

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 6, 2013, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Peterson, Ryckman, Sr. and Sloan were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Julienne Judd, Wichita Indian United Methodist Church, Wichita, and guest of Rep. Victors:

Creator, I am humbled by the opportunity to come to you on behalf of these people and this day. Make my heart right so my words will be said in a good way. Di-yin, Chi-howa, Daw-kee, Hesa ke tah mese, Gitche Manatou, Wa-Kawn da, Go Hae Do Nay, Agu gux, Ma heo, Oo ne thl na he, Kos nan, Wak on daw, De-os, Higher Power, You who are ever ready to attend those who call you by name and to attend those who have no name for you. As we gather here today, at this time, and in this place we come with humble hearts acknowledging that in our humanness we sometimes have not walked in the right way or treated others as we would ourselves. Look within us at this moment and see what we hold in our hearts, and help us to set aside ourselves as we seek your blessing on all who are here. Help us to listen to each other with an open spirit to really hear beyond words. Provide us with a patient and calm spirit of peace that will cover words that we speak. Help us to let go of bitterness and mistrust that blind us to what you have for us today and in the future. Grant us wisdom to make good decisions and strength to act on those decisions, recognizing that all that we do have an impact on all those around us and to the future of our children, grandchildren, and their grandchildren. Bless those here today, representing all our warriors, those who protect us now, those who have returned, and those who's spirits remain with us forever. May we find joy and blessings in this day you have created for us, Ah-ho, Mequetch, Wado, Yakoke, Mudo, Thank you. We pray this now in all that is sacred and holy. AMEN.

The Pledge of Allegiance was led by Rep. Victors.

INTRODUCTION OF GUESTS

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

It is with great pleasure that I have the opportunity to introduce to the body Mrs. Dyane Smokorowski, or as she is affectionately known by her students, some of whom are with her here today, Mrs. Smoke.

Also appearing with us are Kansas Department of Education Deputy Commissioner Dale Dennis.

I first met Dyane just a few weeks ago, during one of our first Education Committee meetings, where we heard from all the finalists for the special award Mrs. Smoke ultimately won. She and I made a couple of attempts to connect in Andover prior to session startup, but schedule conflicts and events precluded our meeting at that time.

Dyane teaches Advanced Language Arts at Andover Middle School. In addition to her teaching duties, she works with other teachers across Kansas and the nation to help them use technology in a manner that enhances instruction

Her personality is infectious, and I can easily understand why she was selected to receive this prestigious award. Clearly, she does represent the best Kansas has to offer from the teaching profession.

Dyane, we thank you for your service to Kansas' children and we congratulate you on the event of your receiving this much deserved award.

I will now read you the Proclamation that represents our official acknowledgement of this annual statewide award.

Rep. Hedke presented Mrs. Smokorowski with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2232, AN ACT concerning schools; relating to teachers; relating to the purchase of liability insurance, by Committee on Education.

HB 2233, AN ACT concerning children and minors; establishing the protective parent reform act; amending K.S.A. 2012 Supp. 38-2226 and 38-2230 and repealing the existing sections, by Committee on Children and Seniors.

HB 2234, AN ACT concerning the Kansas turnpike authority; naming the secretary of transportation as the chairperson and chief executive officer; relating to contracts between the authority and the Kansas department of revenue; amending K.S.A. 68-2003 and 68-2021 and repealing the existing sections; also repealing K.S.A. 68-2030, 68-2031, 68-2032, 68-2033, 68-2034, 68-2035, 68-2036, 68-2037, 68-2038, 68-2039, 68-2040, 68-2041, 68-2042, 68-2043, 68-2044, 68-2045, 68-2046, 68-2047, 68-2048, 68-2048a, 68-2048b, 68-2048c, 68-2051, 68-2052, 68-2053, 68-2054, 68-2055, 68-2056, 68-2057, 68-2058, 68-2059, 68-2060, 68-2061, 68-2062, 68-2063, 68-2064, 68-2065, 68-2066, 68-2067, 68-2068, 68-2069, 68-2070, 68-2071, 68-2072, 68-2073, 68-2074,

