

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 19, 2014, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Seiwert was excused on legislative business.

Reps. Gonzalez and Thimesch were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dr. Bruce L. Emmert, senior pastor, First United Methodist Church of Topeka, and guest of Rep. Tietze:

Sovereign, All Wise God, we give you thanks for the men and women of this chamber who were elected by the people of Kansas to make our state more just and caring. We give you thanks for their willingness to give their full attention to the complex problems and possibilities of insuring that all Kansans have the opportunity to prosper and lead productive and meaningful lives.

In James 3:17, Merciful God, you teach us that “the wisdom from above is first of all pure. It is also peace loving, gentle at all times, and willing to yield to others. It is full of mercy and good deeds. It shows no favoritism and is always sincere. And those who are peacemakers will plant seeds of peace and reap a harvest of righteousness (NLT).”

Pour out your wisdom from above on the men and women of the Kansas House so that they may fulfill the high and lofty calling of representing we the people. When the way forward seems difficult, give them peaceful hearts willing to yield to others for the sake of our common good.

Lord God, many times the demands we citizens make of them are unrealistic, self-serving or short-sighted. In those times we pray that you would give our representatives an extra measure of your peace.

We pray for our Governor, Sam Brownback, and the men and women of the Senate. Bless them and keep them in your care, all wise and merciful God.

And once again, wisdom-giving God, we give you thanks for the men and women of the Kansas House of Representatives.

When they are longing for home give them comfort. When the day drags on give them strength. And when they wonder why they ever offered themselves for public service in the first place, assure them that their personal sacrifice on our behalf is blessed by you. Amen.

The Pledge of Allegiance was led by Rep. Rothlisberg.

INTRODUCTION OF GUESTS

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

I'd like to introduce to you the coaches and team members from the Basehor-Linwood High School Men's and Women's Powerlifting teams. They are Coach/Sponsor, Tim Johnson; team members Eric Purrington, Sara Rehm, Alli Kasick and Jay O'Bryan.

The Basehor-Linwood High School Men's Powerlifting team was undefeated during the regular 2014 Powerlifting season and were the 2014 Kansas 4A State Men's Powerlifting Champions at Abilene, Kansas for the 5th consecutive year. The Basehor-Linwood High School Women's Powerlifting team was undefeated during the regular 2014 Powerlifting season and has been undefeated in all meets for the previous seven years and were the 2014 Kansas 4A State Women's Powerlifting Champions at Abilene, Kansas for the 7th consecutive year;

Please help me congratulate both the men's and women's powerlifting teams of Basehor-Linwood High School, coached by Ross Schwisow and Assistant Coach Tim Johnson.

Rep. Dove presented the team with a framed House certificate.

INTRODUCTION OF GUESTS

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

Earlier this month several individuals had the opportunity to be involved in watching and judging the American Legion State High School Oratorical Contest. It was exciting to see students from across the state of Kansas come to demonstrate their knowledge of the Constitution as well as their oratory skills and presentations. Winners of the competition win a total of \$2,400 from the American Legion as well as opportunities for scholarships offered from Emporia State University or Tabor College. Not just one time scholarships but for the entire four year program. On the National level, the top three National orators earn scholarships of \$18,000 for first place, \$16,000. Second place and \$14,000 third place.

James Davis from Newton walked away the winner that day but it was not easy. He had some very tough competition. In my personal evaluation of James that day, I noted comments like: Excellent reference and knowledge of History. Thoughtful Logic. Impressive knowledge of subject. Sought to understand the feelings of those who founded our nation. Demonstrates relationship between states and the Federal

Government. Good understanding of Federalist papers as well. Referred to court cases and great knowledge of historical context. Professional. Add to that, great body language, eye contact, poise, diction, and well, what more could I say.

I want to commend the American Legion on their investment in our youth and the value they place in knowledge and understanding of the Constitution. I have with me here today James Davis, the State champion of the oratorical contest.

When I asked Chuck Yunker of the American Legion how I could help in the future, he told me I should tell others about this great program and encourage my colleagues to support it. Well, that is what I am doing. I hope you can watch for this contest to come close to your district and offer to participate in any way possible. I promise you will be blessed.

With that I would like to present James Davis with a certificate of commendation and again thank the American Legion for continuing to stress the importance of knowing and understanding our Constitution.

