

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 14, 2014, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Edwards and Schwab were excused on verified illness.

Rep. Sloan was excused on legislative business.

Reps. Henderson, Kinzer, Meigs and Ward were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
As we get into this time of longer days,
extended debate, and final action,
be with our leaders.
As Your Word admonished,
help them be men and women of integrity.
Let wisdom enter their hearts,
and let knowledge be pleasant to them.
Let discretion preserve them and
understanding keep them.
Make their hearts and ears attentive to Godly counsel,
and help them to do what is right in Your eyes.
And although they do represent a multitude of people,
when it is all said and done,
they must answer to You as to whether
what they do is fair and just,
that they are compassionate,
and that they don't take themselves too seriously,
but take You very seriously.
In Your Son's Name I pray, Amen.

(Ps. 25:21, Prov. 2:10-11, Ps. 1:1, 2 Chron. 20:32, Micah 6:8)

The Pledge of Allegiance was led by Rep. Petty.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2764, AN ACT concerning property tax; county appraisers; duties of the county

appraiser; violations; amending K.S.A. 19-432 and 79-1412a and repealing the existing sections, by Committee on Taxation.

HB 2765, AN ACT concerning cities; relating to annexation, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2763**.

Taxation: **HB 2762**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2752** from Committee on Calendar and Printing and referral to Committee on Commerce, Labor and Economic Development.

MESSAGES FROM THE SENATE

Announcing passage of **SB 346, SB 362, SB 394**.

Also, announcing passage of **HB 2154**, as amended by **S Sub for HB 2154; HB 2172**, as amended.

Announcing passage of **SB 316, HB 334, HB 367**.

Also, announcing passage of **HB 2210, HB 2514**.

Announcing adoption of **SCR 1618**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 316, SB 334, SB 346, SB 362, SB 367, SB 394, SCR 1618.

CONSENT CALENDAR

No objection was made to **SB 248** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2479, AN ACT concerning driving privileges; relating to suspension and restriction for test failure or alcohol or drug-related conviction; ignition interlock device; amending K.S.A. 2013 Supp. 8-1015 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

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, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell,

Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Meier, 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, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Bruchman, Edwards, Henderson, Kinzer, Meigs, Schwab, Sloan, Ward.

The bill passed, as amended.

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; also repealing K.S.A. 2013 Supp. 21-6614d, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 31; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Ballard, Barker, Becker, Boldra, Bollier, Bridges, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Curtis, DeGraaf, Dierks, Doll, Dove, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Henry, Hibbard, Highland, Hildabrand, Hill, Hoffman, Houser, Houston, Hutton, Jennings, Johnson, Kelly, Kleeb, Lane, Lunn, Lusk, Lusker, Mason, McPherson, Meier, Menghini, Merrick, Moxley, Pauls, Perry, Petty, Phillips, Proehl, Rooker, Rothlisberg, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwartz, Seiwert, Sloop, Suellentrop, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Wilson, Winn.

Nays: Anthimides, Bradford, Bruchman, Brunk, Crum, E. Davis, P. Davis, Edmonds, Esau, Hawkins, Hedke, Hineman, Howell, Huebert, Jones, Kahrs, Kelley, Kiegerl, Kuether, Macheers, Mast, O'Brien, Osterman, Peck, Powell, Read, Rhoades, Rubin, Sutton, Whipple, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Edwards, Henderson, Kinzer, Meigs, Schwab, Sloan, Ward.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: Driving under the influence, even for a young first-time offender, can hardly be dismissed as a youthful indiscretion or innocent "mistake," as some here have tried to characterize it. Why? Because drunk drivers at any age kill people. Moreover, because most first time DUI offenders are granted diversion, a first time DUI conviction usually addresses a repeat offender. Do we really want to lighten the expungement requirements for habitual drunk drivers? For these reasons, I will always oppose any attempts to weaken Kansas' drunk driving laws. I vote no on **HB 2662**.--JOHN RUBIN, MIKE KIEGERL, KASHA KELLEY.

MR. SPEAKER: **HB 2662** does nothing to change Kansas' DUI penalties and does

nothing to keep repeat DUI offenders from being prosecuted accordingly. This bill is about allowing a more timely opportunity for a DUI offender who has paid his or her debt to society to move on with a successful career. A good job can be a strong deterrent to repeating the offense. After the penalties have been paid, it is unreasonable to cut off a decade from someone's career and retirement. A five-year waiting period bring DUI closer in line with the expungement waiting period for all other misdemeanors. I vote Yes on **HB 2662**.--JACK THIMESCH.

