

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 12, 2014, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Peterson was excused on verified illness.

Reps. Bruchman and Thimesch were excused on excused absence by the Speaker.

Prayer by Rep. Houston:

O Lord, our Lord how excellent is your name in all the earth!
(*Psalms 8:9*)

We honor You and give You thanks for all the great and wonderful things You have done for us.

We thank you for the privilege to serve in the capacity of State Legislators and as we are faced with the daunting task of establishing policy for the people of this great State, we ask that Your divine wisdom and guidance be imparted to us, so that as we make decisions that touch the lives of all people, we will do so with grace and compassion.

Grant unto us the courage to move beyond personal agendas and partisan disagreements so we can do those things that are pleasing in Your sight.

Give us vision and insight so we will know how to assist the people of Kansas so they will be empowered to stand strong in these chaotic times.

Now Lord, we pray that the words of our mouths and the meditations of our hearts will be acceptable in Your sight, O Lord for You are our strength and our redeemer.

These things we ask in the name of Jesus Christ, Amen

The Pledge of Allegiance was led by Rep. O'Brien.

INTRODUCTION OF GUESTS

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

Joining me at the Well this morning are:

Rep. Don Schroeder – Harvey County – Buhler High School Class of 1969

Rep. Keith Esau – Johnson County – Buhler High School Class of 1978

Rep. Dan Hawkins – Sedgwick County – Buhler High School Class of 1978

I represent Reno County and the City of Buhler – Buhler High School Class of 1965; making me the elder Statesman of the Four on the Floor.

It should be noted that my athletic experience in high school was once described by a classmate as what prepared me for a career on the bench.

The four of us join together to recognize our *alma mater's* football team for achieving its first state football championship in the history of Buhler High School.

As our guests this morning, with a record of 13 wins against only one loss, are members of the 2013 Kansas 4A Football State Champions and Coach Steve Warner. Please help us recognize them for their accomplishment.

Rep. Becker presented a framed House certificate to Coach Warner and the team.

INTRODUCTION OF GUESTS

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

I would like to invite those representatives who have ties to Fort Hays State University and those who represent the districts of the students honored today, to join me at The Well.

Joining us today is the Seekers class of the Kansas Academy of Math and Science at Fort Hays State University. I would also like to welcome President Hammond, whom you all refer to as “the rock star of FHSU,” and Mr. Ron Keller, the Director of the KAMS program. The members of the 2015 graduating class are seated in the east gallery.

In 2006, the Legislature of the State of Kansas enacted legislation authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital and promote economic development.

Fort Hays State University, selected by the State Board of Regents, was able to establish the Kansas Academy of Mathematics and Science in 2008. This allowed Kansas to become the 16th state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high achieving high school juniors and seniors who are academically talented in science and mathematics.

These bright and highly motivated students come to KAMS from across Kansas and beyond, representing the best and brightest.

We congratulate and commend the 2015 graduates of the Kansas Academy of Mathematics and Science. We wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state.

The members of the Kansas House of Representatives also express their gratitude to the educators and support staff who, through their own dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the successes of each graduating class. Their efforts are helping to forge the future for the State of Kansas.

Again, congratulations to the Seeker class, 2015 graduating class of the Kansas

Academy of Mathematics and Science. Please stand and be recognized.

Rep. Boldra presented a framed House certificate to Fort Hays State President Hammond.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2641, AN ACT concerning public assistance programs; relating to the state-issued photo ID, by Representative Winn.

HB 2642, AN ACT concerning income taxation; relating to deductions; net gain from the sale of certain cattle, horses or other livestock; amending K.S.A. 2013 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2643, AN ACT concerning property taxation; relating to the classification of commercial and industrial machinery and equipment, by Committee on Taxation.

HB 2644, AN ACT designating a portion of United States highway 160 as the Harper county veterans memorial highway, by Committee on Transportation.

HB 2645, AN ACT designating a portion of K-96 highway as the Bonnie Huy memorial highway, by Committee on Transportation.

HB 2646, AN ACT designating the junction of interstate highway 635 with metropolitan avenue as the Bonnie Sharp interchange, by Committee on Transportation.

HB 2647, AN ACT concerning postsecondary educational institutions; relating to the use of state funds; prohibiting academic boycotts of certain countries or institutions of higher education located in certain countries, by Representative Todd.

