

# Journal of the House

THIRTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 13, 2014, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Edwards was excused on verified illness.

Rep. Sloan was excused on legislative business.

Reps. Kinzer and Phillips were excused on excused absence by the Speaker.

Prayer by guest chaplain, Dave Hintz, senior pastor, Flint Hills Christian Church, Emporia, and guest of Rep. Mast:

Father God, we come before you as the King of Kings and the Lord of Lords. And we ask for your help, as these men and women counsel together and make decisions which impact our state.

I pray that you will give them wisdom. May they know that the fear of the Lord is the beginning of all wisdom. And that they not only answer to the voters, but to you.

I pray that you will give them humility, that they may think before they speak and weigh a matter before making a decision.

I pray that you will give them selflessness, that they will don the attitude of Jesus Christ who did not abuse his power, but used it to serve others.

I pray that you will give them courage. Lord I pray that they will be driven to do and say that right thing, even if it is not perceived that way by onlookers.

Lord bless these men and women, and use their decisions to bless this state.

In the name of Jesus Christ, who was sacrificed on the cross to save us from our sin, we pray. Amen.

The Pledge of Allegiance was led by Rep. Carmichael.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2762**, AN ACT concerning taxation; relating to credits and benefits for employment of persons who have intellectual or developmental disabilities; enacting

the Kansas tax weight-loss act, by Committee on Taxation.

**HB 2763**, AN ACT concerning the abandoned oil and gas well fund, transfer of moneys; expanding and developing the state seismic monitoring network; amending K.S.A. 2013 Supp. 55-193 and repealing the existing section, by Committee on Appropriations.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2758**.

Federal and State Affairs: **HB 2756**, **HB 2761**.

Insurance: **HB 2759**.

Pensions and Benefits: **HB 2760**.

Taxation: **HB 2757**.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **6062**—

By Representative Frownfelter

A RESOLUTION memorializing the life of Kansas State Representative Mike Peterson.

WHEREAS, Michael James Peterson, a Kansas State Representative, passed away at the age of 72; and

WHEREAS, Representative Peterson attended Bishop Ward High School, where he graduated in 1959. He attended the University of Notre Dame on a full football scholarship. After transferring to Northwest Missouri State University, he continued his football career, graduating in 1965. He attended law school at the University of Missouri-Kansas City and passed the bar in 1969; and

WHEREAS, Representative Peterson married his lifelong love, Robin Novak Peterson on September 7, 1963; and

WHEREAS, Representative Peterson coached football at St. Peter's Cathedral during the 1970s, establishing many championship teams and compiling an 84-4 record; and

WHEREAS, Representative Peterson was a member of many civic organizations, as well as being a precinct committee person, ward captain and Wyandotte County Democratic Central Committee Chairperson for over four decades; and

WHEREAS, Representative Peterson also owned the Wyandotte Echo Newspaper from 1979 to the present time with his wife, Robin; and

WHEREAS, Representative Peterson leaves behind a loving family that will miss him dearly, including his wife Robin. He served the community of Wyandotte County for many years and served in the Kansas State House of Representatives from 1979 to 1991 and then from 2005 to the present time: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we memorialize the life of Michael Peterson. He served his community and the State of Kansas in many capacities and we are extremely thankful for that service. He will be missed by the Kansas City community and the entire State of Kansas; and

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

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Victors, **HR 6057**, A RESOLUTION commemorating the 80<sup>th</sup> Anniversary of Newman University in Wichita, Kansas, was adopted.

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

Today marks the 80<sup>th</sup> Anniversary for Newman University. In 1933, the Sacred Heart Junior College was established at the height of the Great Depression. It provided education and training to many sisters and women in the area. Over the years, the school's growth in enrollment and campus facilities helped transform into what is now called Newman University.

Newman University provides many educational opportunities for their students whether it is in areas of health care, education, or business. They do an excellent job at helping their students strive to be the best and prepare them for the workforce or higher education.

I experienced this first hand while attending Newman. I received my undergraduate degree in Biology in 2005 and the science department faculty was outstanding in helping me achieve my academic goals. I had a very good experience at Newman and can't thank the university enough for their support over the years.

I would like to introduce the President of Newman University, Dr. Noreen Carrocci and other students and guests.

Please help me in applauding Newman University for 80 years of excellence and achievement.

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Finney, **HR 6060**, A RESOLUTION designating March 13, 2014, as Kidney Awareness Day, was adopted.

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

Today is World Kidney Day and Kidney Awareness Day at the Capital. World Kidney Day (WKD) is a global health awareness campaign focusing on the importance of the kidneys and reducing the frequency and impact of kidney disease and its associated health problems worldwide. It is observed annually on the second Thursday in March.

Across the globe, 1 out of 10 adults has some form of kidney damage yet the level of awareness of the important role the kidneys play in our health is low. In the United States, 1 out of 8 American adults has some form of kidney damage. Diabetes plus high blood pressure can cause kidney damage. Many people with diabetes and high blood pressure do not realize their kidney functioning could be at risk. Kidney disease may happen slowly over a long period of time. Early detection and treatment can often keep chronic kidney disease from getting worse. When kidney disease progresses, it leads to kidney failure, which requires dialysis or a kidney transplant to maintain life. Over 2,722 Kansans currently are receiving life-saving dialysis treatment.

One of the best ways to delay or prevent chronic kidney disease is by controlling high blood pressure. Today three organizations have come together with a United

Health Initiative Focus to bring kidney awareness to the Kansas Capital and offer each of you an opportunity to get your blood pressure checked. Those organizations are: The National Kidney Foundation, The Kansas Kidney Coalition, and the Kansas Alpha Kappa Alpha Sorority.

