB 2552, AN ACT concerning the Kansas medical assistance program contracts with managed care organizations, by Committee on Health and Human Services.

HB 2553, AN ACT concerning health care; enacting the health care compact, by Committee on Federal and State Affairs.

HB 2554, AN ACT concerning marriage; repealing the statutory prohibition on marriages between two persons of the same gender; amending K.S.A. 2013 Supp. 23-2501 and 23-2508 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2555, AN ACT concerning criminal procedure; relating to arrest warrants; search warrants; amending K.S.A. 22-2302 and K.S.A. 2013 Supp. 22-2502 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2556, AN ACT concerning alcoholic beverages; relating to retailer's licenses; amending K.S.A. 2013 Supp. 41-102, 41-301, 41-303, 41-304, 41-308, 41-308d, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, by Committee on Taxation.

HB 2557, AN ACT concerning income taxation; relating to penalties for certain taxpayers who file incorrect returns; amending K.S.A. 2013 Supp. 79-3228 and repealing the existing section, by Committee on Taxation.

HB 2558, AN ACT concerning domestic relations; prohibition of case management process; amending K.S.A. 2013 Supp. 23-3401, 23-3507 and 38-2223 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 23-3508 and 23-3509, by Committee on Children and Seniors.

HB 2559, AN ACT enacting the fair consideration of the unemployed act, by Committee on Commerce, Labor and Economic Development.

HOUSE CONCURRENT RESOLUTION No. **HCR 5026**—

By Committee on Federal and State Affairs

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by repealing section 16 pertaining to marriage.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 16 of article 15 of the constitution of the state of Kansas is hereby repealed.

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. Section 16 of article 15 of the constitution of the state of Kansas provides that marriage shall be between one man and one woman only, and that all other marriages are contrary to the public policy of this state and are void.

A vote for this proposition would repeal section 16 of article 15 of the constitution of the state of Kansas in its entirety, and its provisions shall no longer have any force and effect.

"A vote against this proposition would retain section 16 of article 15 of the constitution of the state of Kansas in its entirety."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2014 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case, it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **HCR 5027**—

By Committee on Taxation

A PROPOSITION to amend section 5 of article 3 of the constitution of the state of Kansas; relating to the selection of supreme court justices.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 5. Selection of justices of the supreme court. (a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file ~~his~~ *such justice's* declaration of candidacy to ~~succeed himself~~ *be retained in office* as hereinafter required, or failure of a justice to be elected to ~~succeed himself~~ *be retained in office*, shall be filled by appointment by the governor of one of ~~three~~ *the* persons possessing the qualifications of office who shall be nominated and whose ~~names~~ *name* shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided.

(b) In event of the failure of the governor to make the appointment within ~~sixty~~ *60* days from the time the names of the nominees are submitted to ~~him~~ *the governor*, the chief justice of the supreme court shall make the appointment from such nominees.

(c) Each justice of the supreme court appointed pursuant to provisions of subsection (a) of this section shall hold office for an initial term ending on the

second Monday in January following the first general election that occurs after the expiration of ~~twelve~~ 12 months in office. Not less than ~~sixty~~ 60 days prior to the holding of the general election next preceding the expiration of ~~his term of office,~~ *the term of* any justice of the supreme court, *the justice* may file in the office of the secretary of state a declaration of candidacy for ~~election to succeed himself~~ *retention in office*. If a declaration is not so filed, the position held by such justice shall be open from the expiration of ~~his~~ *the justice's* term of office. If such declaration is filed, ~~his~~ *the justice's* name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall _____

(Here insert name of justice.)

(Here insert the title of the court.)

be retained in office?"

If a majority of those voting on the question vote against retaining ~~him~~ *the justice* in office, the position or office which ~~he~~ *the justice* holds shall be open upon the expiration of ~~his~~ *the justice's* term of office; otherwise ~~he~~ *the justice* shall, unless removed for cause, remain in office for the regular term of six years from the second Monday in January following such election. At the expiration of each term ~~he~~ *the justice* shall, unless by law ~~he~~ *the justice* is compelled to retire, be eligible for retention in office by election in the manner prescribed in this section.

(d) A nonpartisan nominating commission whose duty it shall be to nominate and submit to the governor the names of persons for appointment to fill vacancies in the office of any justice of the supreme court is hereby established, and shall be known as the "supreme court nominating commission." ~~Said~~ *The* commission shall be organized as hereinafter provided.

(e) The supreme court nominating commission shall be composed as follows: One member, who shall be ~~chairman~~ *chairperson*, chosen from among their number by the members of the bar who are residents of and licensed in Kansas; one member from each congressional district chosen from among their number by the resident members of the bar in each such district; and one member, who is not a lawyer, from each congressional district, appointed by the governor from among the residents of each such district.

(f) The terms of office, the procedure for selection and certification of the members of the commission and provision for their compensation or expenses shall be as provided by the legislature.

(g) No member of the supreme court nominating commission shall, while ~~he is~~ a member, hold any other public office by appointment or any official position in a political party or for six months thereafter be eligible for nomination for the office of justice of the supreme court. The commission may act only by the concurrence of a majority of its members.

(h) *The supreme court nominating commission shall submit to the governor the names of all qualified persons who submit their name to the commission for consideration. If a person is deemed not qualified by the commission, the commission shall give the person a written statement of the reasons they were*

deemed not qualified."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to require the supreme court nominating commission to submit to the governor the names of all qualified persons who submit their names to the commission for consideration, and to require the governor to appoint one of such persons. The amendment would also require that a person deemed not qualified by the commission shall be given a written statement of the reasons they were deemed not qualified. Current law requires the supreme court nominating commission to submit the names of three qualified persons to the governor, and requires the governor to appoint one of such persons.

"A vote for this proposition would require the supreme court nominating commission to submit to the governor the names of all qualified persons who submit their names to the commission for consideration, and require the governor to appoint one of such persons.

"A vote against this proposition would continue the current law that requires the supreme court nominating commission to submit the names of three qualified persons to the governor, and requires the governor to appoint one of such persons."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2014 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

HOUSE CONCURRENT RESOLUTION No. **5028**—
By Representative Howell

A CONCURRENT RESOLUTION honoring James Chitty for his over 10,000 hours of community service at the Robert J. Dole V.A. Medical Center.

WHEREAS, James Chitty, Private First Class, served in the United States Army during World War II. He joined the army right after the attack on Pearl Harbor and served for four years; and

WHEREAS, Mr. Chitty earned his Bachelor's Degree at Central Missouri State and his Master's Degree in Education from Wichita State University; and

WHEREAS, Mr. Chitty taught history and social studies for 14 years in the St. Louis, Missouri and Wichita, Kansas school districts; and

WHEREAS, Mr. Chitty worked for Beech Aircraft as Foreman of Production Control and retired after 36 years; and

WHEREAS, Mr. Chitty began volunteering at the Robert J. Dole V.A. Medical Center in Wichita, Kansas in 1987, and has completed 10,551 hours of service; and

WHEREAS, Mr. Chitty is a Volunteer Escort at the hospital, which involves taking

patients to their appointments, taking lab specimens to the lab and doing whatever job needs to be done; and

WHEREAS, Volunteerism and civic engagement are important to the quality of life in Kansas communities. Mr. Chitty exemplifies service to Kansas and the United States by continuing to volunteer at the hospital: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we honor James Chitty for his 10,551 hours of service to the Robert J. Dole V.A. Medical Center in Wichita and thank him for his continued service to Kansas; and

Be it further resolved: That the Secretary of State shall send five enrolled copies of this resolution to Representative Howell and one enrolled copy to Senator Mike Petersen.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Monday, February 3, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

