

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 25, 2014, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Gandhi was excused on verified illness.

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

Rep. Ryckman, Sr. was excused for a portion of the morning on excused absence by the Speaker.

Prayer by guest chaplain, Bishop Wade Moore, Jr., senior pastor, Christian Faith Centre, Wichita, and guest of Rep. Finney:

Eternal God,

We come to you humbly and we petition your presence in this Kansas House meeting. We thank You, Almighty God for your presence here today. We are thankful for those who serve in this House. This House has some difficult decisions to make for the future of our people. They will make decisions today and in the next few months that will guide this State in its present time and for years to come. These decisions they make will affect the lively hood and health of this State's people. You have guided them in the past through a bad economy, the loss of jobs and the general welfare of Your people. You made sure that even while people were hurting in those times, provision was made! So, as this House makes decisions that will affect all people, give them wisdom and courage to do what is right for the people.

Some of the decisions they make will not be popular with everyone. But guide them and protect them and may they trust you and allow you to direct their path. Let their decisions glorify you and lift communities across this State. Give them an ear to hear the concerns of everyday people from the farm lands to the urban communities. Give them an ear to hear from you. Touch their hearts Father! Bless them with wisdom and grace as they make decisions for the great State of Kansas and its people!

In Your Holy Name, Amen!

The Pledge of Allegiance was led by Rep. Frownfelter.

CONSENT CALENDAR

Objection was made to **SB 306** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

No objection was made to **HR 6063, SB 267, SB 268, SB 321** appearing on the Consent Calendar for the third day. The resolution and bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6063, A RESOLUTION urging the President of the United States to extend the qualifications for the Women's Army Corps Service Medal to the women who served between September 1945 and 1978, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The resolution was adopted.

SB 267, AN ACT concerning insurance; relating to security deposits, acceptable assets for deposit; forms, handwritten signatures required; amending K.S.A. 2013 Supp. 40-229a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed.

SB 268, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurers; amending K.S.A. 2013 Supp. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed.

SB 321, AN ACT concerning insurance; relating to the return of premiums separate from the notice of denial of coverage; amending K.S.A. 2013 Supp. 40-3118 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed.

SB 256, AN ACT concerning criminal procedure; relating to appeals; costs charged by attorney general; amending K.S.A. 22-3612 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lunn, Lusk, Lusker, Macheers, Mason, 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, Swanson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Howell, Lane, Sutton, Thompson.

Present but not voting: None.

Absent or not voting: Gandhi, Thimesch.

The bill passed, as amended.

SB 263, AN ACT concerning military service members; establishing the military honors funeral fund; abolishing the Kansas commission on veterans affairs; creating the Kansas commission on veterans affairs office within the executive branch of government; transferring certain powers, duties and functions; providing a Kansas advisory committee on veterans affairs; amending K.S.A. 73-209, 73-210, 73-1211, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1229, 73-1230, 73-1231, 73-1232, 76-1904, 76-1904a, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1941, 76-1951, 76-1952, 76-1954, 76-1955, 76-1956, 76-1957 and 76-1958 and K.S.A. 2012 Supp. 74-2012, as amended by section 3 of chapter 74 of the 2013 Session Laws of Kansas and K.S.A. 2013 Supp. 39-923, 65-1732, 65-2418, 73-1209, 73-1210a, 73-1217, 73-1218, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1906, 76-1939, 76-1953 and 79-3221k and repealing the existing sections; also repealing K.S.A. 73-1207, 73-1208b, 73-1208c and 73-1220 and K.S.A. 2013 Supp. 73-1208a and 73-1219, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed, as amended.

SB 272, AN ACT concerning wildlife, parks and recreation; relating to controlled shooting areas; amending K.S.A. 32-945 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed.

SB 285, AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed, as amended.

SB 286, AN ACT concerning the Kansas department of agriculture; relating to fees; extending sunset date on certain fees; amending K.S.A. 2013 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 76; Nays 47; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Ballard, Becker, Boldra, Bruchman, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Clayton, Concannon, Crum, Curtis, E. Davis, Dierks, Doll, Dove, Edmonds, Edwards, Estes, Ewy, Finch, Goico, Gonzalez, Henry, Hibbard, Highland, Hill, Hineman, Hoffman, Jennings, Johnson, Jones, Kelly, Kleeb, Kuether, Lane, Lusk, Lusker, Mason, Mast, Meier, Meigs, Menghini, Moxley, O'Brien, Osterman, Perry, Petty, Phillips, Proehl, Read, Rooker, Rothlisberg, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Thompson, Tietze, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Wilson, Wolfe Moore.

Nays: Anthimides, Barker, Bollier, Bradford, Bridges, Brunk, Burroughs, Christmann, Claeys, Corbet, P. Davis, DeGraaf, Esau, Finney, Frownfelter, Garber, Grosserode, Hawkins, Hedke, Henderson, Hildabrand, Houser, Houston, Howell, Huebert, Hutton, Kahrs, Kelley, Kiegerl, Kinzer, Lunn, Macheers, McPherson, Merrick, Pauls, Peck, Powell, Rhoades, Rubin, Ruiz, Sloop, Suellentrop, Sutton, Swanson, Todd, Ward, Winn.