HB 2648, AN ACT concerning property tax exemptions; amending K.S.A. 2013 Supp. 79-201a and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2649, AN ACT concerning the American flag; pertaining to the display thereof, by Committee on Commerce, Labor and Economic Development.

HB 2650, AN ACT concerning benefit corporations, by Committee on Commerce, Labor and Economic Development.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2626, HB 2627, HB 2628.**

Appropriations: **HB 2629, HB 2630.**

Commerce, Labor and Economic Development: **HB 2615, HB 2616, HB 2617, HB 2618, HB 2619, HB 2633, HB 2634, HB 2640.**

Education: **HB 2620, HB 2621.**

Education Budget: **HB 2623.**

Elections: **HB 2639.**

Energy and Environment: **HB 2636.**

Health and Human Services: **HB 2609, HB 2611, HB 2638, HR 6049.**

Insurance: **HB 2635.**

Judiciary: **HB 2612, HB 2613, HB 2632, HB 2637.**

Taxation: **HB 2607, HB 2608, HB 2614, HB 2625.**

Transportation: **HB 2610, HB 2622, HB 2631.**

Veterans, Military and Homeland Security: **HB 2624**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2418, AN ACT concerning the adult care home licensure act; pertaining to rules and regulations; amending K.S.A. 2013 Supp. 39-925 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bruchman, Peterson, Thimesch.

The bill passed.

HB 2429, AN ACT concerning the Kansas water appropriation act; amending K.S.A. 2013 Supp. 82a-741 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bruchman, Peterson, Thimesch.

The bill passed, as amended.

HB 2446, AN ACT concerning courts; relating to the court trustee operations fund; amending K.S.A. 2013 Supp. 20-380 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bruchman, Peterson, Thimesch.

The bill passed.

HB 2453, AN ACT concerning religious freedoms with respect to marriage, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 49; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anthimides, Boldra, Bradford, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbet, Crum, E. Davis, DeGraaf, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Lunn, Macheers, Mast, McPherson, Meier, Meigs, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Petty, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Suellentrop, Sutton, Thompson, Vickrey.

Nays: Alcalá, Alford, Ballard, Barker, Becker, Bollier, Bridges, Burroughs, Carlin, Carmichael, Clayton, Concannon, P. Davis, Dierks, Doll, Finch, Finney, Frownfelter, Gandhi, Henderson, Hill, Hineman, Houston, Jennings, Johnson, Kuether, Lane, Lusk, Lusker, Menghini, Perry, Phillips, Rooker, Ruiz, Sawyer, Sloan, Sloop, Swanson, Tietze, Todd, Trimmer, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bruchman, Peterson, Thimesch.

The bill passed, as amended.

EXPLANATIONS OF VOTE

Mr. Speaker: It is my deeply held sincere religious belief that the commandment to

“Love one another” is contradicted by this legislation. This bill expressly permits discrimination against my neighbor in the name of religious freedom. I vote no on **HB 2453**.--Sydney Carlin

MR. SPEAKER: I strongly believe in preserving religious liberty. I also believe that between the constitutional amendment passed in 2005 and **HB 2203** passed last year, we have accomplished most of the intent expressed in **HB 2453**. **HB 2453** has created perceptions of promoting discrimination. This was quite evident as I listened to the discussions on the floor, and as I read the emails that I received yesterday. However, I firmly believe that **HB 2453** does create a fertile ground for lawsuits. I do not think that prohibiting lawsuits as part of the bill is going to stop them. I vote no on **HB 2453**.--SHANTI GANDHI

MR. SPEAKER: I vote no on **HB 2453** because:

1. I believe it is unnecessary considering the constitutional amendment passed in 2005 and the Preservation of Religious Freedom Act passed in 2013;
2. The motive of the bill is a fear of a speculative federal appeals court opinion that may or may not find our constitutional amendment unconstitutional;
3. The bill would be personally hurtful to my friends when they are denied services available to everyone else based upon whom they love;
4. I believe the bill is much broader in scope than what was intended.--TOM SLOAN, DON HILL, JOHN E. BARKER, STEVEN R. BECKER

MR. SPEAKER: I vote no on **HB 2453**. My closely held religious belief is that God is love. I cannot vote yes for this bill if I am to heed the words of Christ when he said “Inasmuch as you have done it unto one of the least of these, you have done it unto me.”--DON HINEMAN, BARBARA BOLLIER, TOM SAWYER

