

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 12, 2015, 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. Rhoades was excused on legislative business.

Reps. Goico and Hedke were excused on excused absence by the Speaker.

Present later: Rep. Rhoades.

Prayer by Chaplain Brubaker:

Eternal God,
Thank You for this day You have given us.
May we never take for granted the gift of life
You give to us each day.
Today as I pray for these leaders,
I ask that You help them to speak truthful, but loving.
Your Word admonishes us to speak the truth in love.
Forgive us when we may have spoken truth
in ways to win arguments, hurt feelings
or even to impress others.
Forgive us when we exaggerate or distort the truth.
When we speak, help us to attack the issues, not people.
Help our words to be simple, tender, truthful and loving.
I ask that Your grace will be shown through
the way each one of us speak.
In Your Son's Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Lane.

INTRODUCTION OF GUESTS

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

It is an honor and a pleasure for me to acknowledge a great accomplishment. The

Rossville High School Football Team, the Bulldawgs, was crowned State 3A Champions in 2014. The football team had an undefeated season, and it was the school's first state football championship.

With us today we have the coaches: Head Coach: Derick Hammes; Assistant Coach: Dan Schneider; Assistant Coach: Jeremy Stephenson; Assistant Coach: Ian Peters; Assistant Coach: Brad Anderson; Athletic Director: Derek Dick; Superintendent: Kerry Lacock; Principal: Toby McCullough; Special Guest: Senator Laura Kelly.

I call your attention to the football team seated in the Gallery along with the team managers and the cinematographer for the team. Would you all please stand. One point of interest for the team was that Paul Steinke, a foreign exchange student from Hamburg, Germany, joined the team upon his arrival in Rossville, and his soccer skills served him and the team well. He set state records for consecutive extra-point kicks, total extra-points, and the most extra-points in one season.

We are proud of the entire team and of their accomplishments and would like to present you as head coach with a certificate from the House of Representatives to mark the occasion of your championship season.

Rep. Highland also introduced the members of the football team and others seated in the gallery:

Matheus Matumoto, Derek Gentry, Corbin Horak, Bryce Gfeller, Isaiah Luellen, Wyatt Dyche, Clayton Rubio, Jared Morris, Trevor Balch, Tucker Horak, Kyle Parr, Ethan Woodcock, Paul Borcharding, Thatcher Horak, Nick Brummer, Alex Cavanaugh, Caiden Musick, Jack Steckel, Christian Roduner, Caleb Lovejoy, Lake Schultz-Pruner, Nick Reesor, Holden Hurla, Austin Ramey, Dawson Hammes, Lee Hester, Sheldon Hulbert, Joao Uezono, Ty Dick, Terrence Sowers, Zach Jensen, Chayne Hulbert, Jordan Johnston, Eric Ebert, Tyler Sage, Reed Miller, Gabe Marney, Jarrett Ingwerson, Luke Hurtig, Nathan Dohrman, Kole Davoren, Kody Hurla, Jared Ebert, Isaac Luellen, Malcom Gillum, Riley Miller, JF Fiedler, Paul Steinke; Managers Breanna Ebert, Chris Johnston, Riley Falk, Cody York; and filmer, Remington Wehner.

Rep. Highland presented the coach and team with a framed House certificate.

INTRODUCTION OF GUESTS

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

The Governor signed a Proclamation that today, February 12, 2015, is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team. Ten of those scholars are here on the Floor and the remainder are in the gallery.

Phi Theta Kappa is an International Honor Society for two-year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join.

Phi Theta Kappa's mission is two-fold:

- to recognize and encourage the academic achievement of two-year college students, and
- to provide opportunities for individual growth and development through

participation in honors, leadership, service and fellowship programming.

Fifty-five students have been named to the All Kansas Academic Team and they represent all nineteen community colleges from across the state and were named to this team based upon their academic achievement, leadership and community service.