Present but not voting: None.

Absent or not voting: Gandhi, Thimesch.

The bill passed, as amended.

SB 344, AN ACT regulating traffic; concerning motor carriers, special permits; relating to oversized loads; transporting hay or feed stuffs; amending K.S.A. 2013

Supp. 8-1911 and 66-1344 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Gandhi, Thimesch.

The bill passed, as amended.

SB 351, AN ACT concerning motor vehicles; relating to vehicle identification numbers; penalties; damages; amending K.S.A. 8-116 and K.S.A. 2013 Supp. 8-116a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed.

SB 357, AN ACT concerning wildlife, parks and tourism; relating to hunter education; amending K.S.A. 2013 Supp. 32-920 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Anthimides, Barker, Becker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeyes, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Frownfelter, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Sawyer, Schwab, Seiwert, Suellentrop, Sutton, Swanson, Thompson, Todd, Trimmer, Vickrey, Waymaster, Weigel, Whipple.

Nays: Alcala, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Clayton, Finney, Henderson, Henry, Houston, Kuether, Lane, Rooker, Ruiz, Schroeder, Schwartz, Sloan, Sloop, Tietze, Victors, Ward, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Gandhi, Thimesch.

The bill passed, as amended.

SB 372, AN ACT concerning employment security; relating to the shared work unemployment compensation program; layoff aversion; amending K.S.A. 2013 Supp. 44-757 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Claeyes, Clayton, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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: Gandhi, Thimesch.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Kleeb, the House concurred in Senate amendments to **S Sub for HB 2023**, AN ACT concerning workers compensation; enacting the public service benefits protection act; amending K.S.A. 2013 Supp. 44-501 and repealing the existing section.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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., 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: Gandhi, Ryckman Sr., Thimesch.

On motion of Rep. Brunk, the House concurred in Senate amendments to **HB 2047**, AN ACT concerning property taxation; relating to revenues produced by property tax levies; votes to increase revenues; publication; amending K.S.A. 2013 Supp. 79-2925b and repealing the existing section.

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

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, 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, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, Mast, McPherson, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn.

Nays: Bollier, Doll, Meier, Swanson, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Gandhi, Ryckman Sr., Thimesch.

On motion of Rep. Hedke, the House concurred in Senate amendments to **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; also repealing K.S.A. 2013 Supp. 74-99d09.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Alcalá, Carlin, Carmichael, Christmann, Esau, Grosserode, Hildabrand, Kiegerl, Kinzer, Lusker, Meier, Tietze, Todd, Victors, Ward.

Present but not voting: None.

Absent or not voting: Gandhi, Ryckman Sr., Thimesch.

On motion of Rep. Kleeb, the House concurred in Senate amendments to **HB 2576**, AN ACT concerning the employment security law; pertaining to rate; amending K.S.A. 2013 Supp. 44-710a and repealing the existing section.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, 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, Mason, 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., 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: Gandhi, Ryckman Sr., Thimesch.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted:
Recommended that **HB 2402, HB 2745** be passed.

Sub SCR 1618 be adopted.

SB 367 be passed over and retain a place on the calendar.

Committee report to **HB 2767** be adopted; and the bill be passed as amended.

Committee report to **HB 2643** be adopted; also, on motion of Rep. Edmonds be amended on page 1, in line 17, after "conform" by inserting "to the definitions of real and personal property in Kansas law and"; in line 21, by striking all following "(2)"; by striking all in lines 22 through 24; in line 25, by striking "(3)"; in line 26, by striking all following "determined"; in line 27, by striking all before the comma and inserting "from the definitions of real and personal property provided in Kansas law"; also in line 27, by striking "following"; also in line 27, after "part" by inserting "fixture law"; in line 30, after "thereto" by inserting ", and shall consider the following"; in line 31, by striking "Annexation to the realty" and inserting "The annexation of the machinery and equipment to the real estate"; in line 32, following "(B)" by inserting "the"; also in line 32, by striking "the part of"; in line 33, after "attached" by inserting "and determination whether the property at issue serves the real estate"; in line 34, after "annexation" by inserting ", based on the nature of the item affixed; the relation and situation of the party making the annexation; the structure and mode of annexation; and the purpose or use for which the annexation was made.

(3) The basic factors for clarifying items as real or personal property are their designated use and purpose. The determination of whether property is real or personal must be made on a case-by-case basis. All three parts of the three-part fixture test must be satisfied for the item to be classified as real property";

Also on page 1, in line 35, by striking "For all tax years commencing after December 31,"; by striking all in line 36;

On page 2, by striking all in lines 1 through 18 and inserting "(a) After July 1, 2014, the owner of any project being constructed with the proceeds of industrial revenue bonds which has been exempted from ad valorem taxation pursuant to K.S.A. 79-201a *Second*, and amendments thereto, or the owner of any property exempted from ad valorem taxation pursuant to section 13 of article 11 of the constitution of the state of Kansas, shall within 30 days of the completion of any improvement on the project, notify the county appraiser of such completion and the county appraiser upon receipt of such notification shall classify such improvement as real property, personal property or a combination of both real and personal property within 180 days of receipt of the notice, and shall notify the owner of such classification. The owner, if aggrieved by the county appraiser's classification, may appeal such classification to the court of tax appeals pursuant to K.S.A. 79-1409, and amendments thereto.

