

Journal of the House

FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 21, 2014, 10:00 a.m.

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

The roll was called with 117 members present.

Rep. Pauls was excused on legislative business.

Reps. Ballard, Claeys, Kelley, Sawyer, Thimesch, Victors and Winn were excused on excused absence by the Speaker.

Present later: Rep. Kelley.

Prayer by guest chaplain, Deacon Everett Schultz, First Mennonite Church, Pretty Prairie, guest of Rep. Seiwert:

Father in heaven,

We come before you this morning and ask that you be with Representative Jack Thimesch as he cares for his wife Diane. We pray that you will give him strength, comfort, and peace during this difficult time. Help him to feel your presence and under gird him with your love and care. Reach down and touch him with your loving hand and comfort him today and in the days to come.

We come today with thankful hearts for all that you have provided us. We praise you for the many blessings you have showered upon us. We have so much more than many other countries of the world because of your loving-kindness. We are thankful for our forefathers who used much wisdom and leadership in forming a government of the people, by the people, and for the people. I pray that the people in all levels of our government will continue to preserve this form of government in our great nation. I thank you for each person in this room, and pray that you will bless them in their work for our state.

I pray also for wisdom and understanding so they may be able to provide a budget that meets the needs of the state and yet does not put an unruly burden on the taxpayers. These people need wisdom to understand how to meet the mandate for equitable funding of schools and to provide for the needs of the agricultural and business aspects of our state. I pray they will cooperate with each other without regard to party affiliation so that these matters can be settled quickly and be done so in a manner such that all will benefit. I pray for the people of our state that they might see their impact on water and the future natural resources of our state. I pray that all the people of Kansas will

do the right things so that our posterity can enjoy the benefits of their decisions. Many Kansans are concerned for their grandchildren, and I pray that you will rule and overrule our people's actions so that our grandchildren can enjoy a life as good as we have enjoyed.

And now Father, bless each one in this room and continue to bless them each day as they finish this legislative session. May they cooperate in such a way that the needs of our state will be met both today and in the future.

I ask these things in Thy name O Lord. Amen.

The Pledge of Allegiance was led by Rep. Seiwert.

PERSONAL PRIVILEGE

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

Members of the body,

I would like to take one minute of your time as I do not do this very often. I would like to introduce my newest grandson, Ty Schultz, son of Barbara and Tim Schultz and grandson of our guest chaplain, Everett Schultz and his wife Judy.

CORRECTION OF REFERENCE

HB 2773, appearing on the calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Appropriations, should be corrected to be referred to Committee on Calendar and Printing.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 380, SB 392.**

Appropriations: **SB 366, SB 370, SB 396.**

Education: **SB 264, SB 335.**

Financial Institutions: **SB 422, SB 424.**

Judiciary: **HB 2772.**

Taxation: **SB 295, Sub SB 298.**

Transportation: **HR 6066, SB 301, SB 379.**

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **SB 424** from Committee on Financial Institutions and referral to Committee on Health and Human Services.

MESSAGE FROM THE GOVERNOR

March 19, 2014

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 14-451 for your information.

EXECUTIVE DIRECTIVE NO. 14-451
Authorizing Expenditure of Federal Funds
and Authorizing Fund Transfers

SAM BROWNBACK
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **6068**—

By Representative Todd

A RESOLUTION congratulating Hannah Bergwell and others on receiving Prudential Spirit of Community awards.

WHEREAS, Hannah Bergwell, an esteemed resident of Overland Park, Kansas, and a student at Blue Valley North High School, has achieved national recognition for exemplary volunteer service by receiving a 2014 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Six students from across the state of Kansas have been recognized by the 19th annual Prudential Spirit of Community Awards for their volunteer services. Logan Brown, 18, of Eudora, Kansas, a senior at Free State High School and Hannah Thurlby, 12, of Overland Park, a seventh-grader at Harmony Middle School are the state honorees. Megan Keller, 17, of Wichita, Kansas, a junior at Northwest High School, Anne Schugart, 17, of Overland Park, Kansas, a senior at St. Thomas Aquinas High School, Kinsey Volk, 15, of Goodland, Kansas, a freshman at Goodland High School, and Hannah Bergwell, 17, of Overland Park, Kansas, a senior at Blue Valley North High School were recognized as distinguished finalists; and

WHEREAS, Ms. Bergwell earned this award by giving generously of her time and energy to found Art for Autism, a club at her high school and local middle school that provides children on the autism spectrum with a safe and encouraging outlet for self-expression by making art. In addition to coordinating the clubs and training volunteers to help run them, Ms. Bergwell hosted an art show featuring the students' art work. The art show brought in \$8,000 to support the organization Autism Speaks; and

WHEREAS, The success of the state of Kansas, the strength of our communities and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Bergwell who use their considerable talents and resources to serve others: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and honor Hannah Bergwell, Logan Brown, Hannah Thurlby, Megan Keller, Anne Schugart and Kinsey Volk as recipients of a Prudential Spirit of Community Award, recognizing their outstanding record of volunteer service, peer

leadership and community spirit. We extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Todd.