MR. SPEAKER: This bill is not discriminatory against any group of people. It only ensures that individuals are not forced to participate in an event that is contrary to their religious beliefs. Questions arise for me on how this bill affects people receiving lawful government services they have the right to receive. I vote no on **HB 2453**.--JAMES E. TODD

MR. SPEAKER: I strongly support religious freedom, but this bill is not about religious freedom. In my opinion, this is about legalized discrimination, and I cannot vote in support of this. I vote no on **HB 2453**.--PATRICIA M. SLOOP

MR. SPEAKER: I vote no on **HB 2453**. I support freedom of religion, but proponents of this bill concede it addresses issues which Kansans are not currently facing. Kansans are facing the consequences of 2011 education cuts. A study last fall shows only three states have cut education deeper. Adjusted for inflation, per pupil school funding is below 1992 levels. Schools are closing, class sizes are growing, parents are paying higher fees, and our economy is struggling. The next generation of leaders, innovators, and job creators is being molded today in Kansas classrooms. We must invest in them because strong schools are the foundation of a stronger economy.--CAROLYN L. BRIDGES, RODERICK HOUSTON, ADAM LUSKER, ED TRIMMER.

MR. SPEAKER: I support religious freedoms, however, I cannot support any legislation

that condones or licenses discriminatory behavior against any person. I vote no on **HB 2453**. GAIL FINNEY, JULIE MENGhini, BRODERICK HENDERSON, TOM BURROUGHS, PAUL DAVIS

MR. SPEAKER: One of the founding principles of our country, inscribed in the First Amendment, is the right of the people to be led by their conscience and follow their own deeply held religious convictions without fear of penalty or reprisal. Because of that, I vote YES on **HB 2453**.--CONNIE O'BRIEN, TRAVIS COUTURE-LOVELADY, WILLIE DOVE, RONALD W. RYCKMAN, SR., BRETT HILDABRAND, JERRY LUNN, JOE EDWARDS, CRAIG MCPHERSON, RANDY GARBER, RICHARD CARLSON, LESLIE OSTERMAN, WILL CARPENTER, KEVIN JONES, ALLAN ROTHLSBERG, JOE SEIWERT, SHARON SCHWARTZ, KEN CORBET, RON HIGHLAND, AMANDA GROSSERODE

MR. SPEAKER: The Kansas Bill of Rights says, "The right to worship God according to the dictates of conscience shall never be infringed...Nor shall any control of or interference with the rights of conscience be permitted..." The bill's opponents have made false representations about new discrimination. States enacting same sex marriage – from New York to Hawaii – have also enacted specific protections for religious liberties as it relates to same-sex marriage, including Progressive governors like Andrew Cuomo and Martin O'Malley. Kansas is consistent with those states. It maintains the status quo. Nothing more, nothing less. I vote YES on HB 2453.--Charles Macheers, Keith Esau, Mario Goico, Jim Howell

MR. SPEAKER: There are substantial legal conflicts surrounding a possible U.S. 10th Circuit Court of Appeals opinion striking down the Kansas marriage amendment. Because of that, it is imperative that we protect individuals from penalty if they choose to decline to participate in a marriage event that conflicts with their religious beliefs. I vote YES on **HB 2453**.-- KASHA KELLEY, DENNIS HEDKE, KELLY MEIGS, BUD ESTES, JOHN BRADFORD, KENT THOMPSON, REID PETTY, DANIEL HAWKINS, MAVIN KLEEB

HB 2488, AN ACT concerning the Kansas electric transmission authority; purpose and composition of authority; creation of transmission advisory council; amending K.S.A. 2013 Supp. 74-99d01, 74-99d03, 74-99d04 and 74-99d07 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Thompson, Trimmer, Vickrey, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alcalá, Carmichael, Grosserode, Hildabrand, Jones, Peck, Ruiz, Schwab,

Swanson, Tietze, Todd, Victors, Ward.

Present but not voting: None.

Absent or not voting: Bruchman, Peterson, Thimesch.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Vickrey, pursuant to House Rule 2311, that House Rule 1704 be suspended to allow Reps. Rhoades, Suellentrop, Henry and Finney to speak more than twice on **H Sub for SB 245**.