(b) Any property appraised as given in subsection (a) shall not be reclassified within two years after the expiration of the tax exemption period absent the approval of the court of tax appeals upon a hearing in a decision upheld upon appeal, if any, and:

- (1) A material physical change to such property;
 - (2) a material change in the use of such property; or
 - (3) a substantial change in directly applicable law.
- (c) After the expiration of the two years the appraiser shall classify such property as

required by K.S.A. 79-1459, and amendments thereto.";

Also on page 2, in line 24, after "(a) " by inserting "Except as provided in article 5a of chapter 79 of the Kansas statutes annotated, and amendments thereto,";

On page 4, following line 22, by inserting:

"Sec. 9. K.S.A. 2013 Supp. 12-1744a is hereby amended to read as follows: 12-1744a. (a) At least seven days prior to the issuance of any revenue bonds, the city or county shall file a statement with the state court of tax appeals of such proposed issuance containing the following information:

(1) The name of the city or county proposing to issue the revenue bonds, the lessee, the guarantor, if any, the paying or fiscal agent, the underwriter, if any, and all attorneys retained to render an opinion on the issue;

(2) a legal description of any property to be exempted from ad valorem taxes, including the city or county in which the facility will be located;

(3) the appraised valuation of the property to be exempted from ad valorem taxes as shown on the records of the county as of the next preceding January 1. Any listing of property shall not constitute a classification of the property. Classification of any property acquired during the tax exemption period shall be determined at the end of the exemption period in accordance with section 2, and amendments thereto;

(4) the estimated total cost of the facility showing a division of such total cost between real and personal property;

(5) if the facility to be financed is an addition to or further improvement of an existing facility the cost of which was financed by revenue bonds issued under the provisions of this act, the date of issuance of such revenue bonds, and if such facility or any portion thereof is presently exempt from property taxation, the period for which the same is exempt;

(6) the principal amount of the revenue bonds to be issued;

(7) the amount of any payment to be made in lieu of taxes;

(8) an itemized list of service fees or charges to be paid by the lessee together with a detailed description of the services to be rendered therefor;

(9) a reasonably detailed description of the use of bond proceeds, including whether they will be used to purchase, acquire, construct, reconstruct, improve, equip, furnish, enlarge or remodel the facility in question;

(10) the proposed date of issuance of such revenue bonds.

(b) Any change in the information or documents required to be filed pursuant to subsection (a) which does not materially adversely affect the security for the revenue bond issue may be made within the fifteen-day period prior to issuance of the revenue bonds by filing the amended information or document with the state court of tax appeals.

(c) Any notice required to be filed pursuant to the provisions of subsection (a) shall be accompanied by a filing fee, which shall be fixed by rules and regulations of the state court of tax appeals, in an amount sufficient to defray the cost of reviewing the information and documents required to be contained in the notice.

(d) Information required to be filed by subsection (a) of this section shall be in addition to any filing required by K.S.A. 79-210, and amendments thereto.

(e) The state court of tax appeals may require any information listed under subsection (a) deemed necessary, to be filed by a city or county concerning agreements entered into prior to the effective date of this act.

(f) The state court of tax appeals shall prepare and compile annually a report containing the information required to be filed pursuant to subsection (a) for each issuance of revenue bonds made pursuant to K.S.A. 12-1740 et seq., and amendments thereto. Such report shall be published in convenient form for the use and information of the legislature, taxpayers, public officers and other interested parties, and shall be available on January 10 of each year.

Sec. 10. K.S.A. 2013 Supp. 79-251 is hereby amended to read as follows: 79-251. Prior to the granting of an exemption for any property from ad valorem taxation pursuant to the provisions of section 13 of article 11 of the ~~Kansas~~ constitution of the state of Kansas, the board of county commissioners of any county or the governing body of any city, as the case requires, shall be required to do the following:

(a) Develop and adopt official policies and procedures for the granting of such exemptions including:

(1) The required preparation of an analysis of the costs and benefits of each exemption, including the effect of the exemption on state revenues, prior to the granting of such exemption;

(2) a procedure for monitoring the compliance of a business receiving an exemption with any terms or conditions established by the governing body for the granting of the exemption;

(b) conduct a public hearing on the granting of such exemption. Notice of the public hearing shall be published at least once seven days prior to the hearing in the official city or county newspaper, as the case requires, and shall indicate the purpose, time and place thereof. In addition to such publication notice, the city or county clerk, as the case requires, shall notify in writing the governing body of the city or county and unified school district within which the property proposed for exemption is located; and

(c) adopt a resolution containing the following findings of fact:

(1) That the property for which the exemption is to be granted will be used exclusively for the purposes specified in section 13 of article 11 of the ~~Kansas~~ constitution of the state of Kansas; and

(2) if the business using the property is relocating from one city or county to another within this state, that the business has received approval of the secretary of commerce prior to qualifying for the exemption upon a finding by the secretary that such relocation is necessary to prevent the business from relocating outside this state.