Because of their academic achievement, service and leadership they have been awarded scholarships and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

The 2015 Phi Theta Kappa Representatives with me on the Floor are: Keri Thompson - Labette Community College; Tyler Stoldt – Neosho County Community College-Chanute ; Joseph Lutz – Kansas City Kansas Community College; Kaitlyn Pracht – Butler Community College; Dezirae Hamrick – Coffeyville Community College; Noelle Doty – Garden City Community College; Anna Mammedova– Allen Community College; Samantha Heppler – Neosho County Community College-Ottawa; Jordan Olivarez – Dodge City Community College; Thaina Dos Santos Jensen – Highland Community College.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2323, AN ACT concerning the Kansas act against discrimination; relating to sexual orientation and gender identity; amending K.S.A. 44-1001, 44-1004, 44-1009, 44-1015, 44-1016, 44-1017, 44-1018, 44-1027 and 44-1030 and K.S.A. 2014 Supp. 44-1002, 44-1005 and 44-1006 and repealing the existing sections, by Committee on Judiciary.

HB 2324, AN ACT enacting the Newell stillbirth research and dignity act, by Committee on Health and Human Services.

HB 2325, AN ACT relating to public and professional employee organizations; concerning collective bargaining; enacting the public employee bargaining transparency act, by Committee on Commerce, Labor and Economic Development.

HB 2326, AN ACT concerning negotiation of working conditions, including labor relations, for certain professional employees; amending K.S.A. 72-5415, 72-5416, 72-5417, 72-5418, 72-5419, 72-5421, 72-5423, 72-5424, 72-5426 and 72-5430 and K.S.A. 2014 Supp. 72-5413 and 72-5437 and repealing the existing sections; also repealing K.S.A. 72-5420 and 72-5428a, by Committee on Commerce, Labor and Economic Development.

HB 2327, AN ACT naming the meteorite the state rock, by Committee on Transportation.

HB 2328, AN ACT concerning sales taxation; relating to sales of required textbooks, refunds in certain instances, by Committee on Taxation.

HB 2329, AN ACT concerning agriculture; enacting the alternative crop research act; amending K.S.A. 2014 Supp. 21-5702 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2330, AN ACT concerning consumer protection and common interest communities; amending K.S.A. 2014 Supp. 58-4609 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2331, AN ACT concerning alcoholic beverages; relating to consumption of alcoholic liquor on public property; permitted consumption at catered events; amending

K.S.A. 2014 Supp. 41-719 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2332, AN ACT concerning alcoholic beverages; relating to microbreweries; permitting the manufacture and sale of hard cider and mead; amending K.S.A. 2014 Supp. 41-102 and 41-308b and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2303, HB 2304, HB 2305, HB 2310.**

Commerce, Labor and Economic Development: **HB 2299, HB 2314, HB 2316, HB 2317.**

Corrections and Juvenile Justice: **HB 2313.**

Education: **HB 2318.**

Federal and State Affairs: **HB 2311, HB 2312, HB 2320, HB 2322.**

Health and Human Services: **HB 2315, HB 2319, HB 2321.**

Judiciary: **HB 2300, HB 2301, HB 2302.**

Taxation: **HB 2306, HB 2307, HB 2308, HB 2309.**

COMMUNICATIONS FROM STATE OFFICERS

From Susan Mosier, MD, Secretary and State Health Officer, pursuant to K.S.A. 65-1,159a, Senator Stan Clark Pregnancy Maintenance Initiative, Report to the 2015 Kansas Legislature.

From Doug Jorgensen, Fire Marshal, Office of the State Fire Marshal, 2013 Kansas Fire Incident Reporting System Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **HCR 5002**, and has appointed Senators King, Bruce and Hensley as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5002** submits the following report:

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

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

JEFF KING

TERRY BRUCE

ANTHONY HENSLEY

Conferees on part of Senate

JOHN E. BARKER

MARK KAHRS

ED TRIMMER

Conferees on part of House

On motion of Rep. Barker to adopt the conference committee report on **HCR 5002** to agree to disagree, the motion did not prevail and the resolution remains in conference.

CONSENT CALENDAR

No objection was made to **HB 2029** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2061** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2006, AN ACT concerning veterans; relating to license plates for disabled veterans; pertaining to parking in certain public parking spaces; amending K.S.A. 2014 Supp. 8-161 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: Hutton.

Present but not voting: None.

Absent or not voting: Goico, Hedke, Rhoades.

The bill passed, as amended.

HB 2025, AN ACT concerning the Kansas law enforcement training act; amending K.S.A. 2014 Supp. 74-5616 and 74-5622 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, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon,

Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Hedke, Rhoades.

