

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 30, 2013, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Brunk, Edmonds and Powell were excused on verified illness.

Reps. Peterson and Siegfried were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
Today I pray for true humility for our leaders.
In this position, it is sometimes easy to fall prey
to thinking higher of ourselves than we ought.
So give them humility which
realizes its ignorance,
admits its mistakes,
recognizes its need,
welcomes advice,
and accepts rebuke.
Help them to always praise rather than to criticize,
to sympathize rather than to discourage,
to build rather than to destroy,
and to think of people at their best rather than at their worst.
I ask this in the name of Your Son who
exemplified humility in its purest form.
Even as we meet, I pray for Representative Brunk who fell
this morning and is now at the hospital being treated.
Watch over him.
Be with those who are treating him and bring him a
speedy recovery and healing.
In the name of Jehovah Rapha the Healer I pray. Amen.

The Pledge of Allegiance was led by Rep. Alford.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2129, AN ACT concerning county treasurers; amending K.S.A. 19-501 and repealing the existing section, by Committee on Elections.

HB 2130, AN ACT concerning elections; relating to petitions; amending K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 and repealing the existing sections, by Committee on Elections.

HB 2131, AN ACT concerning the coordinated public transportation assistance act; relating to eligibility of applicants for assistance to transportation systems; amending K.S.A. 2012 Supp. 75-5034 and 75-5037 and repealing the existing sections, by Committee on Children and Seniors.

HB 2132, AN ACT concerning the veterans benefit lottery game; establishing the veterans benefit lottery game fund; amending K.S.A. 2012 Supp. 74-8724 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2133, AN ACT concerning drivers' licenses and nondriver identification cards; relating to veterans; amending K.S.A. 2012 Supp. 8-243 and 8-1324 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2134, AN ACT concerning property taxation; relating to classification or valuation of property; appeals; protesting payment; amending K.S.A. 2012 Supp. 74-2433f, 79-1448, 79-1460 and 79-2005 and repealing the existing sections, by Committee on Taxation.

HB 2135, AN ACT concerning property taxation; relating to exemptions; certain housing on military installations; amending K.S.A. 2012 Supp. 79-201a and repealing the existing section, by Committee on Taxation.

HB 2136, AN ACT concerning sales and compensating use tax; relating to distribution of revenues; amending K.S.A. 2012 Supp. 79-3620 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2137, AN ACT concerning motor vehicles; relating to the collection of fees, vehicle modernization surcharge; amending K.S.A. 2012 Supp. 8-145 and repealing the existing section; also repealing K.S.A. 2012 Supp. 75-5160, by Committee on Taxation.

HB 2138, AN ACT repealing K.S.A. 55-103, 55-104, 55-105, 55-107, 55-108, 55-109, 55-301, 55-302, 55-303, 55-304, 55-305, 55-306, 55-307, 55-308, 55-309 and 55-310; concerning oil and gas, by Committee on General Government Budget.

HB 2139, AN ACT concerning state finance; relating to canceled warrants; amending K.S.A. 10-811, 46-913, 46-924 and 58-3974 and repealing the existing sections; also repealing K.S.A. 10-812, 10-815 and 10-816 and K.S.A. 2012 Supp. 46-921, by Committee on General Government Budget.

HB 2140, AN ACT repealing K.S.A. 72-60b03; relating to the effective date of the midwestern higher education compact act, by Committee on General Government Budget.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2121**.

Commerce, Labor and Economic Development: **HB 2122, HB 2123, HB 2124, HB**

2125.

Corrections and Juvenile Justice: **HB 2120.**

Health and Human Services: **HB 2127.**

Insurance: **HB 2126.**

Judiciary: **HB 2128.**

Taxation: **HB 2119**

CONSENT CALENDAR

No objection was made to **HB 2006** appearing on the Consent Calendar for the first day.

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 **HB 2023** be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2141, AN ACT concerning school districts; relating to the former election process of certain unified school districts; amending K.S.A. 72-8202 and repealing the existing section; also repealing K.S.A. 72-6764, 72-6765, 72-6793 and 72-6794, by Committee on General Government Budget.

HB 2142, AN ACT repealing K.S.A. 72-8165, 72-8166, 72-8167, 72-8168, 72-8169, 72-8169a, 72-8170, 72-8171, 72-8172, 72-8173, 72-8174 and 72-8175; concerning land transfers, by Committee on General Government Budget.

HB 2143, AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate, by Committee on General Government Budget.

HB 2144, AN ACT concerning children and minors; relating to the repeal of outdated provisions concerning juveniles; amending K.S.A. 2012 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2012 Supp. 38-1604, 38-1608 and 38-1664, by Committee on General Government Budget.