68-2075, 68-2076, 68-2077, 68-2078, 68-2079, 68-2080, 68-2081, 68-2082, 68-2083, 68-2084, 68-2085, 68-2086, 68-2087, 68-2088, 68-2089, 68-2090, 68-2091, 68-2092, 68-2093, 68-2094, 68-2095, 68-2096, 68-2097, 68-2098, 68-2099, 68-20,100, 68-20,101, 68-20,102, 68-20,103, 68-20,104, 68-20,105, 68-20,106, 68-20,107, 68-20,108, 68-20,109, 68-20,110, 68-20,111, 68-20,112, 68-20,113, 68-20,114, 68-20,115, 68-20,116, 68-20,117, 68-20,118 and 68-20,119, by Committee on Appropriations.

HB 2235, AN ACT concerning the prescription monitoring program advisory committee; membership; amending K.S.A. 2012 Supp. 65-1689 and repealing the existing section, by Committee on Vision 2020.

HB 2236, AN ACT concerning pharmacy students; establishing the pharmacy student loan act; relating to loan forgiveness, by Committee on Vision 2020.

HB 2237, AN ACT concerning the prescription monitoring program; relating to user fees; amending K.S.A. 2012 Supp. 65-1684 and repealing the existing section, by Committee on Vision 2020.

HB 2238, AN ACT concerning the university of Kansas school of pharmacy; telepharmacy; amending K.S.A. 2012 Supp. 75-4709 and repealing the existing section, by Committee on Vision 2020.

HB 2239, AN ACT concerning crimes, criminal procedure and punishment; relating to possession of a firearm during commission of a misdemeanor, by Committee on Federal and State Affairs.

HB 2240, AN ACT concerning fire safety and prevention; prohibiting the use of unmanned aerial luminaries, by Committee on Local Government.

HB 2241, AN ACT concerning energy; relating to renewable energy portfolio standards; amending K.S.A. 2012 Supp. 66-1258 and repealing the existing section, by Committee on Energy and Environment.

HB 2242, AN ACT concerning veterans; relating to state educational institutions; relating to requirements for resident fee purposes; amending K.S.A. 2012 Supp. 76-729 and repealing the existing section, by Committee on Education Budget.

HB 2243, AN ACT concerning health insurance; pertaining to mandated health insurance coverages, by Representatives Hawkins, Crum, Dove, Goico, Osterman, Peck and Siegfried.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2230, HB 2231.**

Corrections and Juvenile Justice: **HB 2217, HB 2218.**

Education: **HB 2221, HB 2222.**

Education Budget: **HB 2215.**

Elections: **HB 2226, HB 2227.**

Federal and State Affairs: **HB 2223, HCR 5010.**

General Government Budget: **HB 2216, HB 2229.**

Health and Human Services: **HB 2219.**

Judiciary: **HB 2211, HB 2224, HB 2225.**

Pensions and Benefits: **HB 2213, HB 2228.**

Taxation: **HB 2214, HB 2220.**

Veterans, Military and Homeland Security: **HB 2212.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. HR 6010—

By Committee on Children and Seniors

A RESOLUTION urging the United States Congress to adopt the parental rights amendment to the Constitution of the United States relative to parental rights.

WHEREAS, The right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitution of the United States and the state of Kansas; and

WHEREAS, Our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

WHEREAS, The interests of children are best served when parents are free to make child-rearing decisions about education, religion and other areas of a child's life without state interference; and

WHEREAS, The United States Supreme Court in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition."; and

WHEREAS, The United States Supreme Court in *Troxel v. Granville*, 530 U.S. 57 (2000), however, produced six different opinions on the nature and enforceability of parental rights under the Constitution of the United States; and

WHEREAS, This decision created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several states; and

WHEREAS, Representative John Fleming of the state of Louisiana introduced House Joint Resolution 3 in the United States House of Representatives, proposing an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, which reads as follows:

"Section 1. The liberty of parents to direct the upbringing and education of their children is a fundamental right.