PERSONAL PRIVILEGE

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

Lupus affects 1 in 185 individuals; yet despite its prevalence, lupus remains one of the least recognizable and most misunderstood diseases in both the medical and lay communities.

The most common form is systemic lupus erythematosus, which accounts for nearly 70 percent of cases. It's an autoimmune disease that causes the immune system to attack normal tissue and organs, including the kidneys, heart, lungs and skin.

This major health issue has a significant impact on our state economy, with one in five lupus patients receiving disability. The effects on many families can be devastating, chronic, life-long and life threatening.

Lupus affects primarily young women in their crucial childbearing years but also men, children and women of all ages and can result in immeasurable physical, financial and emotional toll on many families in our state.

The Lupus Foundation of America, Kansas Chapter is part of a national force devoted to solving the cruel mystery of lupus, one of the world's cruelest, most unpredictable and devastating diseases, while giving caring support to those who suffer from its brutal impact.

There are Lupus Activists here in the capitol today, many of them wearing the color purple. They will be visiting with different legislators to discuss issues of importance to people living with Lupus in Kansas, and they will be hosting deserts in the first floor rotunda north wing today immediately following adjournment of the House.

As a Lupus patient, I am pleased that they are here today and ask each of you to join us for dessert today and welcome them.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Elections: **HB 2770**.

Taxation: **HB 2769**.

Veterans, Military and Homeland Security: **HR 6063**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **Sub HB 2529** from the Calendar under the heading General Orders and rereferral to Committee on Appropriations.

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **H Sub for SB 40**, requests a conference and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **H Sub for SB 40**.

Speaker Merrick thereupon appointed Reps. Rubin, Gonzalez and Pauls as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **6064**—

By Representatives Edwards, Barker, Finch and Proehl

A RESOLUTION congratulating Campus High School, Chapman High School, Mission Trail Elementary School, Oswego Neosho Heights Elementary School and West Franklin High School on receiving 2013 Blue Ribbon awards from the U.S. Department of Education.

WHEREAS, The U.S. Department of Education's Blue Ribbon program honors exemplary elementary and secondary schools and sets a standard of excellence for all schools striving for the highest level of achievement; and

WHEREAS, The Blue Ribbon program has been honoring schools since 1982, and only 286 schools, including five Kansas schools, received this prestigious award in 2013; and

WHEREAS, Campus High School, Haysville USD 261, in Wichita, Kansas, was named an Exemplary Improving School. Campus High School is a newly authorized International Baccalaureate School, which is open to any student who is willing to take on the challenge of a rigorous curriculum.

WHEREAS, Campus High School believes that all students can be successful in high school, and it expects all students to have fundamental academic skills mastered by the time they graduate. As its assessment scores increased, the graduation rate also rose to 89.6%; and

WHEREAS, Chapman High School, Chapman USD 473, in Chapman, Kansas, was named an Exemplary High Performing School. Working with local businesses, students at Chapman High School can choose from nine different career pathways that give them real life experiences; and

WHEREAS, Chapman High School developed a tutoring program, created a multi-tiered system of support for math and maintains consistent contact with parents, all of which has led to the school's high academic success. Chapman is a two-time recipient of the Governor's Achievement Award, which recognizes the top five percent of math

and reading scores in the state; and

WHEREAS, Mission Trail Elementary School, Blue Valley USD 423, in Leawood, Kansas, was named an Exemplary High Performing School. Mission Trail Elementary is a school where the learning environment has been developed through relationships, dedication, collaboration and flexibility; and

WHEREAS, Mission Trail Elementary School has a dedicated staff and is committed to being a school where every student is expected to excel, and every adult is expected to inspire, encourage and facilitate the learning of every child; and

WHEREAS, Oswego Neosho Heights Elementary School, Oswego USD 504, in Oswego, Kansas, was named an Exemplary High Performing School. Establishing positive relationships with students is the school's primary focus. Teachers instill a love of learning through more than just a textbook. Students are encouraged to be creative thinkers and active participants in their education; and

WHEREAS, Oswego Neosho Heights Elementary School is a school where older students can be seen offering a helping hand in the hallway, showing younger students proper procedures, and providing encouragement to those first learning to read. Younger students cheer on older students when they are preparing for state assessments; and