CONSENT CALENDAR

No objection was made to **SB 267, SB 268, SB 306, SB 321, HR 6063** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2755** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2744, AN ACT concerning insurance; providing coverage for autism spectrum disorder; requiring licensure of persons providing applied behavior analysis; amending K.S.A. 2013 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Anthimides, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Clayton, Concannon, Corbet, Crum, Curtis, 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, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Ward, Waymaster, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: McPherson, Peck, Schwab.

Present but not voting: None.

Absent or not voting: Ballard, Claeys, Kelley, Pauls, Sawyer, Thimesch, Victors, Winn.

The bill passed, as amended.

SB 308, AN ACT concerning the Kansas no-call act; amending K.S.A. 50-670 and 50-670a and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Anthimides, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Clayton, Concannon, Corbet, Crum, Curtis, 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, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Ward, Waymaster, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Claeys, Kelley, Pauls, Sawyer, Thimesch, Victors, Winn.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk to concur in Senate amendments to **HB 2047**, Rep. Menghini offered a substitute motion that the House nonconcur in Senate amendments and that a conference committee be appointed. The substitute motion prevailed.

Speaker Merrick thereupon appointed Reps. Carlson, Edmonds and Sawyer as conferees on the part of the House.

On motion of Rep. Crum, the House nonconcurred in Senate amendments to **S Sub for HB 2154** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Crum, Concannon and Ward as conferees on the part of the House.

On motion of Rep. Huebert, the House nonconcurred in Senate amendments to **HB 2172** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Huebert, Phillips and Alcalá as conferees on the part of the House.

On motion of Rep. Schwab, the House nonconcurred in Senate amendments to **HB 2130** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Schwab, Huebert and Sawyer as conferees on the part of the House.

On motion of Rep. Schwab, the House nonconcurred in Senate amendments to **HB 2516** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Schwab, Hutton and Sawyer as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Carlson, Committee of the Whole report, as follows, was adopted: Recommended that on motion of Rep. Kinzer, **SB 311** be amended on page 3, by striking all in lines 21 through 38;

On page 4, by striking all in lines 5 through 10; in line 15, by striking the third

comma and inserting "and"; also in line 15, by striking "60-"

In line 16, by striking all before "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "collateral source"; in line 3, by striking "benefits;"; also in line 3, by striking the third comma and inserting "and"; also in line 3, by striking ", 60-3801"; in line 4, by striking "and 60-3802"; also in line 4, by striking "; also repealing K.S.A."; in line 5, by striking all before the period;

Also, on motion of Rep. Carmichael to amend **SB 311**, the motion did not prevail; and the bill be passed as amended.

On motion of Rep. Wilson to amend **HB 2553**, Rep. Hildabrand requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion of Rep. Ward to amend **HB 2553** on page 2, in line 18, after "by" by inserting "the medicare program under the United States department of health and human services,";

On roll call, the vote was: Yeas 57; Nays 61; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Anthimides, Becker, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Cassidy, Clayton, Concannon, Curtis, P. Davis, Dierks, Edmonds, Ewy, Finch, Finney, Frownfelter, Gandhi, Gonzalez, Henderson, Henry, Hibbard, Hill, Hineman, Houston, Jennings, Kelly, Kuether, Lane, Lusk, Lusker, Meier, Menghini, Moxley, Osterman, Perry, Phillips, Proehl, Rooker, Ruiz, Schroeder, Schwab, Sloan, Sloop, Swanson, Thompson, Tietze, Trimmer, Ward, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: Alford, Barker, Boldra, Bradford, Brunk, Couture-Lovelady, Carlson, Carpenter, Christmann, Corbet, Crum, E. Davis, DeGraaf, Doll, Dove, Edwards, Esau, Estes, Garber, Goico, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Hutton, Johnson, Jones, Kahrs, Kelley, Kiegerl, Kinzer, Kleebl, Lunn, Macheers, Mason, Mast, McPherson, Meigs, Merrick, O'Brien, Peck, Petty, Powell, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwartz, Seiwert, Suellentrop, Sutton, Todd, Vickrey, Waymaster.