Section 2. Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

Section 3. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article."; and

WHEREAS, This amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

WHEREAS, Such enumeration of these rights in the text of the Constitution of the United States will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Congress of the United States is urged to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States proposed by Representative John Fleming in House Joint Resolution 3; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the President of the Senate, each member of the United States Senate, the speaker of the United States House of Representatives and each member of the United States House of Representatives.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Goico, **HR 6008**, A resolution designating February 6, 2013, as “Native American Legislative Day at the Capitol,” was adopted.

There being no objection the following remarks by Rep. Victors are spread upon the Journal:

A-Ho legislators! Today is the second anniversary of the “Native American Legislative Day” here at the capitol. I would like to take this opportunity to graciously introduce and welcome our tribal leaders and councils from the Prairie Band Potawatomi, Kickapoo, Sac and Fox and Iowa Nations of Kansas and Nebraska. I also want to introduce our Native American color guards of Kansas. Throughout the history of America, the Native American has been a crucial entity in fighting and defending this great country. Like all our veterans, many have paid the ultimate sacrifice to secure freedom for all Americans here today. Many of our Native brothers and sisters have done this even before the federal government declared our people of the first nations as citizens of this country. It is with these feelings that today Kansas honors our Native American veterans and color guards. I'm humbled and grateful for their sacrifices they have endured for me to stand before you today. In our warrior culture, a soldier's duty will never end, and I'm proud to say that today our warrior veterans are still here helping, supporting, leading and encouraging our native communities with their continuous efforts. It is with this philosophy that I want to take this opportunity to show my gratitude and honor our Native Veterans and to those who have lost their lives in serving this country today here at the Kansas State Capitol. We-Blah-Ha!

Rep. Victors presented framed certificates and Native American blankets to representatives of the Native American Nations. She also presented Speaker Merrick with a Native American blanket.

There being no objection the following remarks by Rep. Goico are spread upon the Journal:

The 931st Air Refueling Group was activated in 1995 as the first associate tanker unit in the Air Force. The Kanza Nation and its chief, Mr. Ray McCauley allowed the 931st to utilize the Kanza's headdress, the tribe's roach. The 931st draws its identity from the proud Kanza people of the Kaw Nation. "Kanza" is the official call sign of the 931st ARG missions. The Kaw Nation is a sovereign Native American tribe headquarters in Kaw City, Oklahoma.

This tribal seal symbolizes the people of the Kaw Nation relationship with the South Wind. The red in the headdress symbolizes blood, to scare off the enemy when warriors go into battle. The feathers that hang from the bottom of the headdress are from the

scissor tail flycatcher, the state bird of Oklahoma, which signifies their divided nation. The 931st was honor by the Kaw Nation to be able to preserve their ties to Kansas, and to keep the Kanza spirit alive.

The Inter-Tribal Warrior Council performed a smoke-out ceremony on the 931st KC-135 airplane. This blessing of the KC-135 began with a prayer, as the warrior went around the plane blessing it with smoke and an eagle feather. He used cedar for purification, he blessed the plane and everyone involved. The ceremony drum beat and the song were not only words but the true feelings and what it meant to the people that were driven from their land. In the early 1800s they were 1,700 strong Kanza Indians. In 1995 there were only two full-blooded living.

At the end of the ceremony, 34 members of the Kanza tribe went on a flight, which I flew. The flight was over an area near Kansas City where the Kanza once inhabited the land.

CONSENT CALENDAR

No objection was made to **HB 2013** 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. Johnson in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2009** be adopted; also, on motion of Rep. DeGraaf, be amended on page 3, in line 12, by striking "and"; also in line 12, after "schooling" by inserting "; and (vi) in going to or returning from any place of worship"; and the bill be passed as amended.

Committee report to **HB 2060** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2067** be passed.

Committee on **Taxation** recommends **HB 2058** be passed.