The bill passed.

HB 2042, AN ACT concerning membership on the governor's behavioral health services planning council; amending K.S.A. 2014 Supp. 39-1605 and repealing the existing section, 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, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claey's, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Hedke, Rhoades.

The bill passed.

HB 2043, AN ACT concerning criminal history record information; amending K.S.A. 2014 Supp. 75-53,105 and repealing the existing section, 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, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell,

Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Hedke, Rhoades.

The bill passed.

HB 2055, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; out-of-state misdemeanors; amending K.S.A. 2014 Supp. 21-6811 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Jennings, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Williams, Wilson, Winn, Wolfe Moore.

Nays: Hutton, Kahrs, Peck, Whitmer.

Present but not voting: None.

Absent or not voting: Goico, Hedke, Rhoades.

The bill passed, as amended.

HB 2065, AN ACT concerning insurance; relating to nonprofit dental service corporations; subscription agreements; disbursements; amending K.S.A. 40-19a11 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell,

Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Hedke.

The bill passed.

HB 2066, AN ACT concerning insurance companies; relating to investments; amending K.S.A. 40-2a05, 40-2a12, 40-2a16, 40-2a25, 40-2a26, 40-2b04, 40-2b05, 40-2b09, 40-2b13, 40-2b26 and 40-2b27 and K.S.A. 2014 Supp. 40-2a27, 40-2a28, 40-2b28 and 40-2b29 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Hedke.

The bill passed.

HB 2111, AN ACT concerning the code of civil procedure; relating to items allowable as costs; amending K.S.A. 2014 Supp. 60-2003 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Whipple, Williams, Wilson, Winn, Wolfe Moore.

Nays: Brunk, B. Carpenter, DeGraaf, Garber, Houser, Kelley, Kiegerl, Peck, Rhoades, Scapa, Ward, Whitmer.

Present but not voting: None.

Absent or not voting: Goico, Hedke.

The bill passed.

HB 2126, AN ACT concerning insurance; relating to risk-based capital instructions; property and casualty actuarial opinion law; amending K.S.A. 2014 Supp. 40-223j and 40-2c01 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Hedke.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2051, HB 2056** be passed.

HB 2030 be passed over and retain a place on the calendar.

On motion of Rep. Rubin, **HB 2097** be amended on page 5, in line 11, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee report to **HB 2010** be adopted; also, on motion of Rep. Hoffman, be amended on page 1, in line 12, after the semicolon by inserting "and"; by striking all in lines 13 through 17; in line 18, by striking "(3)" and inserting "(2)"; in line 21, by striking "; and"; by striking all in line 22; in line 23, by striking all before the period; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Elections** recommends **HB 2184** be amended on page 1, in line 10, by striking "\$80" and inserting "\$100"; in line 20, by striking "\$80" and inserting "\$100"; in line 29, by striking "\$80" and inserting "\$100"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2121** be passed.

Committee on **Health and Human Services** recommends **HB 2120** be amended on page 1, in line 16 by striking "1,000" and inserting "250"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2142** be passed.

Committee on **Pensions and Benefits** recommends **HB 2095** be amended on page 1, in line 22, after "that" by inserting "for any one or more series of revenue bonds issued pursuant to this section,"; in line 23, after "rate" by inserting ", all inclusive cost,";

On page 2, in line 1, by striking "state"; also in line 1, after "constitution" by inserting "of the state of Kansas"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2090, HB 2094** be passed.

Committee on **Transportation** recommends **HB 2013, HB 2091** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2044** be amended on page 1, in line 7, by striking "enclosed"; in line 19, by striking "enclosed"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2093** be amended on page 1, in line 35, after "transmission" by inserting "in CMV";

On page 2, in line 2, after "vehicle" by inserting ";

(12) "Z"—no full air brake in CMV";

Also on page 2, following line 29, by inserting:

"Sec. 2. K.S.A. 2014 Supp. 8-241 is hereby amended to read as follows: 8-241. (a) Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments thereto, any person licensed to operate a motor vehicle in this state shall submit to an examination whenever: (1) The division of vehicles has good cause to believe that such person is incompetent or otherwise not qualified to be licensed; or (2) the division of vehicles has suspended such person's license pursuant to K.S.A. 8-1014, and amendments thereto, as the result of a test refusal, test failure or conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution

prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, except that no person shall have to submit to and successfully complete an examination more than once as the result of separate suspensions arising out of the same occurrence.