(d) Any listing of property submitted by the business as part of the exemption process shall not constitute a classification of the property. Classification of any property acquired during the tax exemption shall be determined at the end of the exemption period in accordance with section 2, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 4, in line 23, after "Supp." by inserting "12-1744a, 79-251 and"; also in line 23, by striking "is" and inserting "are";

On page 1, in the title, in line 4, after "Supp." by inserting "12-1744a, 79-251 and"; in line 5, by striking "section" and inserting "sections";

Also, on motion of Rep. Schwab to amend **HB 2643**, Rep. Burroughs requested the question be divided. The question was divided.

Roll call was demanded on Part A of the motion of Rep. Schwab to amend **HB 2643** on page 4, following line 22, by inserting:

"New Sec. 9. (a) In accordance with the provisions of section 1 of article 11 of the

constitution of the state of Kansas, all commercial and industrial machinery used directly in the manufacture of cement, lime or similar products including: Kilns, pumps, lifts, process fans, bucket elevators, compressors, raw mills, hammer mills, grinders, conveyors, ball mills, mixers, storage tanks, scales, crushers, reclaimers, processing vessels, filters, electric motors, cement and clinker coolers, finish mills, separators, electric hoists, stackers, roller mills, clinker breakers, hydraulic and lubricating systems used directly in manufacturing and processing activities, analyzers, aeration systems, air pollution control equipment, bulk loading systems, material and gas flow distribution gates and handling and transport systems, except public utility property valued and assessed pursuant to K.S.A. 79-5a01 et seq., and amendments thereto, are hereby defined as commercial and industrial machinery and equipment, and shall be classified for property tax purposes as tangible personal property within subclass 5 of class 2 of section 1 of article 11 of the constitution of the state of Kansas. All such property shall be valued in accordance with the provisions of subsection (b)(2)(E) of K.S.A. 79-1439, and amendments thereto.

(b) The provisions of this section shall apply to all taxable years commencing after December 31, 2013.;

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Barker, Bollier, Bradford, Bruchman, Brunk, Burroughs, C-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Frownfelter, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Hibbard, Highland, Hildabrand, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kiegerl, Kinzer, Kleeb, Lane, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, O'Brien, Osterman, Pauls, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Schwab, Seiwert, Suellentrop, Sutton, Swanson, Thompson, Todd, Trimmer, Vickrey, Victors, Waymaster, Weigel, Whipple, Wilson.

Nays: Ballard, Becker, Boldra, Bridges, Cassidy, Finch, Finney, Henry, Hill, Hineman, Kelly, Kuether, Lusk, Moxley, Peck, Perry, Schroeder, Schwartz, Sloan, Sloop, Tietze, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Gandhi, Thimesch.

Part A of the motion of Rep. Schwab prevailed.

On Part B, **HB 2643** be amended by inserting:

Sec. 10. K.S.A. 2013 Supp. 79-5107 is hereby amended to read as follows: 79-5107. (a) Except as provided in subsection (e), the tax imposed by this act upon any motor vehicle, other than a motor vehicle which replaces a motor vehicle previously registered and taxed in this state and to which registration plates are transferred, which has been acquired, or brought into the state, or for any other reason becomes subject to registration after the owner's regular annual motor vehicle registration date, shall become due and payable at the time such motor vehicle becomes subject to registration under the laws of this state and the amount of tax to be paid by the owner for the remainder of the tax year shall be an amount which is equal to $\frac{1}{12}$ of the tax which would have been due upon such motor vehicle for the full registration year, multiplied

by the number of full calendar months remaining in the registration year of the owner of such vehicle. Such tax shall be paid at the time of the registration of such motor vehicle.

(b) Except as provided in subsection (e), the tax upon a motor vehicle, which replaces a motor vehicle previously registered and taxed in this state and to which registration plates are transferred, which is registered at any time other than the annual registration date prescribed by law for the registration of such motor vehicle, shall be in an amount equal to the amount by which: (1) One-twelfth of the tax which would have been due upon such replacement motor vehicle for the full registration year multiplied by the number of full calendar months remaining in the registration year for such motor vehicle, exceeds (2) one-twelfth of the tax which would have been due for the full registration year upon the motor vehicle replaced multiplied by the number of full calendar months remaining in such registration year. Such tax shall be paid at the time of registration of such replacement vehicle.

(c) Whenever the tax imposed under this act has been paid upon any motor vehicle and title to such vehicle is transferred and no replacement vehicle is substituted therefor such taxpayer shall be entitled to a refund in an amount equal to $\frac{1}{12}$ of the tax due upon such motor vehicle for the full registration year, multiplied by the number of full calendar months remaining in such registration year. Whenever the tax imposed under this act upon any replacement motor vehicle for the remainder of the registration year is less than the tax paid on the motor vehicle replaced for the remainder of such registration year, the taxpayer shall be entitled to a refund in the amount by which the tax paid upon the vehicle replaced exceeds the tax due upon the replacement vehicle. All refunds shall be paid by the county treasurer from the moneys received from taxes upon motor vehicles imposed by this act which have not been distributed. No refund shall be made under the authority of this subsection for a sum less than \$5.