WHEREAS, West Franklin High School, West Franklin USD 287, in Pomona, Kansas, was named an Exemplary Improving School. A blended curriculum of traditional high school courses, career and technical education classes and course work resulting in college credit are available to the students at West Franklin High School. Nearly 65% of the student body is involved in career and technical education classes in addition to extra-curricular activities; and

WHEREAS, The students at West Franklin High School have maintained significant gains in the core areas of reading, math and science over the past six years. In 2012, 97% of its students were proficient in reading and 98% in math. West Franklin High School has been recognized by the Kansas Public Education Task Force for closing the achievement gap among its at-risk students: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate Campus High School, Chapman High School, Mission Trail Elementary School, Oswego Neosho Heights Elementary School and West Franklin High School on receiving 2013 Blue Ribbon awards from the U.S. Department of Education and being Kansas' five highest performing schools; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Edwards; Myron Regier, Principal of Campus High School; Kevin Suther, Principal of Chapman High School; Debbie Bond, Principal of Mission Trail Elementary School; Janie Allison, Principal of Oswego Neosho Heights Elementary School; and Rick Smith, Principal of West Franklin High School.

CONSENT CALENDAR

No objection was made to **HCR 5031** appearing on the Consent Calendar for the third day. The resolution was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5031, A CONCURRENT RESOLUTION urging Congress to provide sufficient

funding for the United States Department of Veterans Affairs in order to reduce the current backlog and provide prompt awarding and payment of deserved disability benefits to United States veterans, was considered on final action.

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, Gandhi, Garber, Goico, 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, 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: Gonzalez, Seiwert, Thimesch.

The resolution was adopted.

HB 2475, AN ACT concerning schools; relating to personal financial literacy courses; amending K.S.A. 2013 Supp. 72-7535 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 12; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Burroughs, Campbell, Carmichael, Christmann, Esau, Henderson, Hildabrand, Kiegerl, Lane, Petty, Rubin, Schwab.

Present but not voting: None.

Absent or not voting: Gonzalez, Seiwert, Thimesch.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote No on **HB 2475**. This bill was amended to include a mandate to require schools to instruct students how to shake hands. When our academic achievements are abject failures when compared to the rest of the developed countries, to include such a waste of time in our curriculum is absurd.--S. MIKE KIEGERL, JOHN RUBIN

SB 278, AN ACT concerning the state board of veterinary examiners; relating to the veterinary examiners fee fund; powers of the board; establishing the board within the animal health division of the Kansas department of agriculture for a two-year period; amending K.S.A. 2013 Supp. 47-820 and 47-821 and repealing the existing sections, was considered on final action.

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, Gandhi, Garber, Goico, 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, 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: Gonzalez, Seiwert, Thimesch.

The bill passed.

SB 349, AN ACT concerning the boiler safety act; amending K.S.A. 2013 Supp. 44-918 and repealing the existing section; also repealing K.S.A. 2013 Supp. 44-919, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; 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, 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, Gandhi, Garber, Goico, Grosserode, Hawkins, Hedke, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, 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, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alcalá, Henderson, Lane.

Present but not voting: None.

Absent or not voting: Gonzalez, Seiwert, Thimesch.

The bill passed, as amended.

SB 371, AN ACT concerning employment security; relating to disposition of certain penalties; confidentiality and disclosure of certain information; amending K.S.A. 2013 Supp. 44-706 and 44-714 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Barker, Becker, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Clayton, Concannon, Corbet, Crum, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Gandhi, 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, Mast, McPherson, Meigs, Merrick, Moxley, O'Brien, Osterman, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Sloan, Suellentrop, Sutton, Swanson, Thompson, Todd, Vickrey, Waymaster, Whipple.

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

Present but not voting: None.

Absent or not voting: Gonzalez, Seiwert, Thimesch.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: The Department of Labor has very sensitive private personal data, social security numbers, birth dates, names, addresses and work histories. **SB 371** creates legal authority for the Labor Department to release this private information to third parties. There are no protections for this information. That is wrong. I vote NO on **SB 371**.--JIM WARD, JOHN WILSON

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **Sub HB 2681** be adopted; also, on motion of Rep. Trimmer to amend, the motion did not

prevail; and the substitute bill be passed.