Present but not voting: None.

Absent or not voting: Ballard, Claeys, Pauls, Sawyer, Thimesch, Victors, Winn.

The motion of Rep. Ward did not prevail; and **HB 2553** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2675** be amended on page 3, in line 10, by striking ", or a wholesaler";

On page 4, in line 9, after the semicolon by inserting "and"; in line 11, by striking "; and"; by striking all in lines 12 through 15; in line 16, by striking all before the period; and the bill be passed as amended.

Committee on **Education** recommends **SB 367** be amended on page 1, in line 4, by striking "6" and inserting "9"; in line 6, by striking "6" and inserting "9";

On page 3, following line 19, by inserting:

"Sec. 5. No test, questionnaire, survey or examination containing any questions about the student's personal beliefs or practices on issues such as sex, family life, morality and religion or any questions about the student's parents' or guardians' beliefs

and practices on issues such as sex, family life, morality and religion, shall be administered to any student enrolled in kindergarten or grades one through 12, unless the parent or guardian of the student is notified in writing that this test, questionnaire, survey or examination is to be administered and the parent or guardian of the student gives written permission for the student to take this test, questionnaire, survey or examination.";

Also on page 3, in line 21, by striking "6" and inserting "8"; in line 25, by striking "6" and inserting "8"; following line 26, by inserting:

"Sec. 7. In the event of a security breach or unauthorized disclosure of student data or personally identifiable information of any student, whether by a school district, the department, the state board of education, state agency, or other entity or third party given access to student data or personally identifiable information of any student, the school district, department, state board of education, state agency, or other entity or third party shall immediately notify each affected student, if an adult, or the parent or legal guardian of the student, if a minor, of the breach or unauthorized disclosure and investigate the causes and consequences of the breach or unauthorized disclosure.";

Also on page 3, following line 31, by inserting:

"Sec. 9. On or before May 15, 2015, and each year thereafter, the state board shall submit to the governor and the legislature a written report. The report shall include, but not be limited to, the following information:

(a) Any categories of student data collected for the statewide longitudinal student data system that are not otherwise described as student data under section 2, and amendments thereto;

(b) any changes to existing data collections, which includes changes to federal reporting requirements by the secretary of the United States department of education;

(c) an explanation of any exceptions provided by the state board in the preceding calendar year regarding the release or transfer of student data or de-identified data; and

(d) the scope and nature of any privacy or security audits completed in the preceding calendar year.";

And by renumbering sections accordingly, and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Substitute for SCR 1618** be adopted.

Committee on **Federal and State Affairs** recommends **SB 346** be amended on page 2, following line 43, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 41-311 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who ~~has not been~~ is not a citizen of the United States ~~for at least 10 years,~~ ~~except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;~~

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of

a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2013 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or
(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's

license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least one year immediately preceding the date of application;

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2013 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.";

On page 3, in line 1, by striking "is" and inserting "and 41-311 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "dealing with" and inserting "relating to"; also in line 1, after the last semicolon by inserting "relating to citizenship requirements for licensure;"; in line 2, after "41-308b" by inserting "and 41-311"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 352** be amended on page 1, in line 27, after the period by inserting "Local law enforcement officers and agencies may charge a fee as reimbursement for expenses incurred in taking and processing fingerprints under this section."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 348** be passed.

Committee on **Judiciary** recommends **HB 2689** be amended on page 2, in line 18, after the semicolon by inserting "or"; in line 20, by striking the semicolon and inserting ". For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this paragraph, only convictions occurring on or after July 1, 2001, shall be taken into account."; in line 21, by striking "(C)" and inserting "(2) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person:

(A) ";

Also on page 2, in line 28, by striking "(D)" and inserting "(B)"; in line 29, after the period by inserting "For the purposes of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this paragraph, all convictions occurring during a person's lifetime shall be taken into account.";

Also on page 2, by striking all in lines 41 through 43;

On page 3, by striking all in line 1; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 60** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 60," as follows:

"House Substitute for SENATE BILL NO. 60

By Committee on Judiciary

"AN ACT concerning crimes and punishment; relating to a mandatory term of imprisonment of 35 years for certain sex offenders; amending K.S.A. 2013 Supp. 21-6627 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 60** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 273** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 273," as follows:

"House Substitute for SENATE BILL NO. 273

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to commercial vehicles; registration and regulation; amending K.S.A. 2013 Supp. 8-129, 66-1,109 and 66-1,129 and repealing the existing sections."; and the substitute bill be passed.