(d) Whenever the tax imposed under this act has been paid upon any motor vehicle and the owner thereof has established residence in another state during such vehicle's registration year, such owner shall be entitled to a refund of such taxes in an amount equal to $\frac{1}{12}$ of the tax paid upon such motor vehicle for the full registration year, multiplied by the number of full calendar months remaining in such registration year after the month of establishing residence in another state. No such refund shall be allowed unless and until the owner submits to the county treasurer evidence of a valid driver's license and motor vehicle registration in another state, and surrenders the Kansas license plate. All refunds shall be paid by the county treasurer from the moneys received from taxes upon motor vehicles which have not been distributed. No refund shall be made for a sum less than \$5.

(e) (1) No tax shall be levied under the provisions of this act upon not more than two motor vehicles which are owned by a resident individual:

(A) Who is in the full-time military service of the United States, is absent from this state solely by reason of military orders on the date of such individual's application for registration and such motor vehicles are maintained by such individual outside of this state; ~~or~~

(B) who is a member of the military service of the United States and is mobilized or deployed on the date of such individual's application for registration; ~~or~~

(C) who is a full-time member of the military service of the United States, and is stationed in Kansas, or who is a full-time active guard and reservist member of the Kansas army or air national guard or a Kansas unit of the reserve forces of the United

States under authority of title 10 or title 32 of the U.S. code, and is stationed or assigned in Kansas.

(2) The owner of a motor vehicle not subject to tax pursuant to the provisions of subsection (e)(1) who has paid the tax levied under the provisions of K.S.A. 79-5101, and amendments thereto, may apply for a refund with the county treasurer not later than one year from the effective date of this act. The county treasurer shall refund any such taxes previously paid by such owner of a motor vehicle.

The provisions of this subsection shall be applicable on and after December 31, ~~2003~~ 2013;

And by renumbering sections accordingly;

Also on page 4, in line 23, by striking "is" and inserting "and 79-5107 are";

On page 1, in the title, in line 1, by striking "the classification of"; in line 2, after "equipment" by inserting ", definition, classification"; in line 3, after "property;" by inserting "motor vehicles, members of military service and active guard and reservists;"; in line 4, after "79-1609" by inserting "and 79-5107"; in line 5, by striking "section" and inserting "sections"; and **HB 2643** be passed as amended.

Committee report to **HB 2675** be adopted; also, on motion of Rep. Meier be amended on page 1, following line 6, by inserting:

"New Section 1. (a) In awarding any contract for the performance of any job or service for which moneys appropriated are to be expended, the secretary of administration, or the secretary's designee, shall give a preference to disabled veteran businesses doing business as Kansas firms, corporations or individuals, or which maintain Kansas offices or places of business and shall have the goal of awarding at least 3% of all such contracts to disabled veteran businesses.

(b) On or before October 1, 2015, the secretary of administration shall file with the Kansas commission on veterans affairs a report of the number of contracts awarded to disabled veteran businesses during the fiscal year ending June 30, 2015, and the number of such businesses that responded to solicitations of bids or proposals issued by the department of administration during such fiscal year.

(c) As used in this section:

(1) "Disabled veteran" means a person who has served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the veterans administration, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree.

(2) "Disabled veteran business" means a business: (A) Not less than 51% of which is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock of which is owned by one or more disabled veterans; and (B) the management and daily business operations of which are controlled by one or more disabled veterans.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to"; in line 2, by striking "procurement negotiating committees; certified" and inserting "contracting with certain";

Also, on motion of Rep. Whipple to amend **HB 2675**, Rep. Powell requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane.

The question then reverted back to the motion of Rep. Whipple to amend **HB 2675** on page 6, following line 13, by inserting:

"New Sec. 3. (a) Sections 3 through 5, and amendments thereto, shall be known and may be cited as the Kansas buy American act.

(b) This act shall be administered by the secretary of administration.

New Sec. 4. As used in this act, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Agency head" shall have the meaning ascribed to such term in K.S.A. 75-37,111, and amendments thereto.

(b) "Airport" shall have the meaning ascribed to such term in K.S.A. 3-701, and amendments thereto.

(c) "Highway" shall have the meaning ascribed to the term "public highway" in K.S.A. 79-3490, and amendments thereto.

(d) "Manufactured" means:

(1) In the case of an iron or steel product, except metallurgical processes involving the refinement of steel additives, all manufacturing shall have taken place in the United States.

(2) In the case of a manufactured good, a good shall be considered to have been manufactured in the United States if:

(A) All the manufacturing processes for the product have taken place in the United States; and

(B) 75% of all of the components of the product are of United States origin. A product component shall only be considered a product of United States origin if all the manufacturing processes for the product component have taken place in the United States, regardless of the origin of any subcomponent of such product component.

(e) "Public building" means any structure or building which is:

(1) Owned or leased and operated by a state agency;

(2) of either a temporary or permanent nature; and

(3) used for either a governmental or proprietary use.