HB 2145, AN ACT repealing K.S.A. 75-5028; concerning the purchase of real estate by the secretary of transportation, by Committee on General Government Budget.

HB 2146, AN ACT concerning pharmacists and pharmacies; relating to the cancer drug repository program; amending K.S.A. 2012 Supp. 65-1636 and repealing the existing section; also repealing K.S.A. 2012 Supp. 65-1664, 65-1665, 65-1666 and 65-1667, by Committee on General Government Budget.

HB 2147, AN ACT repealing K.S.A. 68-422b, 68-1129, 68-1601, 68-1602, 68-1603,

68-1604, 68-1605, 68-1606, 68-1607, 68-1608, 68-1609, 68-1610, 68-1611, 68-1612 and 68-1613; relating to roads and bridges, by Committee on General Government Budget.

HB 2148, AN ACT concerning postsecondary education scholarships; amending K.S.A. 74-3292, 74-3293 and 74-3297 and K.S.A. 2012 Supp. 74-32,100 and repealing the existing sections; also repealing K.S.A. 72-9701, 72-9702, 72-9703, 72-9704, 72-9705, 72-9706, 74-3299, 74-32,112, 74-32,113, 74-32,114, 74-32,115, 74-32,116, 74-32,117, 74-32,118 and 74-32,119 and K.S.A. 2012 Supp. 74-32,107d, 74-32,131, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,136, 74-32,137 and 74-32,138, by Committee on General Government Budget.

HB 2149, AN ACT concerning postsecondary education student loans and tuition grants; amending K.S.A. 74-3241 and repealing the existing section; also repealing K.S.A. 72-7401, 72-7402, 72-7403, 72-7404, 72-7405, 72-7406, 72-7407, 74-3233, 74-3235, 74-3236, 74-3237, 74-3238, 74-3239 and 74-3240, by Committee on General Government Budget.

HB 2150, AN ACT repealing K.S.A. 74-32,152, 74-32,153, 74-32,154, 74-32,155, 74-32,156, 74-32,157, 74-32,158 and 74-32,159 and K.S.A. 2012 Supp. 74-32,151 and 74-32,160; concerning the workforce development loan program act, by Committee on General Government Budget.

HB 2151, AN ACT repealing K.S.A. 2012 Supp. 76-381b; concerning medically underserved areas, by Committee on General Government Budget.

HB 2152, AN ACT concerning the uniform land sales practices act; amending K.S.A. 2012 Supp. 17-12a601 and repealing the existing section; also repealing K.S.A. 58-3301, 58-3302, 58-3303, 58-3304, 58-3305, 58-3306, 58-3307, 58-3308, 58-3309, 58-3310, 58-3311, 58-3312, 58-3313, 58-3315, 58-3316, 58-3317, 58-3318, 58-3319, 58-3320, 58-3321, 58-3322 and 58-3323 and K.S.A. 2012 Supp. 58-3314, by Committee on General Government Budget.

HB 2153, AN ACT concerning the utilization of unused medications act; relating to donating entities, unused medications; authority and rules and regulations of the state board of pharmacy; repealing the cancer drug repository program; amending K.S.A. 2012 Supp. 65-1636, 65-1669, 65-1670, 65-1671 and 65-1674 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-1664, 65-1665, 65-1666 and 65-1667, by Committee on Health and Human Services.

HB 2154, AN ACT concerning the board of cosmetology; relating to licensure and renewal; amending K.S.A. 65-1904a and repealing the existing section, by Committee on Health and Human Services.

HB 2155, AN ACT concerning cosmetology; relating to licensure and renewal; amending K.S.A. 2012 Supp. 65-1943, 65-1945 and 65-1950 and repealing the existing sections, by Committee on Health and Human Services.

HB 2156, AN ACT concerning school finance; relating to area vocational school fund; relating to local effort as applied to U.S.D. No. 450; amending K.S.A. 2012 Supp. 72-6409 and repealing the existing section; also repealing K.S.A. 72-6422 and 72-8189, by Committee on General Government Budget.

HB 2157, AN ACT concerning the Kansas dental board; relating to licensure of registered dental practitioners; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2012 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and

75-6102 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 75-6102c, by Committee on Health and Human Services.

HB 2158, AN ACT concerning state agencies; relating to contracts; creating preferences to businesses owned by disabled veterans, by Committee on Veterans, Military and Homeland Security.

HB 2159, AN ACT concerning the state court of tax appeals; relating to valuation appeals, filing fees, hearings by telephone; terms of judges and the chief hearing officer; good-faith estimate of value; amending K.S.A. 2012 Supp. 74-2433, 74-2433f and 74-2438a and repealing the existing sections, by Committee on General Government Budget.