(H Sub for SB 273 was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

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

Request No. 58, by Representative Peggy Mast, congratulating James Davis on winning the American Legion Oratorical Contest on the Constitution;

Request No. 59, by Representative Willie Dove, congratulating the Basehor-Linwood High School Men's Power-lifting Team on winning the 2014 Kansas 4A Men's Power-lifting Championship;

Request No. 60, by Representative Willie Dove, congratulating the Basehor-Linwood High School Women's Power-lifting Team on winning the 2014 Kansas 4A Women's Power-lifting Championship;

Request No. 61, by Representative Blaine Finch, congratulating West Franklin High School, USD 287, on being named a 2013 Blue Ribbon School;

Request No. 62, by Representative Virgil Peck, Jr., congratulating Naomi Marsh on her 80th birthday;

Request No. 63, by Representative Joe Edwards, congratulating Campus High School, USD 261 Haysville, on being named a 2013 Blue Ribbon School;

Request No. 64, by Representative Joe Seiwert and Representative Jack Thimesch, congratulating St. Patrick Catholic School in recognition for receiving the Kansas Governor's Award for Academic Achievement for the sixth street year;

Request No. 65, by Representative John Ewy, congratulating Scott and Susan Reincke on winning the Kansas Small Business Development Center, 2014 Existing Small Business Award;

Request No. 66, by Representative Joe Seiwert, congratulating Eisenhower Middle School in recognition for receiving the Governor's Achievement Award;

Request No. 67, by Representative Joe Seiwert, congratulating Eisenhower Middle school in recognition for receiving the Governor's Achievement Award;

Request No. 68, by Representative Richard Proehl, congratulating Oswego Neosho Heights Elementary, on being named a 2013 National Blue Ribbon School;

Request No. 69, by Representative John Barker, congratulating Chapman High School, on being named a 2013 Blue Ribbon School;

Request No. 70, by Representative Connie O'Brien, congratulating the Eudora Boys Basketball Team on winning the 2014 Kansas State Championship, Class 4A Division II Title;

Request No. 71, by Representative Brandon Whipple, recognizing her for her continued residency in Kansas since 1987 and is acknowledged as an "Official Kansan";

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.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **6069**—

By Representatives DeGraaf and Howell

A RESOLUTION honoring the American Legion Post 408 Flag Etiquette Team.

WHEREAS, The American Legion organization is committed to mentoring youth and sponsorship of wholesome programs in our communities by advocating patriotism and honor; and

WHEREAS, The John M. West West Derby/Haysville American Legion Post 408 of established a Flag Etiquette Team in the fall of 2012. The purpose of this team is to teach middle school students proper flag etiquette and the history of the American flag; and

WHEREAS, The American Legion Post 408 Flag Etiquette Team is continuing to expand its program to as many people in the community and surrounding area as possible in order to instill a broad sense of patriotism and respect for the American flag; and

WHEREAS, Since 2012, the American Legion Post 408 Flag Etiquette Team has educated 2,254 students to understand the proper handling, display and presentation of the American flag. On Veteran's Day in 2014, the team will be conducting their presentation for an entire school; and

WHEREAS, Along with schools, the American Legion Post 408 Flag Etiquette Team has conducted their presentation to more than 500 adults at senior living centers. Members of the team have volunteered over 1,000 hours of their time; and

WHEREAS, Members of the team include Eduardo Mendoza, Sandra Mendoza, Kerry Shumaker, Rose Pepperd, Mike Saindon and Rueben Armendariz: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the American Legion Post 408 Flag Etiquette Team and thank the members for making a positive and long-lasting impact on the people of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send seven enrolled copies of this resolution to Representative DeGraaf.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Curtis to replace Rep. Winn on Committee on Education for Friday, March 21, 2014. Rep. Winn will resume her position on the committee on Monday, March 24, 2014.

REPORT ON ENGROSSED BILLS

HB 2744 reported correctly engrossed March 21, 2014.

REPORT ON ENROLLED BILLS

HB 2210, HB 2514, HB 2599 reported correctly enrolled, properly signed and presented to the Governor on March 21, 2014.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Monday, March 24, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