Committee report recommending a substitute bill to **H Sub for SB 245** be adopted; also, on motion of Rep. Winn to amend **H Sub for SB 245**, the motion was withdrawn.

Also, on motion of Rep. Ward to amend **H Sub for SB 245**, Rep. Rhoades requested a ruling on the Pay-Go provisions of House Rule 2110. The Rules Chair ruled the amendment violates Rule 2110 and ruled the amendment out of order. Rep. Ward challenged the ruling of the Rules Chair, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained.

Also, roll call was demanded on further motion of Rep. Ward to amend **H Sub for SB 245** on page 2, in line 12, by subtracting \$750,000 from the dollar amount and by adjusting the dollar amount in line 12 accordingly;

On page 4, following line 40, by inserting

"Judge Riddel boys ranch\$750,000"

On roll call, the vote was: Yeas 48; Nays 69; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Anthimides, Ballard, Bollier, Bridges, Brunk, Burroughs, Carlin, Carmichael, P. Davis, Dierks, Finney, Frownfelter, Goico, Hawkins, Henderson, Henry, Hill, Houston, Howell, Huebert, Kahrs, Kleeb, Kuether, Lane, Lusk, Lusker, Meier, Menghini, Osterman, Pauls, Perry, Ruiz, Sawyer, Schroeder, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Barker, Boldra, Bradford, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, DeGraaf, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Gandhi, Garber, Gonzalez, Grosserode, Hedke, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Hutton, Jennings, Johnson, Jones, Kelly, Kinzer, Lunn, Macheers, Mast, McPherson, Meigs, Merrick, Moxley, O'Brien, Peck, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Schwartz, Suellentrop, Sutton, Thompson, Todd, Vickrey, Waymaster.

Present but not voting: None.

Absent or not voting: Becker, Bruchman, Kelley, Kiegerl, Peterson, Seiwert, Thimesch.

The motion of Rep. Ward did not prevail.

Also, roll call was demanded on motion of Rep. Winn to amend **H Sub for SB 245**

on page 9, following line 36, by inserting:

"(o) During the fiscal year ending June 30, 2015, no expenditures shall be made by the above agency for fiscal year 2015 from the state general fund or any special revenue fund or funds for the fiscal year ending June 30, 2015, by chapter 136 of the 2013 Session Laws of Kansas, this act or any other appropriation act of the 2014 regular session of the legislature to purchase or lease any real property for use as a parole office if such property is located within 1,000 feet of any child care facility as defined in K.S.A. 65-503, and amendments thereto, licensed by the department of health and environment."

On roll call, the vote was: Yeas 70; Nays 47; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Anthimides, Ballard, Bollier, Bradford, Bridges, Burroughs, Carlin, Carmichael, Cassidy, Christmann, Clayton, P. Davis, Dierks, Dove, Finch, Finney, Frownfelter, Gonzalez, Grosserode, Hedke, Henderson, Henry, Hibbard, Hildabrand, Hill, Hineman, Houston, Hutton, Jones, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Meier, Meigs, Menghini, Moxley, O'Brien, Pauls, Perry, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Sawyer, Schroeder, Schwab, Sloan, Sloop, Swanson, Tietze, Todd, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Boldra, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Claeys, Concannon, Corbet, Crum, E. Davis, DeGraaf, Doll, Edmonds, Edwards, Esau, Estes, Ewy, Gandhi, Garber, Goico, Hawkins, Highland, Hoffman, Houser, Howell, Huebert, Jennings, Johnson, Kinzer, Mast, McPherson, Merrick, Osterman, Peck, Petty, Rothlisberg, Ryckman Jr., Ryckman Sr., Schwartz, Suellentrop, Sutton, Thompson, Vickrey, Waymaster.

Present but not voting: None.

Absent or not voting: Becker, Bruchman, Kahrs, Peterson, Rhoades, Seiwert, Thimesch.