Committee report to **SB 329** be adopted; also, on motion of Rep. Finch be amended on page 1, in line 9, after "program" by inserting "designed to rehabilitate the juvenile"; and the bill be passed as amended.

Committee report to **SB 258** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 147** be adopted; also, on motion of Rep. Moxley be amended on page 4, following line 11, by inserting:

"(g) There is hereby established in the state treasury the conservation fund, which shall be administered by the department of agriculture. All expenditures from the conservation fund shall be for conservation. All expenditures from the conservation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or the designee of the secretary. The secretary of agriculture shall remit all moneys received by or for the secretary under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the conservation fund."; and the substitute bill be passed as amended.

Committee report recommending a substitute bill to **Sub SB 231** be adopted; also, on motion of Rep. Brunk be amended on page 14, in line 2, by striking "three" and inserting "two"; and the substitute bill be passed as amended.

Committee report to **HB 2642** be adopted; also, roll call was demanded on motion of Rep. Schwab to amend on page 11, before line 5, by inserting:

"Sec. 4. K.S.A. 2013 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$30,000.....	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess
Over \$60,000.....	over \$30,000 \$2,925 plus 6.45% of excess over \$60,000

(B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$30,000.....	3.0% of Kansas taxable income
Over \$30,000.....	\$.900 plus 4.9% of excess over \$30,000

(C) For tax year 2014, and all tax years thereafter:

If the taxable income is:	The tax is:
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Not over \$30,000.....	2.7% 3.5% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.8% of excess over \$30,000
Over \$30,000 but not over \$60,000.....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000.....	\$2,925 plus 6.45% of excess over \$60,000
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(D) — For tax year 2015:	
If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.6% of excess over \$30,000
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(E) — For tax year 2016:	
If the taxable income is:	The tax is:
Not over \$30,000.....	2.4% of Kansas taxable income
Over \$30,000.....	\$720 plus 4.6% of excess over \$30,000
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(F) — For tax year 2017:	
If the taxable income is:	The tax is:
Not over \$30,000.....	2.3% of Kansas taxable income
Over \$30,000.....	\$690 plus 4.6% of excess over \$30,000
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(G) — For tax year 2018, and all tax years thereafter:	
If the taxable income is:	The tax is:
Not over \$30,000.....	2.3% of Kansas taxable income
Over \$30,000.....	\$690 plus 3.9% of excess over \$30,000
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(2) <i>All other individuals.</i>	
(A) For tax year 2012:	
If the taxable income is:	The tax is:
Not over \$15,000.....	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000.....	\$525 plus 6.25% of excess over \$15,000

Over \$30,000.....	\$1,462.50 plus 6.45% of excess over \$30,000
 (B) For tax year 2013:	
If the taxable income is:	The tax is:
Not over \$15,000.....	3.0% of Kansas taxable income
Over \$15,000.....	\$450 plus 4.9% of excess over \$15,000
 (C) For tax year 2014, <u>and all tax years thereafter</u> :	
If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% 3.0% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.8% of excess over \$15,000
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Over \$15,000 but not over \$30,000.....	\$525 plus 6.25% of excess over \$15,000
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Over \$30,000.....	\$1,462.50 plus 6.45% of excess
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over \$30,000	
 (D) For tax year 2015:	
If the taxable income is:	The tax is:
Not over \$15,000.....	2.7% of Kansas taxable income
Over \$15,000.....	\$405 plus 4.6% of excess over \$15,000
 (E) For tax year 2016:	
If the taxable income is:	The tax is:
Not over \$15,000.....	2.4% of Kansas taxable income
Over \$15,000.....	\$360 plus 4.6% of excess over \$15,000
 (F) For tax year 2017:	
If the taxable income is:	The tax is:
Not over \$15,000.....	2.3% of Kansas taxable income
Over \$15,000.....	\$345 plus 4.6% of excess over \$15,000
 (G) For tax year 2018, and all tax years thereafter:	
If the taxable income is:	The tax is:
Not over \$15,000.....	2.3% of Kansas

	taxable income
Over \$15,000.....	\$345 plus 3.9% of excess over \$15,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

~~(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of K.S.A. 2013 Supp. 79-32,269, and amendments thereto.~~

And by renumbering remaining sections accordingly;

Also on page 11, in line 5, following "Supp" by inserting "79-32,110,"; also in line 5, by striking "and" and inserting a comma; also in line 5, following "79-32,177" by inserting "and 79-32,269";

On page 1, in the title, in line 1, following "to" by inserting "rates,"; in line 4, following "Supp." by inserting "79-32,110,"; in line 5, before the period, by inserting "; also repealing K.S.A. 2013 Supp. 79-32,269";

On roll call, the vote was: Yeas 0; Nays 120; Present but not voting: 0; Absent or not voting: 5.

