

# Journal of the House

TWENTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 18, 2015, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Proehl was excused on verified illness.

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

Prayer by Chaplain Brubaker:

Loving God,  
On this Ash Wednesday as we reflect of  
the great love You have for us,  
we are reminded of what You did for us through Your Son.  
He went forty days alone, a wilderness of thoughts,  
tempting and inviting thoughts,  
which could so easily have distracted Him from His task and Your mission.  
Yet He emerged, stronger and more attuned to all that had to be done.  
We too live in stressful times.  
Demands are made of our time,  
that leave so little time for the important things of life.  
We are easily distracted in the wilderness of our lives,  
by every call to go this way or that,  
and do all that would keep us from the truth.  
We listen to the voices of this world,  
and ignore the one who endured all this and so much more,  
yet emerged triumphant, that we might not have to suffer so.  
Forgive us, Father, when we get distracted from our task.  
Forgive us those times when we try to be all things to all men,  
and fail to be anything to anyone.  
I pray this in Your Son's Name, Amen.

The Pledge of Allegiance was led by Rep. Carmichael.

## INTRODUCTION OF GUESTS

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

It is a pleasure to have with me today the members of the Independence High School Girls 4-A State Championship Tennis Team and their coaches. This Independence Girls team won the 5<sup>th</sup> Girls State Tennis Championship for their school in October.

Independence Girls Tennis has been a prominent program in Kansas since the first girls state tournament was held in 1971. Independence has qualified girls for the last 41 years in a row and has placed in the tournament the last 14 years, including 5 state championships and two runner-up finishes. In addition, Independence has won the SEK league title 10 of the last 11 years and the regional tournament 8 of the last 9 years.

As a team this year, the girls won 79% of their overall matches and three team members ended their high school careers with over 100 career matches won.

I would like to now introduce the team members that are here today, ending with the 6 girls that won the 4-A team state championship and the team coaches.

Team members include: Sagan Shire; Halei Matthews; Qwynn Marquez; Calisse Papan; Katie Capps; Chelsea Cushing; Emily Wilson; Alex Keller; Kaylee Bryant; Amanda Trout; Clare Bindley.

State Tournament Team: Abbi Groff, with 128 career matches won. She was the state singles runner-up as a sophomore and senior and State Champion as a junior. Also, Caringtyn Julian, Anna Miller, Lyssa Schabel, Kalei Matthews (106 career matches won), and Shalie Matthews (107 career matches won).

The coaches, who have been a team for over two decades, are Assistant Coach, Gina McLenon and Head Coach, Ken Brown.

Before our session today I presented a certificate of congratulations to the 2014 Girls 4-A State Championship team, which reads: "Congratulations to the Independence High School Girls Tennis Team for winning the 2014 State Championship."

I also presented a certificate to Head Coach Ken Brown. Ken was a political science professor at Independence Community College for 40 years and also coached tennis at the college for 23 years. He then decided to make the switch to Independence High School tennis where he has been a Rule 10 coach for over 25 years. During these years Ken coached both boys and girls teams, and in his spare time he has served as the Director of the City Recreation youth summer tennis program for the past 31 years. During these years Ken not only developed the tennis skills of thousands of Independence youth, but he has more importantly, helped develop life and citizenship skills these students will appreciate for the rest of their lives.

At the end of the 2014 season Ken Brown retired as the girl's tennis coach, he had retired as boy's coach two seasons prior. Both retirements followed a State Championship season and just this past week Ken was recognized by the National Federation Coaches Association as the 2014 Kansas Girls Tennis Coach of the year, truly a storybook finish to a storied coaching career.

Ken Brown's certificate reads: Commending Ken Brown for enhancing the Tennis and Life Skills of Independence Youth for over 40 years ... the certificate wording ends with the team motto that Ken has held true to for over 40 years: "Expect the Best, Work the Hardest, and Enjoy the Moment".

Congratulations to the Independence Girls 4-A State Championship Tennis Team their assistant coaches and retiring Head Coach Ken Brown.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2371**, AN ACT concerning certain crimes; relating to fantasy sports leagues; amending K.S.A. 2014 Supp. 21-6403 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2372**, AN ACT concerning property taxation; relating to exemptions, trailers used exclusively for personal use, by Committee on Taxation.

**HB 2373**, AN ACT concerning utilities; relating to the renewable energy standards act, sunset; amending K.S.A. 2014 Supp. 66-1256 and 66-1258 and repealing the existing sections, by Committee on Taxation.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2370**.

Health and Human Services: **HB 2369**.

Judiciary: **HCR 5015**.

### CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2118**, **HB 2239** from Committee on Health and Human Services and referral to Committee on Appropriations.