Committee on **Taxation** recommends **HB 2047** be amended on page 1, in line 18, by striking the second "76-"; in line 19, by striking "6b05" and inserting "76-6b04"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2059** be amended on page 13, following line 9, by inserting:

"Sec. 6. K.S.A. 2012 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of

state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2012 Supp. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed

pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2012 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2012 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2012 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2012 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2012 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2012 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2012 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2012 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S

corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act,

as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2012 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or

instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2012 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(d) There shall be added to or subtracted from federal adjusted gross income the

taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

Also on page 13, in line 10, after "Supp." by inserting "79-32,117,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "Supp." by inserting "79-32,117,"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2244, AN ACT concerning property taxation; relating to watercraft; amending K.S.A. 2012 Supp. 79-213 and 79-306e and repealing the existing sections, by Committee on Taxation.

HB 2245, AN ACT concerning property taxation; relating to severed mineral rights; exemptions; amending K.S.A. 79-420 and repealing the existing section, by Committee on Taxation.

HB 2246, AN ACT concerning peer review for certain technical professions, by Committee on Commerce, Labor and Economic Development.

HB 2247, AN ACT concerning counties; relating to the abatement of nuisances, by Committee on Local Government.

HB 2248, AN ACT concerning school districts; relating to school finance; authorizing an extracurricular school activities budget, by Committee on Education.

HB 2249, AN ACT concerning city annexation of fire district lands and taxation; amending K.S.A. 2012 Supp. 12-546 and repealing the existing section, by Committee on Local Government.

HB 2250, AN ACT concerning licensure; relating to providers who treat persons with substance use disorders; amending K.S.A. 65-4016 and repealing the existing section, by Committee on Health and Human Services.

HB 2251, AN ACT concerning advanced practice registered nurses; amending K.S.A. 2012 Supp. 65-468, 65-1113, 65-1130 and 65-1626 and repealing the existing sections, by Committee on Health and Human Services.

HB 2252, AN ACT concerning crimes, criminal procedure and punishment; relating to the statute of limitations for rape prosecutions; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, by Representatives Finch, Victors, Ballard, Bridges, Claeys, Clayton, Dove, Finney, Hawkins, Houser, Houston, Menghini, Osterman, Peterson, Rooker, Rubin, Ruiz, Tietze, Waymaster, Whipple and Wolfe Moore.

HB 2253, AN ACT concerning abortion; relating to the funding of abortion services; relating to restrictions on late-term abortions; relating to the woman's-right-to-know act; amending K.S.A. 2012 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 76-3308,

79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2254, AN ACT concerning children and minors; relating to determination of paternity; amending K.S.A. 2012 Supp. 23-2209 and 65-2409a and repealing the existing sections, by Committee on Judiciary.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6011**—

By Representative Ruiz

A RESOLUTION congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation.

WHEREAS, The University of Kansas Cancer Center received National Cancer Institute designation in July 2012, fulfilling the university's top research priority; and

WHEREAS, The University of Kansas Cancer Center has been providing the community with cancer treatment and researching cancer since the early 1970s; and

WHEREAS, The University of Kansas Cancer Center is now one of only 67 cancer centers across the nation to receive National Cancer Institute designation; and

WHEREAS, Dr. Roy Jensen, MD, has worked tirelessly along with his staff for the University of Kansas Cancer Center to obtain this designation, which labels KU Cancer Center as one of the best cancer centers in the country; and

WHEREAS, National Cancer Institute designation will allow the University of Kansas Cancer Center to continue to recruit and hire top researchers and apply for funding only available to National Cancer Institute designated centers. This designation will also allow the University of Kansas Cancer Center to expand benefits to members of the Midwest Cancer Alliance, which brings regional cancer research, care and support professionals together; and

WHEREAS, National Cancer Institute designation is an amazing achievement for the University of Kansas, which the community, as well as the entire State of Kansas, can celebrate: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the University of Kansas Cancer Center on receiving National Cancer Institute designation. This is a true accomplishment for the University of Kansas, and it is an award all Kansans can be proud of; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide three enrolled copies of this resolution to the University of Kansas Cancer Center.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 7, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