(b) When a person is required to submit to an examination pursuant to subsection (a)(1), the fee for such examination shall be in the amount provided by K.S.A. 8-240, and amendments thereto. When a person is required to submit to an examination pursuant to subsection (a)(2), the fee for such examination shall be \$25. In addition, any person required to submit to an examination pursuant to subsection (a)(2) as the result of a test failure, a conviction for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 8-1567, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of \$200 after the first occurrence, \$400 after the second occurrence, \$600 after the third occurrence and \$800 after the fourth or subsequent occurrence; and as a result of a test refusal, a conviction for a violation of K.S.A. 2014 Supp. 8-1025, and amendments thereto, or a violation of a city ordinance or county resolution prohibiting the acts prohibited by K.S.A. 2014 Supp. 8-1025, and amendments thereto, shall be required, at the time of examination, to pay a reinstatement fee of \$600 after the first occurrence, \$900 after the second occurrence, \$1,200 after the third occurrence and \$1,500 after the fourth or subsequent occurrence.

(1) All examination fees collected pursuant to this section shall be remitted to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 80% to the state highway fund and 20% shall be disposed of as provided in K.S.A. 8-267, and amendments thereto.

(2) On and after July 1, 2014, through June 30, 2018, all reinstatement fees collected pursuant to this section shall be remitted to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 26% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 12% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 12% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, 17% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto, and 33% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 20-1a15, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.

(3) On and after July 1, 2018, all reinstatement fees collected pursuant to this section shall be remitted to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 35% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 20% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, and 25% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing

appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.

(c) When an examination is required pursuant to subsection (a), at least five days' written notice of the examination shall be given to the licensee. The examination administered hereunder shall be at least equivalent to the examination required by ~~subsection (c) of K.S.A. 8-247(e)~~, and amendments thereto, with such additional tests as the division deems necessary. Upon the conclusion of such examination, the division shall take action as may be appropriate and may suspend or revoke the license of such person or permit the licensee to retain such license, or may issue a license subject to restrictions as permitted under K.S.A. 8-245, and amendments thereto.

(d) Refusal or neglect of the licensee to submit to an examination as required by this section shall be grounds for suspension or revocation of the license.

(e) The division may issue a driver's license with a DUI-IID designation for a licensee that is operating under ignition interlock restrictions required by K.S.A. 8-1014, and amendments thereto. The reexamination requirement in subsection (a)(2) shall not require reexamination and payment of reinstatement fees until the end of the licensee's ignition interlock restriction period. If the applicant's Kansas driver's license has been expired for one year or more, the applicant must complete a reexamination and pay any applicable reinstatement fees before qualifying for a driver's license with an ignition interlock designation. All other requirements for issuance and renewal of a driver's license under K.S.A. 8-240, and amendments thereto, shall continue to apply. The renewal periods and other requirements in K.S.A. 8-247, and amendments thereto, shall apply. The fees charged for the driver's license with ignition interlock designation shall include: (1) The fee amounts set out in K.S.A. 8-240(f), and amendments thereto; (2) fees prescribed by the secretary of revenue and required in K.S.A. 8-243(a), and amendments thereto; and (3) a \$10 fee to the DUI-IID designation fund. There is hereby created in the state treasury the DUI-IID designation fund. All moneys credited to the DUI-IID designation fund shall be used by the department of revenue only for the purpose of funding the administration and oversight of state certified ignition interlock manufacturers and their service providers."

Also on page 2, in line 30, after "Supp." by inserting "8-241 and"; also in line 30, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "commercial"; in line 2, by striking the first semicolon and inserting ", DUI-IID designation, commercial"; also in line 2, after "restrictions;" by inserting "DUI-IID designation fund;"; also in line 2, after "Supp." by inserting "8-241 and"; 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 bills and resolution were introduced and read by title:

HB 2333, AN ACT concerning alcoholic beverages; creating a cause of action against a person who presents false identification to obtain alcoholic liquor, by Committee on Federal and State Affairs.