The term "public building" also includes any repair to, modification of or addition to a public building.

(f) "Public works" means and includes any of the following which are owned or leased and operated by a state agency:

(1) Highway, including any repair to, modification of or addition to such highway;

(2) transportation system, including any repair to, modification of or addition to such transportation system; and

(3) airport, including any repair to, modification of or addition to such airport.

(g) "State agency" shall have the meaning ascribed to such term in K.S.A. 75-3044, and amendments thereto.

(h) "Secretary" means the secretary of administration.

(i) "Transportation system" means all plants, transportation facilities, equipment, property and rights useful for transportation of passengers for hire, except taxicabs, and includes, without limiting the generality of the foregoing, street railways, subways and underground railroads, trolley buses, motor buses and any combination thereof.

(j) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

New Sec. 5. (a) Notwithstanding any other provision of law to the contrary, each

contract for the purchase, construction, reconstruction, alteration, repair, improvement or maintenance of a public building or a public work made by a state agency shall contain a provision that the iron, steel and manufactured goods used or supplied in the performance of such contract or any subcontract related thereto shall be or have been manufactured in the United States.

(b) The provisions of subsection (a) shall not apply in any case or category of cases in which the agency head of a state agency finds that:

- (1) Their application would "be inconsistent with the public interest";
- (2) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- (3) that the inclusion of domestic material will increase the cost of the overall project contract by more than 25%.

(c) If the agency head of a state agency receives a request for a waiver under subsection (b), the secretary shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request of the agency head.

(1) The notice required under this subsection shall:

(A) Include the information made available to the secretary concerning the request, including whether the request is being made pursuant to subsection (b)(1), (b)(2) or (b)(3); and

(B) be provided to the public by publishing such notice and the information made available to the secretary on the internet web site of the state agency.

(2) If the secretary issues a waiver under subsection (b), the secretary shall publish in the Kansas register a detailed justification for the waiver that:

(A) Addresses the public comments received under subsection (c)(1); and

(B) is published before the waiver takes effect.

(d)(1) No person shall intentionally:

(A) Affix a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any iron, steel or manufactured good used in projects to which this section applies, sold in or shipped to this state that was not made in the United States; or

(B) represent that any iron, steel or manufactured good used in projects to which this section applies was produced in the United States when, in fact, such good was not produced in the United States.

(2) If it has been determined by a court or the secretary that any person has violated any provision of paragraph (1), such person shall be ineligible to receive any contract or subcontract with this state pursuant to the debarment or suspension provisions provided under article 37 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(e) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

(f) The state agency shall give preference to goods that are manufactured in Kansas when possible.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "enacting the Kansas buy American act;"

Roll call was demanded.

On roll call, the vote was: Yeas 52; Nays 70; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Anthimides, Ballard, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Corbet, Curtis, P. Davis, Doll, Dove, Edmonds, Finney, Frownfelter, Henderson, Henry, Hildabrand, Houser, Houston, Kelley, Kleeb, Kuether, Lane, Lusk, Lusker, Macheers, Meier, Menghini, Osterman, Pauls, Perry, Powell, Rubin, Ruiz, Sawyer, Seiwert, Sloan, Sloop, Tietze, Todd, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Becker, Boldra, Bradford, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Crum, E. Davis, DeGraaf, Dierks, Edwards, Esau, Estes, Ewy, Finch, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hibbard, Highland, Hill, Hineman, Hoffman, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelly, Kiegerl, Kinzer, Lunn, Mason, Mast, McPherson, Meigs, Merrick, O'Brien, Peck, Petty, Phillips, Proehl, Read, Rhoades, Rooker, Rothlisberg, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Suellentrop, Sutton, Swanson, Thompson, Vickrey, Waymaster.

Present but not voting: None.

Absent or not voting: Gandhi, Moxley, Thimesch.

The motion of Rep. Whipple did not prevail.

Also, roll call was demanded on motion of Rep. Frownfelter to amend **HB 2675** on page 6, following line 13, by inserting:

"New Sec. 3. (a) Sections 3 through 8, and amendments thereto, shall be known and may be cited as the taxpayer empowerment, accountability and transparency in state contracting act.

(b) As used in sections 3 through 8, and amendments thereto, unless the context clearly requires otherwise:

(1) "Agency" means any state agency, authority or any political subdivision of state or local government, including, but not limited to, county, city, township, village or municipal government, local school districts, institutions of higher education, any state-supported institution or a joint agency composed of political subdivisions.

(2) "Privatization" means a contract or a lease between an agency and a person or firm, regardless of whether the person or firm is a for-profit entity or a not-for-profit entity, for any function, operation or service performed by personnel employed by an agency on July 1, 2014, or the termination of a state-provided function, operation or service where the practical impact is that such function, operation or service will be performed by another entity.