HB 2160, AN ACT concerning quality care assessment on skilled nursing care facilities; amending K.S.A. 2012 Supp. 75-7435 and repealing the existing section, by Committee on Appropriations.

HB 2161, AN ACT concerning crimes, criminal procedure and punishment; relating to the crime of unlawful denial of due process; relating to the national defense authorization act, by Representatives Hildabrand, Bradford, Claeys, Garber, Grosserode, Hedke, Houser, Howell, Montgomery, O'Brien, Peck, Petty, Read and Rothlisberg.

HB 2162, AN ACT concerning the secretary of state, relating to ballot language statements, by Committee on Elections.

HB 2163, AN ACT concerning civil procedure; relating to garnishment proceedings; amending K.S.A. 2012 Supp. 60-736 and 61-3509 and repealing the existing sections, by Committee on Judiciary.

HB 2164, AN ACT concerning jurors; relating to information disqualifying juror from jury service, by Committee on Judiciary.

HB 2165, AN ACT concerning crimes and punishment; relating to promotion to minors of material harmful to minors; amending K.S.A. 2012 Supp. 21-6402 and repealing the existing section, by Committee on Judiciary.

HB 2166, AN ACT concerning real and personal property; relating to the medical assistance recovery program; amending K.S.A. 39-702, 58-3957, 58a-818, 59-617, 59-618, 59-619, 59-1501, 59-2239 and 59-2250 and K.S.A. 2012 Supp. 39-709, 59-618a, 59-1507b, 59-2222 and 59-2247 and repealing the existing sections, by Committee on Judiciary.

HB 2167, AN ACT designating native American legislative day at the capitol; amending K.S.A. 35-205 and repealing the existing section, by Representative Victors.

HB 2168, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing; creating the Kansas agricultural opportunity act; amending K.S.A. 74-8826 and 74-8836 and K.S.A. 2012 Supp. 74-8734, 74-8741, 74-8744, 74-8746, 74-8747, 74-8751, 74-8823 and 74-8831 and repealing the existing sections; also repealing K.S.A. 74-8824, by Representatives Grant, Alcalá, Alford, Barker, Bradford, Christmann, Claeys, Clayton, Dierks, Doll, Ewy, Finney, Henderson, Henry, Hibbard, Hill, Houser, Kuether, Lane, Menghini, Rothlisberg, Sawyer and Thimesch.

HB 2169, AN ACT concerning criminal procedure; relating to final disposition of pending charge proceedings; amending K.S.A. 22-4301, 22-4303 and 22-4304 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2170, AN ACT concerning crimes, criminal procedure and punishment; relating

to probation and postrelease supervision; relating to sentencing; amending K.S.A. 2012 Supp. 21-6604, 21-6606, 21-6608, 21-6821, 22-3716, 22-3717, 74-9101 and 75-5217 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 21-6604a and 21-6604b, by Committee on Corrections and Juvenile Justice.

HB 2171, AN ACT concerning water; relating to agreed local management areas, by Committee on Agriculture and Natural Resources.

HB 2172, AN ACT concerning cemetery corporations; amending K.S.A. 2012 Supp. 16-320, 16-321, 16-329, 17-1301c, 17-1311, 17-1312 and 17-1312a and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2173, AN ACT concerning civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry; amending K.S.A. 60-1103, 60-1110 and 60-1111 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2174, AN ACT concerning sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2012 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2175, AN ACT concerning crimes and punishments; relating to official misconduct; amending K.S.A. 2012 Supp. 21-6002 and repealing the existing section, by Representatives Hildabrand, Bradford, Christmann, Claeys, Dierks, Esau, Garber, Goico, Grosserode, Hedke, Houser, Howell, McPherson, Montgomery, O'Brien, Petty, Read, Rothlisberg, Rubin, Todd and Weber.

HOUSE CONCURRENT RESOLUTION No. **HCR 5006**—

By Representatives Peck, Bradford, Carpenter, Claeys, Hawkins,
Hibbard, Houser, Kelly, Osterman and Rothlisberg

A PROPOSITION to amend section 2 of article 2 of the constitution of the state of Kansas; relating to senators and representatives.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 2 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 2. Senators and representatives. (a) The number of representatives and senators shall be regulated by law, but shall not exceed ~~one hundred twenty-five~~ 125 representatives and ~~forty~~ 40 senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two-year terms. Senators shall be elected for four-year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

(b) (1) *From and after January 9, 2017, no individual shall be elected as a representative for more than six consecutive two-year terms.*

(2) *From and after January 9, 2017, no individual shall be elected as a senator for more than three consecutive four-year terms.*

(3) *For the purpose of computing the time period under either paragraph (1) or (2)*

of this subsection, no time spent serving as either a representative or senator prior to January 9, 2017, shall be counted."