HB 2334, AN ACT concerning the uniform consumer credit code; relating to cash advance consumer loan requirements; amending K.S.A. 16a-2-404 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2335, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; creating alternative incarceration credit; amending K.S.A. 2014 Supp. 21-6821 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2336, AN ACT concerning children and minors; relating to juvenile offenders; risk assessment tool; amending K.S.A. 2014 Supp. 38-2361 and 38-2369 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2337, AN ACT concerning crimes, punishment and criminal procedure; relating to conservation camps; elimination; amending K.S.A. 2014 Supp. 21-5914, 21-6604, 21-6615, 21-6702, 21-6803, 21-6824, 22-4616, 44-508, 65-1,108, 75-755, 75-7d01, 75-7d10, 75-5206 and 75-5291 and repealing the existing sections; also repealing K.S.A. 75-52,132 and K.S.A. 2014 Supp. 21-6604c and 75-52,127, by Committee on Corrections and Juvenile Justice.

HB 2338, AN ACT concerning crimes, punishment and criminal procedure; relating to murder in the first degree; inherently dangerous felony; amending K.S.A. 2014 Supp. 21-5402 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2339, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; amending K.S.A. 2014 Supp. 21-5504, 21-5505, 21-5506, 21-5507, 21-5508, 21-5512 and 21-5513 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2340, AN ACT concerning elections and voting; relating to certain municipalities and special districts; amending K.S.A. 2-623, 12-344, 12-363, 13-1220, 13-1221, 19-2680, 19-2760, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-210, 25-212, 25-610, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-2804, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-2508 and K.S.A. 2014 Supp. 2-624, 24-412, 24-414, 24-459, 24-506, 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3801 and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762 and 71-1417, by Committee on Elections.

HB 2341, AN ACT concerning wildlife; relating to seizure of wildlife; disposal; amending K.S.A. 2014 Supp. 32-1047 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2342, AN ACT concerning the Kansas parentage act; relating to the determination of father and child relationship; amending K.S.A. 2014 Supp. 23-2209 and repealing the existing section, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. HCR 5014--
By Committee on Federal and State Affairs

HCR 5014--A PROPOSITION to amend section 24 of article 2 of the constitution of the state of Kansas, relating to appropriations.

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 24 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 24. Appropriations. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. *The executive and judicial branches shall have no authority to direct the legislative branch to make any appropriation of money or to redirect the expenditure of funds appropriated by law, except as the legislative branch may provide by law, or as may be required by the Constitution of the United States. Any existing order directing the legislative branch to make an appropriation of money shall be unenforceable as of the date this provision is adopted.*"

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 clarify that the executive and judicial branches shall not direct the legislative branch to make any appropriation of money, nor to redirect the expenditures of funds appropriated by law, except as the legislative branch may provide by law, or as may be required by the Constitution of the United States. Any existing court order which is inconsistent with this amendment is unenforceable.

"A vote for this proposition would clarify that section 24 of article 2 of the constitution of the state of Kansas provides that neither the executive branch nor the judicial branch can force the legislative branch to appropriate money, except as the legislative branch may provide by law, or as may be required by the Constitution of the United States. The amendment would also prohibit the judicial branch from ordering a change in how money is spent after it has been appropriated by the legislative branch, except as the legislative branch may provide by law, or as may be required by the Constitution of the United States. If money is appropriated for a particular purpose the judicial branch could not stop that money from being spent for that purpose. Finally, the amendment would void any current court order directing the legislative branch to make an appropriation of money.

"A vote against this proposition would provide no change to the constitution of the state of Kansas, and any existing orders that direct the legislative branch to make an appropriation of money shall remain in effect."

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 a special election to be held on the first Tuesday following 60 calendar days after the approval of this resolution by both the House of Representatives and the Senate of the Kansas legislature.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Rubin moved that the House reconsider its adverse action in not adopting the conference committee report on **HCR 5002** to agree to disagree and that a new conference committee be appointed (see HJ, page 216).

The motion prevailed.

The question then reverted back to the motion of Rep. Barker to adopt the conference committee report.

On motion of Rep. Barker the conference committee report on **HCR 5002** to agree to disagree, was adopted.

Speaker Merrick thereupon appointed Reps. Barker, Kahrs and Trimmer as second conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2006, HB 2055 reported correctly engrossed February 11, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, February 13, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