New Sec. 4. (a) The division of purchases of the department of administration shall establish and maintain an online database that is accessible, searchable, sortable and downloadable. The database shall include the following:

- (1) A description of the contract for services being purchased;
- (2) the name of the agency, department or division contracting for the service;
- (3) the name of the contractor and any and all subcontractors;
- (4) effective and expiration dates of the contract;
- (5) the annual amount paid to the contractor in the past fiscal years and the current fiscal year under the contract by funding source;
- (6) the annual amount proposed to be paid to the contractor in the fiscal years beyond the approved budget;

(7) the total projected cost of the contract for all fiscal years by funding source; and
 (8) a list of private contractor employees for each contract, reflected as full-time equivalent positions, their hourly wage rate and the number of private contractor employees and consultants for the current and previous fiscal years.

(b) The information described in subsection (a) shall be compiled in an annual service contractor expenditure budget accompanying the governor's budget, detailing total spending on total service contracts for the state.

(c) Each service contract in excess of \$25,000 between an agency and a person or firm for the performance of a governmental function shall:

(1) Provide that the agency is entitled to receive a copy of records and files related to the performance of the governmental function; and

(2) indicate that such records and files are subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, and shall be disclosed by the agency.

(d) Any contractor doing business with an agency shall:

(1) Keep and maintain the public records that ordinarily and necessarily would be kept and maintained by the agency in order to perform the service or activity;

(2) provide the agency with access to such public records on the same terms and conditions and at a cost that does not exceed costs as defined in K.S.A. 45-222, and amendments thereto, or as otherwise provided by law; and

(3) abide by the provisions of the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, ensuring that any and all meetings between the private contractor and officials acting on behalf of the jurisdiction are open to the public.

New Sec. 5. (a) Before any contract is finalized, the contracting agency shall prepare a request to the governing body for an appropriation and any authority that is necessary for the contracting agency to hire personnel and obtain resources necessary to oversee and monitor performance of service contracts and enforce other conditions required by law. No procurement for such contract shall proceed unless the necessary appropriation and authority have been granted.

(b) If the contracting agency procures services, the contracting agency shall:

(1) Keep a record of the cost analysis and findings that the contracting agency makes for each procurement the agency conducts, along with the basis for the decision to proceed with the procurement;

(2) properly ensure that the contractor is providing services as required by the contract within the costs as established by the contract;

(3) enforce performance standards established by the contract;

(4) collect and provide copies of the records required by law; and

(5) ensure that any and all aspects of the contract are properly enforced.

(c) Any service contract shall incorporate specific performance criteria and cost parameters, and the contractor shall submit quarterly reports to the secretary of administration on the contractor's compliance with the performance criteria and actual costs incurred. The service contract may be cancelled if the contractor fails to comply with the performance criteria and other requirements set out in the contract and if annual costs exceed those established by the contract. The contract may be cancelled at any time if the contractor fails to comply with all applicable local, state and federal laws, rules and regulations and statutes.

(d) Any private entity that has a contract with the state of Kansas can have no adjudicated record of substantial or repeated willful noncompliance with any relevant

federal, state or local statute or rules and regulations, including payment of taxes or other payments owed to a public entity. Prior to awarding a contract, bidders are required to submit documentation to the secretary of administration, signed by the bidder under penalty of perjury, attesting to compliance with all applicable local, state and federal laws, including health and safety, labor and employment and licensing laws, that affect the employees, worksite or performance of the contract. All bidders and contractors shall complete a pledge of compliance provided by the secretary of administration attesting under penalty of perjury to comply with all applicable laws, rules and regulations and statutes.

New Sec. 6. (a) Prior to entering into a private service contract, the secretary of administration shall make public a cost comparison. No agency may enter a private service contract, unless the proposed contract is projected to result in overall cost savings to the state of at least 10% less than the projected cost of having the services provided by public employees. Contract costs shall include direct costs, including salaries and fringe benefits, indirect overhead costs, including the contractor's proportional share of existing administrative salaries and benefits, rent and equipment costs, utilities and materials. Additionally, transition costs, including unemployment compensation, shall be included in the analysis of contractor costs.

(b) Projected cost savings may not derive from a bidder's failure to provide health and retirement benefits and adequate wages to its employees. Contractors are required to pay wages comparable to step one of current wages for public employees performing similar work or the average private sector wage, whichever is less. In addition, contractors must pay no less than the current percentage for health benefits comparable to those offered current public employees or a wage differential sufficient to cover the cost of the health benefits. The wages and benefits must be included in any bid and actual wages and benefits shall be reported to the contracting agency on a quarterly basis. This information shall be public record, and itemized per employee of the contractor.

New Sec. 7. (a) Prior to entering into a private contract for public services, the secretary of administration or agency designee shall produce a thorough analysis of the possible impacts of the private contract. The analysis shall include, but is not limited to, the following:

- (1) Possible loss of employment or income in a local area;
- (2) impacts on social services in the local area;
- (3) impacts on public assistance programs;
- (4) economic impact on local businesses;
- (5) any possible loss or increase in tax revenue for the local area; and
- (6) any environmental impacts that may result from the private contract, including any upgrades or possible degradation.

(b) This report detailing the analysis conducted pursuant to subsection (a) shall be made public and posted on the department of administration public website. The contracting agency shall conduct public meetings in order for all citizens to have an opportunity to address concerns and obtain information.