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

"Explanatory statement. This amendment would limit an individual's service as a state representative to six consecutive two-year terms starting on January 9, 2017. This amendment would limit an individual's service as a state senator to three consecutive four-year terms starting on January 9, 2017. Any terms of service occurring prior to January 9, 2017, and any nonconsecutive terms, would not be subject to this limitation.

"A vote for this proposition would limit the service of an individual as a state representative to six consecutive two-year terms starting on January 9, 2017, and also limit the service of an individual as a state senator to three consecutive four-year terms starting on January 9, 2017.

"A vote against this proposition would retain the current constitutional provisions which impose no limitations on the number of terms an individual may serve as a representative or as a senator."

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

HOUSE CONCURRENT RESOLUTION No. **HCR 5007**—

By Committee on Commerce, Labor and Economic Development

A PROPOSITION to amend article 12 of the constitution of the state of Kansas by adding a new section thereto, concerning economic freedom.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 12 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 7. Economic freedom amendment; prohibiting transfer of ownership interests in entities formed under Kansas law to the federal government. Any transfer to the United States, or any entity controlled by the United States, of any ownership interest in any entity formed pursuant to the laws of this state shall be prohibited, provided, the foregoing prohibition shall not apply to any investments through pension funds operated by the United States or any entity controlled by the United States.

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

"Explanatory statement. The purpose of this amendment is to prohibit nationalization of Kansas businesses.

"A vote for this proposition would prohibit the transfer of any ownership interest in any business or any other entity formed under Kansas law to the federal government, or an entity controlled by the federal government. This prohibition would not apply to investments in pension funds operated by the federal government or by an entity controlled by the federal government.

"A vote against this proposition would retain the current status in which the Kansas constitution does not address transfers to the federal government of ownership interests in entities formed under Kansas law."

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6005**—

By Representative Sutton

A RESOLUTION recognizing National Catholic Schools Week.

WHEREAS, The week of January 27, 2013, to February 2, 2013, has been designated as National Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

WHEREAS, The theme for the National Catholic Schools Week 2013 is "Catholic Schools Raise the Standards." The 2013 theme supports the recent launch of the National Standards and Benchmarks for Effective Catholic Elementary and Secondary Schools, that ensures the effective operation and responsible governance of Catholic schools across the country, thus promoting high academic standards and Catholic identity; and

WHEREAS, Catholic schools in the United States are internationally acclaimed for their academic excellence and provide students with more than an exceptional scholastic education; and

WHEREAS, Catholic schools instill a broad, values-added education emphasizing the lifelong development of moral, intellectual and social values in young people in the United States; and

WHEREAS, Catholic schools produce students strongly dedicated to their faith, values, families and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

WHEREAS, Catholic schools are committed to community service, producing graduates who hold "helping others" as one of their core values; and

WHEREAS, In the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."; and

WHEREAS, There are 45 Catholic schools of the Archdiocese of Kansas City in Kansas, with a total enrollment of 15,234 students and 7 Catholic schools of the Diocese of Dodge City, Kansas, with a total enrollment of 989 students. There are 16 Catholic schools of the Diocese of Salina, Kansas, with a total enrollment of 2,798 students and 38 Catholic schools of the Diocese of Wichita, Kansas, with a total enrollment of 10,671 students; and

WHEREAS, There are a total of 90 elementary schools and 16 high schools within the Kansas Catholic schools system, totaling 29,692 enrolled students; and

WHEREAS, Almost every Catholic school in Kansas celebrates National Catholic Schools Week with a special All School Mass. In addition, Kansas Catholic schools often host a teacher appreciation day, special service day, special prayer day, student appreciation day and a family appreciation day; and

WHEREAS, Examples of activities undertaken by Kansas Catholic schools during National Catholic Schools Week include writing letters to nursing homes or homeless ministries, praying each class hour and baking cookies for parents who drop off their children at school each morning; and

WHEREAS, Eight Catholic elementary schools and one Catholic high school in Kansas received the 2012 Kansas Governor's Achievement Award. To receive such a prestigious award, a school must have achieved the Standard of Excellence in both reading and mathematics and been among the top 5% of schools in both reading and mathematics in 2012: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we support the continued dedication of Catholic schools across Kansas toward academic excellence and the key role Catholic schools play in promoting and ensuring a brighter, stronger future for students; and

Be it further resolved: That we support the goals of National Catholic Schools Week and recognize the vital contributions of Kansas Catholic schools; and

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

REPORT ON ENGROSSED RESOLUTIONS

HR 6004 reported correctly engrossed January 29, 2013.

REPORT ON ENROLLED RESOLUTIONS

HCR 5001 reported correctly enrolled and properly signed on January 29, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, January 31, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