Sub for Sub HB 2721, AN ACT concerning business entities; relating to business formation and filing requirements; enacting the business entity standard treatment act; amending K.S.A. 17-6002, 17-7673, 17-7674 and 17-7677 and K.S.A. 2013 Supp. 17-6003 and 56a-1102 and repealing the existing sections; also repealing K.S.A. 17-6003a, 17-6201, 17-6202, 17-6203, 17-6205, 17-6206, 17-7303, 17-7306, 17-7402, 17-7664, 17-7665, 17-7666, 17-7676, 17-7683, 17-76,120, 17-76,121, 17-76,121a, 17-76,123, 17-76,124, 17-76,125, 17-76,136, 17-76,142, 56-1a102, 56-1a103, 56-1a105, 56-1a108, 56-1a154, 56-1a155, 56-1a501, 56-1a502, 56-1a503, 56-1a505, 56-1a506, 56-1a511, 56-1a605, 56a-1002, 56a-1101, 56a-1104 and 56a-1105 and K.S.A. 2013 Supp. 17-6204, 17-7301, 17-7506, 17-7678, 56-1a104, 56-1a504, 56a-1005 and 56a-1106, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, 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, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Edwards, Henderson, Kinzer, Meigs, Schwab, Sloan, Ward.

The substitute bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House concurred in Senate amendments to **HB 2599**, AN ACT authorizing the secretary of state to grant an easement to the unified government of Wyandotte county, Kansas.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson,

Carmichael, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, 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, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Edwards, Henderson, Kinzer, Meigs, Schwab, Sloan, Ward.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2419, SB 284** be passed.

Committee report to **HB 2578** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 40** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub HB 2541** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 147** be amended as recommended by the Committee on Agriculture and Natural Resources in the Journal of the House on March 25, 2013, and the bill as printed with amendments by House Committee, be further amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 147," as follows:

"House Substitute for SENATE BILL NO. 147

By Committee on Agriculture and Natural Resources

"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."; and the substitute bill be passed.

(**H Sub for SB 147** was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2307** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2307," as follows:

"Substitute for HOUSE BILL NO. 2307

By Committee on Education

"AN ACT concerning human sexuality education; school districts' policies and procedures."; and the substitute bill be passed.

(**Sub HB 2307** was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2475**, be amended by adoption of the amendments recommended by the House Committee on Education as reported in the Journal of the House on February 21, 2014, and the bill, as printed with amendments by House Committee be passed as amended.

Committee on **Energy and Environment** recommends **HB 2661** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2661," as follows:

"Substitute for HOUSE BILL NO. 2661

By Committee on Energy and Environment

"AN ACT concerning electric utilities; relating to electric transmission line siting; notice and hearings, time requirements; amending K.S.A. 66-1,178 and 66-1,179 and K.S.A. 2013 Supp. 66-1,180 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2661** was thereupon introduced and read by title.)

Committee on **Veterans, Military and Homeland Security** recommends **HCR 5031** be adopted and, because the committee is of the opinion that the resolution is of a noncontroversial nature, be placed on the consent calendar.

REPORT OF STANDING COMMITTEE

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

Request No. 53, by Representative Larry Hibbard, congratulating the 2014 Yates Center High School Quiz Bowl Team for being named the Class 2A State Quiz Bowl Champions;

Request No. 54, by Representative Kevin Jones, congratulating Coach Marlow Westerbeck on 21 years of coaching at Wellsville schools;

Request No. 55, by Representative John Doll, congratulating Garden City High School Wrestling Team for being recognized as the 6A Kansas State Wrestling Champions, Two Time Winners;

Request No. 56, by Representative Connie O'Brien, congratulating Danielle Sigmon on being named Boys and Girls Clubs of America 2014 Military Youth of the Year;

Request No. 57, by Representative Connie O'Brien, congratulating Kiana Knolland on being named Boys and Girls Clubs of America National Youth of the Year;

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

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2766, AN ACT concerning sales taxation; relating to exemptions; helping hands humane society, inc.; amending K.S.A. 2013 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2767, AN ACT concerning the state child death review board; relating to records of the board; disclosure of information; amending K.S.A. 22a-243 and repealing the existing section, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2479, HB 2662 reported correctly engrossed March 13, 2014.

REPORT ON ENROLLED RESOLUTIONS

HR 6058, HR 6059 reported correctly enrolled and properly signed on March 14, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Monday, March 17, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