(c) No contract shall be automatically renewed without utilizing the competitive bidding process. Any in-house bids submitted shall be considered. If an in-house bid or proposal meets the cost and performance criteria specified in the law or the request for proposal, it shall be deemed the most qualified bid.

(d) No agency may enter into a contract that guarantees payment for services not provided. Service or asset contracts shall not unduly restrict the government from taking actions in the public interest and shall not unfairly place the burden of risk on taxpayers.

(e) No contracts shall:

(1) Provide for guaranteed occupancy rates for private prisons, dormitories or any other contracted facility;

(2) prohibit a government entity from maintaining, improving or building public infrastructure; and

(3) penalize a jurisdiction if a contractor loses revenue as a result of natural or man-made emergencies, such as acts of terrorism or acts of mother nature.

(f) Any increases in fees or charges for public services shall be submitted to the governing body of the jurisdiction for approval. The decision to approve or disallow increases shall be made in a public manner, subject to the requirements of the Kansas open meetings act.

New Sec. 8. Prior to outsourcing any work, both the in-house and proposed contractors' costs and scope of work shall be estimated by the head of the agency and provided to affected bargaining representatives, along with all source information on all cost estimates. The bargaining representative shall be provided a full and fair opportunity to present its own cost estimates and recommendations for the new work processes. Such estimates and recommendations shall be given full consideration. ";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "creating the taxpayer empowerment, accountability and transparency in state contracting act,";

On roll call, the vote was: Yeas 39; Nays 81; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Anthimides, Ballard, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clayton, Curtis, P. Davis, Finney, Frownfelter, Gonzalez, Henderson, Henry, Houston, Kuether, Lane, Lusk, Lusker, Meier, Menghini, Osterman, Pauls, Perry, Ruiz, Sawyer, Sloan, Sloop, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Becker, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Carlson, Carpenter, Cassidy, Christmann, Claeys, Concannon, Corbet, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Garber, Goico, Grosserode, Hawkins, Hedke, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Lunn, Macheers, Mason, McPherson, Meigs, Merrick, Moxley, O'Brien, Peck, Petty, Phillips, Powell, Proehl, Read, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Suellentrop, Sutton, Swanson, Thompson, Todd, Vickrey, Waymaster.

Present but not voting: None.

Absent or not voting: Crum, Gandhi, Mast, Rhoades, Thimesch.

The motion of Rep. Frownfelter did not prevail; and **HB 2675** be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 273** be adopted; also, on motion of Rep. Todd be amended on page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 37;

And by renumbering sections accordingly;

On page 7, in line 8, by striking "8-129,";

On page 1, in the title, in line 2, by striking "registration and"; also in line 2, by striking "8-129,";

Also, on further motion of Rep. Todd, **H Sub for SB 273** be amended on page 3, in line 8, after "operates" by inserting "a motor vehicle with a gross vehicle weight rating of 26,000 pounds or less";

Also, on motion of Rep. Couture-Lovelady to amend **H Sub for SB 273**, the motion was withdrawn; and the substitute bill be passed as amended.

On motion of Rep. Sawyer to amend **SB 274**, the motion did not prevail.

Also, on motion of Rep. Whipple, **SB 274** be amended on page 1, in line 10, after "of" by inserting "or a candidate for"; and the bill be passed as amended.

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **S Sub for HB 2338** and has appointed Senators Masterson, King and Francisco as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2338** submits the following report:

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

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

TY MASTERSON

JEFF KING

Conferees on part of Senate

MARC RHOADES

LANCE KINZER

Conferees on part of House

On motion of Rep. Rhoades the conference committee report on **S Sub for HB 2338** to agree to disagree, was adopted.

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

MESSAGES FROM THE GOVERNOR

HB 2210, HB 2514, HB 2599 approved on March 25, 2014.

MESSAGES FROM THE SENATE

Announcing passage of **SB 423**.

Announcing adoption of **SCR 1620**.

Announcing passage of **HB 2440**.

Announcing passage of **HB 2086**, as amended; **HB 2099**, as amended; **HB 2146**, as amended by **S Sub for HB 2146**; **Sub HB 2223**, as amended, **Sub HB 2246**, as amended; **HB 2312**, as amended; **HB 2418**, as amended; **HB 2419**, as amended; **HB**

2420, as amended; **Sub HB 2424** as amended, **HB 2433**, as amended; **HB 2444**, as amended; **HB 2447**, as amended; **Sub HB 2451**, as amended, **Sub HB 2452**, as amended, **HB 2491**, as amended; **HB 2537**, as amended; **HB 2577**, as amended; **HB 2578**, as amended; **HB 2580**, as amended; **HB 2616**, as amended by **S Sub for HB 2616**; **HB 2673**, as amended; and **HB 2728**, as amended.

Announcing adoption of **HCR 5029**.

Also, announcing adoption of **SCR 1622**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill and resolutions were thereupon introduced and read by title:

SB 423, SCR 1620, SCR 1622.

REPORT ON ENROLLED BILLS

HB 2470, HB 2544, HB 2591, HB 2597, HB 2611, HB 2715 reported correctly enrolled, properly signed and presented to the Governor on March 25, 2014.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Wednesday, March 26, 2014.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