### COMMUNICATIONS FROM STATE OFFICERS

From Barbara J. Hickert, State Long-Term Care Ombudsman, per K.S.A. 75-7306, Annual Report for State Fiscal year 2015. This report can also be found at [www.kansasombudsmanksgov.com](http://www.kansasombudsmanksgov.com).

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

### CONSENT CALENDAR

No objection was made to **HB 2124** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2124**, AN ACT concerning the uniform commercial code; relating to the exclusion of consumer transactions governed by federal law; amending K.S.A. 84-4a-108 and repealing the existing section, was considered on final action.

Call of the House was demanded.

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, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, 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, Kelley, Proehl.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2090**, **HB 2094**, **HB 2142** be passed.

Committee report to **HB 2044** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions** recommends **HB 2258**, **HB 2260** be passed.

Committee on **Financial Institutions** recommends **HB 2259** be amended on page 1, in line 31, by striking "as it" and inserting "that"; in line 32, by striking "itself"; also in line 32, after the period, by inserting "On or before September 30 of each year, the state treasurer shall make the information on the statements available on the state treasurer's internet website."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2106**, **HB 2256** be passed.

Committee on **Local Government** recommends **HB 2163** be amended on page 1, in line 7, before "drainage" by inserting "water district,."; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2177** be amended on page 2, in line 20, after "public." by inserting "Such cleanup plan and any associated documents shall be indexed and posted on the website of the Kansas department of health and environment for at least five years following the no further action determination."; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2238** be amended on page 1, in line 6, by striking "capitol" and inserting "capital";

On page 1, in the title, in line 1, by striking "capitol" and inserting "capital"; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2155** be amended on page 1, in line 7, after "to" by inserting "state"; in line 8, after the first "Kansas" by inserting "army"; in line 15, after the first "to" by inserting "state active";

in line 31, after "to" by inserting "state active"; in line 32, by striking "under honorable conditions" and inserting "from state active duty"; also in line 32, by striking "honorable" and inserting "such person's"; in line 33, by striking ", as provided by the adjutant"; in line 34, by striking "general" and inserting "in a memorandum certified by such person's commanding officer";

On page 2, in line 2, after "to" by inserting "state"; in line 14, after "state" by inserting "active"; in line 43, after the second "to" by inserting "active";

On page 3, in line 6, after "section" by inserting "during the course of an investigation subsequent to a claim as provided in subsection (d)"; in line 7, after "shall" by inserting "place an investigating officer on state active duty orders to"; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2228** be amended on page 1, in line 23, after "guard" by inserting ", Kansas army or air national guard"; 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 were introduced and read by title:

**HB 2374**, AN ACT concerning financial institutions; pertaining to installment loans, by Committee on Appropriations.

**HB 2375**, AN ACT enacting the gun violence restraining order act, by Committee on Appropriations.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6013**—

by Committee on Local Government

**HR 6013**-- A RESOLUTION honoring Rudolph "Rudy" Camarena for his service to our nation in World War II as one of the heroic men who stormed the beaches at Normandy.

WHEREAS, On June 6, 1944, Rudolph "Rudy" Camarena was a 20-year-old soldier assigned to the 6<sup>th</sup> Engineer Special Brigade that stormed Omaha Beach in the third wave as the invasion of Europe commenced. This invasion was part of Operation Overlord during World War II – the largest amphibious invasion to ever take place; and

WHEREAS, Rudy Camarena was an ammunition bearer on a 35 millimeter air-cooled machine gun and carried two steel boxes – one in each hand. Mr. Camarena also had two belts over his shoulder, weighing about 70 pounds, along with rations, grenades, a couple of belts of ammunition and a rifle. With all of this weight, he stormed the beaches of Normandy. His brigade remained on the coast for two months, building an airfield, a bridge and other structures to aid the flood of additional troops and equipment. He would advance all the way to Germany by the time the war ended; and

WHEREAS, Rudy Camarena traveled to France with his son and daughter, Bill and

Cathy Hadorn, in 2014, to revisit the beach where Mr. Camarena risked his life in service to his country so many years ago. While there, they discovered a monument honoring his division: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the Kansas House of Representatives honors Rudy Camarena for service to our country. Thank you for protecting us. We know you sacrificed so much for your country, and served to protect the freedom and security of the United States of America; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Claeys.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker pro tem Mast announced the appointment of Rep. Sawyer to replace Rep. Ruiz on Committee on Taxation on February 18.

Also, Rep. Sawyer is appointed to replace Rep. Burroughs on Committee on Elections on February 18.

Also, Rep. Schwartz is appointed to replace Rep. Edmonds on Committee on Legislative Budget effective immediately.

#### **REPORT ON ENGROSSED RESOLUTIONS**

**HCR 5002** reported correctly re-engrossed February 17, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 19, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