Yeas: None.

Nays: 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, Gandhi, Garber, Goico, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kinzer, KleeB, Kuether, Lane, Lunn, 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, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Gonzalez, Kiegerl, Lusk, Seiwert, Thimesch.

The motion of Rep. Schwab did not prevail; and **HB 2642** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 272** be passed.

Committee on **Agriculture and Natural Resources** recommends **SB 357** be amended on page 1, in line 30, by striking "three" and inserting "two"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **SB 311, SB 372** be passed.

Committee on **Health and Human Services** recommends **SB 285** be amended on page 1, in line 6, by striking "July 1, 2014," and inserting "the effective date of this act"; in line 10, by striking "shall contain any provision which requires the vision"; in line 11, by striking "care provider"; in line 15, before "to" by inserting "shall contain any provisions which requires the vision care provider"; in line 29, before "No" by inserting "(a)"; in line 31, by striking "of both parties" and inserting "at the time of such change by the vision care provider.

(b) No vision care insurance policy or vision care discount plan that provides covered services for materials shall have the effect, directly or indirectly, of limiting the choice of sources and suppliers of materials by a patient of a vision care provider";

Also on page 1, in line 34, by striking "Participation" and inserting "Enrollment";

On page 2, in line 1, after "card" by inserting "with different provider terms and conditions"; following line 38, by inserting:

"(k) "Vision care discount plan" means any entity governed by K.S.A. 50-1,100, and amendments thereto, which has been specifically authorized by the vision care providers to provide discounts to patients.";

Also on page 2, in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 303, SB 359, SB 402** be passed.

Committee on **Judiciary** recommends **SB 256** be amended on page 1, in line 15, after the first "attorney" by inserting "pursuant to this section"; also in line 15, by striking "this section" and inserting "an agreement under subsection (b)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 270** be amended on page 2, in line 25, after "(e)" by inserting "(1) The procedures of this subsection apply to any examination conducted under this section whether or not the defendant consents to the examination.

(2) Any examination ordered under this section that will be used as evidence by either party shall be filed with the court under seal within the deadline set by the court for such filing. The deadline may be extended for good cause shown.

(3) No statement made by a defendant in the course of any examination conducted under this section, no testimony by the expert based on the statement and no other fruits of the statement may be admitted into evidence against the defendant in any criminal proceeding except on an issue regarding mental status as set forth in subsection (a).

(4) The prosecution may not admit any evidence obtained pursuant to this section unless the defendant first admits evidence regarding such defendant's mental status.

(5) Evidence of any notice filed under this section which is later withdrawn is not, in any civil or criminal proceeding, admissible against the person who gave notice.

(f) "; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 271** be amended on page 4, in line 33, before "For" by inserting "Except as provided in subsection (b)(2),"; following line 36, by inserting:

"(A) \$100,000 or more, medicaid fraud is a severity level 5, nonperson felony;

(B) at least \$25,000 but less than \$100,000, medicaid fraud is a severity level 7, nonperson felony;

(C) at least \$1,000 but less than \$25,000, medicaid fraud is a severity level 9, nonperson felony; and

(D) less than \$1,000, medicaid fraud is a class A nonperson misdemeanor.

(2) For each individual count of medicaid fraud as defined in subsection (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), (a)(1)(F), (a)(1)(G) or (a)(2), where bodily harm to another person results from such act and the aggregate amount of payments illegally claimed is:";

On page 5, in line 10, by striking "(2)" and inserting "(3)"; also on page 5, following line 16, by inserting:

"(d) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 403** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 403," as follows:

"House Substitute for SENATE BILL NO. 403

By Committee on Judiciary

"AN ACT concerning civil procedure and civil actions; relating to writ of habeas corpus; amending K.S.A. 2013 Supp. 60-1501 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 403** was thereupon introduced and read by title.)