The motion of Rep. Winn prevailed; and **H Sub for SB 245** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2502** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2426** be amended on page 4, in line 9, after "is" by inserting "overturned,";

On page 5, in line 26, after "trial" by inserting ", expungement or overturned conviction";

On page 6, in line 31, by striking "and"; in line 33, by striking "performing the examination, laboratory personnel and the"; in line 34, by striking "sample identification number related to a DNA profile" and inserting "and laboratory personnel performing the DNA analysis, the sample identification number and data related to the reliability and maintainability of a DNA profile";

(3) "DNA profile" means a set of DNA identification characteristics that permit the DNA of one person to be distinguishable from the DNA of another person; and

(4) "biological sample" means a body tissue, fluid or other bodily sample, usually a blood or buccal sample, of an individual on which DNA analysis can be carried out"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2463** be amended

on page 1, in line 8, by striking all after "(a)"; by striking all in lines 9 through 11; in line 12, by striking all before the period and inserting:

"A person injured as a result of the conduct of another that would constitute conduct prohibited by K.S.A. 2013 Supp. 21-5421 or 21-5423, and amendments thereto, may bring an action in an appropriate state court against the person or persons who engaged in such conduct"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2501** be amended on page 10, following line 10, by inserting:

"Sec. 7. K.S.A. 2013 Supp. 65-535 is hereby amended to read as follows: 65-535.

(a) A staff secure facility shall:

(1) Not include construction features designed to physically restrict the movements and activities of residents, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for the residents;

(2) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations;

(3) rely on locked entrances and delayed-exit mechanisms to secure the facility, and implement reasonable rules restricting entrance to and egress from the facility;

(4) implement written policies and procedures for 24-hour-a-day staff observation of all facility entrances and exits;

(5) implement written policies and procedures for the screening and searching of both residents and visitors;

(6) implement written policies and procedures for knowing the whereabouts of all residents at all times and for handling runaways and unauthorized absences; and

(7) implement written policies and procedures for determining when the movements and activities of individual residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

(b) A staff secure facility shall provide the following services to children placed in such facility:

(1) Case management;

(2) life skills training;

(3) health care;

(4) mental health counseling;

(5) substance abuse screening and treatment; and

(6) any other appropriate services.

(c) Service providers in a staff secure facility shall be trained to counsel and assist victims of human trafficking and sexual exploitation.

~~(d) The person responsible for 24-hour-a-day staff observation of all facility entrances and exits shall be a retired or off-duty law enforcement officer.~~

~~(1) As used in this subsection, "retired law enforcement officer" means any former member of any duly organized federal, state, county or municipal law enforcement organization who by virtue of office or public employment was vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extended to all crimes or was limited to specific crimes.~~

~~(2) As used in this subsection, "off-duty law enforcement officer" means any off-duty member of any duly organized federal, state, county or municipal law enforcement organization who by virtue of office or public employment is vested by law with a duty~~

to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

~~(e)~~ (d) If the staff secure facility is on the same premises as that of another licensed facility, the living unit of the staff secure facility shall be maintained in a separate, self-contained unit. No staff secure facility shall be in a city or county jail.

~~(f)~~ (e) The secretary of health and environment, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2014.

~~(g)~~ (f) This section shall be part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.";

Also on page 10, in line 12, by striking "and" and inserting a comma; also in line 12, after "22-4704" by inserting "and 65-535";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking "to"; also in line 2, after "crimes;" by inserting "relating to"; in line 3, after "relations;" by inserting "staff secure facility requirements;"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "22-4704" by inserting "and 65-535"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2508** be amended on page 1, in line 35, by striking all after "emergency"; in line 36, by striking all before the period;

On page 2, following line 20, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 65-4a07 is hereby amended to read as follows: 65-4a07. Except in the case of a medical emergency, ~~as defined in this act, and amendments thereto,~~ an abortion performed when the gestational age of the unborn child is 22 weeks or more shall be performed in a hospital or ambulatory surgical center licensed pursuant to this act. ~~All other abortions shall be performed in a hospital, ambulatory surgical center or facility licensed pursuant to this act.~~ All other abortions shall be performed in a facility licensed pursuant to this act, except that a hospital or ambulatory surgical center that does not meet the definition of a facility under this act and that is licensed pursuant to K.S.A. 65-425 et seq., and amendments thereto, may perform abortions.";

On page 16, in line 20, after "65-4a01," by inserting "65-4a07,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "65-4a01," by inserting "65-4a07,"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2525** be passed.

Committee on **Judiciary** recommends **HB 2447** be amended on page 1, in line 6, by striking all after "owes"; by striking all in line 7; in line 8, by striking all before the period and inserting "a trespasser only the duty of care that existed at common law or in statute as of July 1, 2014"; and the bill be passed as amended.