The National Kidney Foundation is the leading organization in the U.S. dedicated to the awareness, prevention and treatment of kidney disease for hundreds of thousands of healthcare professionals, millions of patients and their families, and tens of millions of Americans at risk.

The Kansas Kidney Coalition's mission is to improve the lives of Kansans with kidney disease by providing education through sharing information, collaborating by building connections and working together, and advocating for positive change and better services for people living with kidney failure.

The Alpha Kappa Alpha Sorority (AKA) is the first Greek-lettered sorority established and incorporated by African-American college women. Consisting of college-educated women of many diverse backgrounds from around the world, including, but not limited to, African, Caucasian, Asian, Native American, Hispanic and Indian descent, the sorority serves through a membership of more than 250,000 women in over 900 chapters in the United States and several other countries with a national health initiative to raise awareness of Kidney disease and its risk factors through health and education-focused activities.

I would like to introduce Alexandra Wilson, National Kidney Foundation; Wendy Schrag, Mark Green, Eric Swim, Lesley Pratt Dyer, Chad Iseman, Elahe Bahadori, The Kidney Coalition; Harriet Herbert, AKA Connections Chair; Gwen Sharpe, Beta Kappa Omega Chapter; Tanesha Forte, AKA Mu Omega Chapter; Kelly Loeb, AKA Upsilon Rho Omega Chapter; Zelia Wiles, AKA Mu Eta Omega Chapter; Elizabeth Ross, Alpha Iota Omega Chapter.

Today, we invite each of you to join us on the first floor rotunda for lunch and to have your blood pressure checked.

Finally, join me in welcoming these three organizations to the Capitol!

### **CONSENT CALENDAR**

Objection was made to **HB 2732** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

No objection was made to **SB 248** appearing on the Consent Calendar for the first day.

### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2542**, AN ACT concerning property taxation; relating to exemptions; amateur-built aircraft; local ad valorem tax reduction fund, distribution; amending K.S.A. 79-220 and 79-2961 and K.S.A. 2013 Supp. 79-2959 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

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, Esau, Estes,

Ewy, Finch, Finney, Frownfelter, Gandhi, Goico, Gonzalez, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Garber, Grosserode, McPherson, Rothlisberg.

Present but not voting: None.

Absent or not voting: Edwards, Kinzer, Phillips, Rhoades, Sloan.

The bill passed, as amended.

**SB 265**, AN ACT concerning income tax; relating to homestead refund, income defined, eligibility; deductions, self-employment taxes; withholding, non-resident pass-through entity income; credits, adoption expenses; amending K.S.A. 2013 Supp. 79-32,117, 79-32,263 and 79-4502 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 79-32,100e, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thimesch, 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: Edwards, Kinzer, Phillips, Sloan.

The bill passed, as amended.

**SB 266**, AN ACT concerning severance tax; relating to tax payment and return filing date; amending K.S.A. 79-4220 and 79-4221 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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, Esau, Estes,

Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thimesch, 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: Edwards, Kinzer, Phillips, Sloan.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **Sub for Sub HB 2721** be adopted; and the substitute bill be passed.

Committee report to **HB 2662** be adopted; and the bill be passed as amended.

Committee report to **HB 2479** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 371** be passed.

Committee on **Corrections and Juvenile Justice** recommends **SB 329** be amended on page 1, in line 8, after "in" by inserting "any evidence-based program, including, but not limited to: (1)"; in line 11, by striking ", or to participate in" and inserting "; or (2)"; also in line 11, by striking "or"; in line 12, by striking "other court sponsored program designed to rehabilitate the juvenile"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 349** be passed.

Committee on **Federal and State Affairs** recommends **SB 54** be amended on page 32, by striking all in lines 28 through 43;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 258** be amended on page 1, in line 9, by striking "K.S.A. 21-3401 or 21-3402, prior to their repeal, or K.S.A."; by striking all in lines 10 through 12; in line 13, by striking "amendments thereto," and inserting "any of the following statutes"; also in line 13, after "time" by inserting:

": (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2013 Supp. 21-5503, and amendments thereto; (2) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2013 Supp. 21-5504, and amendments thereto; (3) murder as described in K.S.A. 21-3401, 21-3402 or 21-3439, prior to their repeal, or K.S.A. 2013 Supp. 21-5401, 21-5402 or 21-5403, and amendments thereto; (4) terrorism as defined in K.S.A. 21-3449, prior to its repeal, or K.S.A. 2013 Supp. 21-5421, and amendments thereto; or (5) illegal use of weapons of

mass destruction as defined in K.S.A. 21-3450, prior to its repeal, or K.S.A. 2013 Supp. 21-5422, and amendments thereto";

On page 2, in line 12, by striking "prosecution for" and inserting "proceeding under this code for any act committed by a juvenile which, if committed by an adult, would constitute";

On page 3, following line 10, by inserting:

"(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the alleged juvenile offender's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A proceeding under this code is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such proceeding shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay."; and the bill be passed as amended.

#### **CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2621** from Committee on Taxation and referral to Committee on Education.

Also, the withdrawal of **HB 2680** from Committee on Appropriations and referral to Committee on Transportation.

Also, the withdrawal of **HB 2698** from Committee on Taxation and referral to Committee on Transportation and Public Safety Budget.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker Merrick announced the appointment of Rep. Curtis to replace Rep. Frownfelter on Committee on Commerce, Labor and Economic Development and Committee on Financial Institutions for March 13, 2014. Also, Rep. Tietze will serve as Ranking Minority on Committee on Commerce, Labor and Economic Development and Rep. Burroughs will serve as Ranking Minority on Committee on Financial Institutions for March 13. Rep. Frownfelter will resume his position on both committees effective March 14, 2014.

#### **REPORT ON ENGROSSED BILLS**

**HB 2542** reported correctly engrossed March 12, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, March 14, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