Committee on **Pensions and Benefits** recommends **HB 2383** be passed.

Committee on **Taxation** recommends **HB 2755** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 351** be passed.

Committee on **Transportation** recommends **SB 344** be amended on page 5, following line 9, by inserting:

"Sec. 2. K.S.A. 2013 Supp. 66-1344 is hereby amended to read as follows: 66-1344. (a) Whenever the governor or the United States department of agriculture declares that all or any portion of the state is in a state of drought pursuant to subsection (e) of K.S.A. 48-924 et seq., and amendments thereto, the following conditions shall apply to any motor carrier transporting hay or related animal forage feedstuffs to the geographic area as specified in such declaration of drought:

(1) Motor carrier registration and fuel tax permits as enforced by the Kansas department of revenue shall be temporarily suspended;

(2) any licensing, certification and permitting rules and regulations as required by the state corporation commission shall be temporarily suspended;

(3) motor carriers shall not operate during the period beginning 30 minutes after

sunset and ending 30 minutes before sunrise, and shall comply with the flags, signs and lighting requirements applicable to overwidth vehicles as provided in K.S.A. 8-1902, and amendments thereto;

(4) ~~motor carriers shall not operate during inclement weather conditions;~~

(5) ~~oversize or overweight loads shall not be transported when visibility is less than 1/2 mile, or when conditions of moderate to heavy rain, sleet, snow, fog or smoke exist, or when highway surfaces are slippery due to ice or packed snow; and~~

~~(6) (A) vehicles which exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not operate unless specifically authorized under another statute or rule and regulation: (i) Under conditions where visibility is less than 1/2 mile; or (ii) when highway surfaces have ice or snow pack or drifting snow;~~

~~(B) vehicles which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-hour days, except that such vehicles shall not operate when highway surfaces have ice or snow pack or drifting snow;~~

(5) motor carriers shall not transport a load of more than 12 feet in width and 14 feet, six inches, in height.

(b) The provisions of subsection (a) shall be effective immediately upon a declaration of a state of drought by the governor or the United States department of agriculture and shall continue in effect until such declaration has been terminated.

(c) As used in this section:

(1) "Commercial vehicle" has the same meaning as provided in K.S.A. 8-2,128, and amendments thereto; and

(2) "motor carrier" means any driver operating a commercial motor vehicle and any person that holds a certificate of convenience and necessity, a certificate of public service or a private carrier permit from the state corporation commission, or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504a.;

And by renumbering sections accordingly;

Also on page 5, in line 10, by striking "is" and inserting "and 66-1344 are";

On page 1, in the title, in line 1, after "concerning" by inserting "motor carriers,"; in line 2, after "loads;" by inserting "transporting hay or feed stuffs;"; also in line 2, after "8-1911" by inserting "and 66-1344"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

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 bill was introduced and read by title:

HB 2771, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing; amending K.S.A. 74-8836 and K.S.A. 2013 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Federal and State Affairs.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6065**—
By Committee on Transportation

A RESOLUTION urging the United States Environmental Protection Agency to recognize the primacy of states when developing emissions standards.

WHEREAS, A reliable, affordable energy supply is vital to the nation's future economic growth, security and quality of life; and

WHEREAS, Compliance with expected environmental regulations regulating greenhouse gas (GHG) emissions will affect ratepayers differently depending upon each state's existing electricity generation capacity, energy resources, electricity market and state commission decisions; and

WHEREAS, States have jurisdiction over the reliability and affordability of electricity provided to retail customers; and

WHEREAS, Incorporating flexibility in the implementation of Environmental Protection Agency (EPA) regulations to allow for unique state or regional strategies can lessen generation cost increases because of improved planning, greater use of energy efficiency, demand-side resources and orderly decision-making; and

WHEREAS, The state of Kansas at this time takes no position regarding the merits of EPA rulemakings for the purpose of regulating GHG from new or existing power plants; and

WHEREAS, In 2009, President Obama made a pledge that by 2020, America would reduce its greenhouse gas emissions in the range of 17 percent below 2005 levels; and

WHEREAS, The Regional Greenhouse Gas Initiative implemented by nine states is recognized as reducing emissions and provides a net consumer and economic benefit; and