Committee on **Judiciary** recommends **House Substitute for SB 18** be amended on page 1, in line 11, by striking all after "(b)"; by striking all in lines 12 and 13; in line 14, by striking all before the period and inserting " A neutral principles of law analysis under subsection (a) shall rely on objective, well-established concepts of trust and property law. Such an analysis may include examination of a deed, local church charter, state statute or corporate governance documents in a completely secular manner, as

would be conducted for any other property dispute"; and the bill be passed as amended.

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 resolution were introduced and read by title:

HB 2651, AN ACT concerning courts; district court; court trustee operations fund; county law library; amending K.S.A. 20-3127 and K.S.A. 2013 Supp. 20-380 and repealing the existing sections, by Committee on Judiciary.

HB 2652, AN ACT concerning aircraft and airfields; relating to county airports; zoning; amending K.S.A. 3-307e and 3-701 and repealing the existing sections, by Committee on Judiciary.

HB 2653, AN ACT concerning the legislature; relating to legislative documents; establishing the Kansas legislature paper-free task force; specifying members and powers and duties, thereof, by Committee on Vision 2020.

HB 2654, AN ACT concerning agriculture; relating to the Kansas department of agriculture division of conservation; state conservation commission; powers and duties thereof; amending K.S.A. 2013 Supp. 2-1904 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2655, AN ACT concerning crimes and punishment; relating to sentencing of veterans; amending K.S.A. 2013 Supp. 73-1209 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2656, AN ACT concerning the military; relating to service members; reimbursement of death gratuity payments during a federal government shutdown; duties of the adjutant general, by Committee on Veterans, Military and Homeland Security.

HB 2657, AN ACT concerning veterans; relating to the Kansas commission on veterans affairs; unifying the Kansas soldiers' home and the Kansas veterans' home; establishing the Kansas veteran care center; amending K.S.A. 73-1207, 75-3036a, 76-1901 and 76-1951 and K.S.A. 2013 Supp. 39-970, 40-3414, 73-1210a, 73-1233, 74-4914, 74-8724, 75-3728e, 75-4362, 75-7435, 76-172 and 76-381 and repealing the existing sections; also repealing K.S.A. 76-1904, 76-1904a, 76-1904b, 76-1908, 76-1927, 76-1928, 76-1929, 76-1930, 76-1931, 76-1932, 76-1933, 76-1935, 76-1935a, 76-1936, 76-1940, 76-1941, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958 and K.S.A. 2013 Supp. 76-1906, 76-1939 and 76-1953, by Committee on Veterans, Military and Homeland Security.

HB 2658, AN ACT concerning crimes, criminal procedure and punishment; relating to care and treatment facilities; battery; traffic in contraband; amending K.S.A. 2013 Supp. 21-5413 and 21-5914 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2659, AN ACT concerning the secretary of health and environment; relating to the land spreading of oil and gas drilling waste; rules and regulations; amending K.S.A. 2013 Supp. 65-3407c and repealing the existing section, by Committee on Energy and Environment.

HB 2660, AN ACT concerning crimes and punishment; creating the crimes of abandonment of a human corpse; failing to summon assistance, by Committee on

Corrections and Juvenile Justice.

HB 2661, AN ACT concerning utilities; relating to approval of certificates of public convenience and necessity; review by the Kansas electric transmission authority for electric transmission lines; amending K.S.A. 2013 Supp. 66-131 and 74-99d07 and repealing the existing sections, by Committee on Appropriations.

HB 2662, AN ACT concerning crimes and punishment; relating to expungement of certain convictions; amending K.S.A. 2013 Supp. 21-6614 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2663, AN ACT concerning consumer protection; relating to bad faith assertions of patent infringement, by Committee on Judiciary.

HB 2664, AN ACT concerning the Kansas family law code; relating to domestic case management; amending K.S.A. 2013 Supp. 23-3507, 23-3508, 23-3509 and 38-2223 and repealing the existing sections, by Committee on Judiciary.

HB 2665, AN ACT concerning children and minors; enacting the Kansas code for children; amending K.S.A. 39-7,149 and K.S.A. 2013 Supp. 23-2204, 23-2208, 23-2209, 23-2215, 23-2225, 23-3004, 23-3103, 23-3201, 23-3202, 23-3203, 23-3205, 23-3206, 23-3207, 23-3210, 23-3211, 23-3212, 23-3213, 23-3217, 23-3221, 23-3222, 23-3301, 23-3302, 23-3403, 23-3503, 23-3510, 38-2302, 39-7,145, 59-2136, 72-53,106 and 75-7023 and repealing the existing sections; also repealing K.S.A. 38-101, 38-102, 38-103, 38-104, 38-108, 38-109, 38-110, 38-111, 38-112, 38-115, 38-116, 38-120, 38-122, 38-123, 38-123a, 38-123b, 38-134, 38-135, 38-136, 38-137, 38-138, 38-139, 38-141, 38-306, 38-315, 38-319, 38-320, 38-321, 38-322, 38-323, 38-324, 38-325, 38-326, 38-327, 38-328, 38-329, 38-335, 38-336, 38-337, 38-338, 38-339, 38-340, 38-1201, 38-1202, 38-1203, 38-1204, 38-1205, 38-1206, 38-1701, 38-1702, 38-1703, 38-1704, 38-1705, 38-1706, 38-1707, 38-1708, 38-1709, 38-1710, 38-1711, 38-1712, 38-1713, 38-1714, 38-1715, 38-1716, 38-1717, 38-1718, 38-1719, 38-1720, 38-1721, 38-1722, 38-1723, 38-1724, 38-1725, 38-1726 and 38-1901 and K.S.A. 2013 Supp. 38-123a, 38-140, 38-142, 38-143, 38-144, 38-145, 38-146, 38-147, 38-148, 38-149, 38-1008, 38-1009, 38-1010, 38-1011, 38-1518, 38-2201, 38-2202, 38-2203, 38-2204, 38-2205, 38-2206, 38-2207, 38-2208, 38-2209, 38-2210, 38-2211, 38-2212, 38-2213, 38-2214, 38-2215, 38-2216, 38-2217, 38-2218, 38-2219, 38-2220, 38-2221, 38-2222, 38-2223, 38-2224, 38-2225, 38-2226, 38-2227, 38-2228, 38-2229, 38-2230, 38-2231, 38-2232, 38-2233, 38-2234, 38-2235, 38-2236, 38-2237, 38-2238, 38-2239, 38-2240, 38-2241, 38-2242, 38-2243, 38-2244, 38-2245, 38-2246, 38-2247, 38-2248, 38-2249, 38-2250, 38-2251, 38-2252, 38-2253, 38-2254, 38-2255, 38-2256, 38-2257, 38-2258, 38-2259, 38-2260, 38-2261, 38-2262, 38-2263, 38-2264, 38-2265, 38-2266, 38-2267, 38-2268, 38-2269, 38-2270, 38-2271, 38-2272, 38-2273, 38-2274, 38-2275, 38-2276, 38-2277, 38-2278, 38-2279, 38-2280, 38-2281, 38-2282, 38-2283, 38-2284, 38-2285, 38-2286 and 38-2287, by Committee on Judiciary.

HB 2666, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; enacting the Kansas public employees pension forfeiture act; conditions for forfeiture; restitution to state for deposit in the crime victims compensation fund, by Committee on Federal and State Affairs.

HB 2667, AN ACT concerning property taxation; relating to motor vehicles; exemptions, disabled veterans; amending K.S.A. 2013 Supp. 79-5107 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2668, AN ACT concerning insurance for qualified professional associations; amending K.S.A. 40-2222a and 40-2222b and K.S.A. 2013 Supp. 40-2222 and repealing the existing sections, by Committee on Appropriations.

HB 2669, AN ACT concerning the state civil service board; transferred from the department of administration to the office of administrative hearings; amending K.S.A. 75-2929b, 75-2929g and 75-3746 and K.S.A. 2013 Supp. 75-2929d and repealing the existing sections, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. **5029**—

By Committee on Corrections and Juvenile Justice

A CONCURRENT RESOLUTION urging the Kansas bureau of investigation to establish a blue alert system for the state of Kansas.