WHEREAS, Ten states have successfully implemented market-based emissions trading systems applicable to the electrical power sectors for the purpose of reducing emissions; and

WHEREAS, Many states have: Implemented mandatory or voluntary renewable portfolio and energy standards, implemented energy efficiency or peak load reduction programs, experienced significant retirements of coal-based generating plants and mandated emission reductions programs; all of which have already contributed to a reduction in GHG emissions; and

WHEREAS, It may be in the best interest of ratepayers to maintain the operation of certain existing coal-based electricity generating plants that meet environmental performance requirements for priority pollutants for a period of time; and

WHEREAS, On June 25, 2013, the President issued a memorandum to the U.S. EPA Administrator directing the EPA to: Issue proposed carbon pollution standards, regulations or guidelines, as appropriate, for modified, reconstructed and existing power plants by no later than June 1, 2014; issue final standards, regulations or guidelines as appropriate for modified, reconstructed and existing power plants by no later than June 1, 2015; and include in the guidelines addressing existing power plants a requirement that states submit to the U.S. EPA the implementation plans required under Section 111(d) of the Clean Air Act and its implementing regulations by no later than June 30,

2016; and

WHEREAS, The President instructed the EPA, in its efforts to address GHG emissions from modified, reconstructed and existing power plants to engage directly with states, and expressly recognized that states "will play a central role in establishing and implementing standards for existing power plants"; and

WHEREAS, The President instructed the EPA to work with state agencies to "promote the reliable and affordable provision of electric power through the continued development and deployment of cleaner technologies and by increasing energy efficiency, including through stronger appliance efficiency standards and other measures"; and

WHEREAS, Section 111(d)(1)(A) requires the EPA to establish a procedure under which each state shall submit to the Administrator a plan which establishes standards of performance for existing sources; and

WHEREAS, Section 111(d)(1)(B) requires the plan submitted by the state to provide for the implementation and enforcement of such standards of performance and the Administrator may permit a state, in applying such standards of performance, "to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies"; and

WHEREAS, The states rely on the EPA to issue a procedure under Section 111(d) that reflects the best system or systems of emission reductions that have been adequately demonstrated at affected facilities; and

WHEREAS, State utility regulators have jurisdiction over decisions regarding integrated resource planning or resource adequacy, processes which ultimately determine the mixes of fuels and resources in state generation portfolios, which differ from state to state; and

WHEREAS, States have different mixes of fuels and resources in their existing generation portfolios; and

WHEREAS, States have achieved different levels of GHG reductions to date, and have diverse economies and face different economic conditions, including states with energy intensive manufacturing industries that provide goods for the entire nation: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the EPA, in developing any emissions guidelines for regulating carbon emissions from existing power plants, to recognize the primacy of states to rely on both state utility and environmental regulators to lead the creation of emission performance systems that reflect the policies, energy needs, resource mix and economic conditions of each state and region; and

Be it further resolved: That the guidelines should be flexible enough to allow states individually or regionally to take into account, when establishing standards of performance, the different makeup of existing power generation in each state and region; and

Be it further resolved: That the states need the EPA, under the relevant statutory factors, to issue guidelines that avoid GHG emissions reductions that are not feasible; and

Be it further resolved: That the guidelines should provide sufficiently flexible compliance pathways or mechanisms that recognize state and regional variations to achieve the most cost-effective emissions reductions in each state; and

Be it further resolved: That the guidelines recognize and credit states' emissions reduction achievements to date, recognize any and all existing state emission reduction programs and shall not intrude on the states' jurisdiction over decisions regarding integrated resource planning or resource adequacy or otherwise mandate specific modifications to the mix of fuels and resources in existing and future state generation portfolios; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the U.S. EPA Administrator.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Curtis to replace Rep. Ruiz on Committee on Federal and State Affairs for Thursday, March 20, 2014. Rep. Victors will serve as Ranking Minority on March 20. Rep. Ruiz will resume his position on the committee effective March 21, 2014.

REPORT ON ENGROSSED BILLS

HB 2475 reported correctly engrossed March 18, 2014.

REPORT ON ENROLLED RESOLUTIONS

HR 6057, HR 6060 reported correctly enrolled and properly signed on March 19, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, March 20, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