WHEREAS, A Blue Alert is designed to speed the apprehension of violent criminals who kill or seriously injure law enforcement officers; and

WHEREAS, Eighteen states currently have the Blue Alert in place, while other states and the federal government are considering establishing a Blue Alert; and

WHEREAS, The four criteria for issuance of a Blue Alert are: (1) A law enforcement officer must have been killed or seriously injured by an offender; (2) the investigating law enforcement agency must determine that the offender poses a serious risk or threat to the public and other law enforcement personnel; (3) a detailed description of the offender's vehicle, vehicle tag or partial tag must be available for broadcast to the public; and (4) the investigating law enforcement agency of jurisdiction must recommend activation of the Blue Alert; and

WHEREAS, All Kansans respect and are grateful for the service of the men and women who serve as law enforcement officers and are deeply saddened whenever an officer is killed or injured; and

WHEREAS, The Legislature desires that a Blue Alert system be established in the State of Kansas; and

WHEREAS, Kansas already has in place similar systems; Amber Alerts for abducted children, and Silver Alerts for missing senior citizens; and

WHEREAS, The most efficient and effective means of establishing a Blue Alert system in Kansas would be for the Kansas Bureau of Investigation, using its existing authorities, to establish a Blue Alert system: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature urges the Kansas Bureau of Investigation to establish a Blue Alert system for the State of Kansas and urges all law enforcement agencies and other appropriate organizations and people to lend support to this effort.

Be it further resolved: That the Secretary of State shall send an enrolled copy of this resolution to the Kansas Bureau of Investigation.

MESSAGE FROM THE SENATE

Announcing passage of **SB 267, SB 268**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 267, SB 268.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION NO. **6051** –

By Representatives Grosserode, Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Couture-Lovelady, Crum, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Peterson, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Whipple, Wilson, Winn and Wolfe Moore

A RESOLUTION commemorating the University of Kansas Department of Ophthalmology's Centennial and designating February 19, 2014, as KU Eye Day.

WHEREAS, The University of Kansas founded the Department of Ophthalmology, commonly known as KU Eye, on January 1, 1914. Since its residency program began in 1946, 146 residents have graduated. The KU Eye Center opened its second clinic in March 2013; and

WHEREAS, Of the 250 licensed ophthalmologists in Kansas, 44 of them are KU Eye alumni. A top priority of the residency program is to increase the number of residents in the program, as more ophthalmologists are needed to increase the accessibility and availability of quality vision care in Kansas; and

WHEREAS, KU Eye's strategy is threefold. First, to build a credible, academically-centered clinical practice encompassing all aspects of ophthalmology. Second, to develop the research program around the concept of a Center for Ophthalmic Engineering with emphases on optics, refractive surgery, intraocular approaches and biomechanics of the eye. Many conditions of the eye, including glaucoma, retinal and neuro-ophthalmic diseases, as well as tissue engineering and genetic determinants of ocular physiology and pathology, can be explored using engineering principles. Third, to develop a competency-based residency program as opposed to the traditional process-based program to better meet the needs of the ophthalmology trainees and the Kansas general public; and

WHEREAS, KU Eye's vision is to be acknowledged as the most highly regarded center for eye care in the heart of America and be recognized among the top tier of the most respected centers in the nation; and

WHEREAS, KU Eye's mission is to establish and maintain a world-class eye care center that provides exceptional patient care, delivers the most advanced graduate and postgraduate medical education and conducts innovative basic and clinical research; and

WHEREAS, KU Eye physicians and staff have several values: Providing patients with the highest quality eye care within a compassionate atmosphere; engaging in outreach through education and collaboration to promote excellence in eye care throughout the community; working closely in consultation with and support of the physicians and staff of the University of Kansas Hospital and Medical Center; performing cutting-edge, basic, clinical and applied research in ophthalmology and vision science; and inspiring students, residents and fellows to adopt the core values and support the mission of KU Eye; and

WHEREAS, KU Eye will celebrate its Centennial throughout 2014 with many events, including the Quarterly Century of Caring Lecture Series beginning in February 2014, the grand opening of the new KU Eye Surgery and Laser Center in April 2014, the 5th annual Kansas EyeCon CME Conference in May 2014, and an Awareness Walk with Sight Buddies to promote World Sight Day in October 2014: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commemorate the 100th Anniversary of the Department of Ophthalmology and designate February 19, 2014, as KU Eye Day; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the Department of Ophthalmology at the University of Kansas.

REPORT ON ENROLLED RESOLUTIONS

HR 6042, HR 6044 reported correctly enrolled and properly signed on February 12, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 13, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

