

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 7, 2014, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Lusk and Peterson were excused on verified illness.

Rep. Christmann and Wilson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God our Provider,
As the Psalmist David once sang out,
“I lift up my eyes to the hills—
where does my help come from?
My help comes from the Lord,
the Maker of heavens and earth,”
Today I lift up my eyes and heart to You
and ask that You provide Your help to these leaders.
Watch over them today as they meet
in various committees with various people.
Guard their heart—
for what is in their heart
will be revealed through their words and actions.
Be their refuge and strength
when they may feel beaten down and stepped upon.
Give them the courage to withstand
in times of disagreement and opposition—
but also a willingness to listen with an open mind.
Lord, please continue to be with Representative
Peterson. Make Your presence known to him
during this difficult time.
All these things You have promised to give
if asked in Your name and within Your will.
For this I pray, Amen.
(Psalm 121:1-2)

The Pledge of Allegiance was led by Rep. Victors.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2573, AN ACT creating the airport development revolving fund; authorizing the secretary of transportation to make loans; transferring moneys from the state general fund, by Committee on Transportation.

HB 2574, AN ACT concerning property taxation; relating to reclassification of certain tax exempted property, by Committee on Taxation.

HB 2575, AN ACT concerning income taxation; relating to credits; expenditures to make dwelling or facility accessible for persons with a disability; amending K.S.A. 2013 Supp. 79-32,177 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2565**, **HB 2566**, **HB 2572**.

Education: **HB 2563**.

Judiciary: **HB 2567**, **HB 2568**, **HB 2569**.

Pensions and Benefits: **HB 2564**.

Transportation: **HB 2570**.

Veterans, Military and Homeland Security: **HB 2571**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2436** from the Calendar under the heading General Orders and rereferral to Committee on Vision 2020.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION NO. **6047**—

By Representative Boldra

A RESOLUTION designating February 11, 2014, as Multiple Sclerosis Day at the Capitol.

WHEREAS, Multiple sclerosis (MS) interrupts the flow of information between the brain and the body and stops people from moving. It is an unpredictable, often disabling disease of the central nervous system, and every hour someone is newly diagnosed in the United States; and

WHEREAS, The Mid America Chapter of the National Multiple Sclerosis Society reports that MS affects an estimated 2.5 million people worldwide, 400,000 nationwide and over 4,400 Kansans; and

WHEREAS, Often first diagnosed in individuals aged 20 to 50, attacking them in the prime of their lives, MS is the most common neurological disease leading to disability in young adults; and

WHEREAS, The symptoms of MS range from numbness and tingling to blindness and paralysis. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are moving us close to a world free of MS; and

WHEREAS, The Mid America Chapter of the National MS Society has been

committed to mobilize people throughout Kansas who want to assist those afflicted with MS; and

WHEREAS, "Walk MS" events are scheduled this spring in Emporia, Kansas City, Hays, Hiawatha, Hutchinson, Lawrence, Manhattan, Neodesha, Salina, Topeka and Wichita; and

WHEREAS, The mission of the National Multiple Sclerosis Society is to mobilize people and resources to drive research for a cure and to address the challenges of everyone affected by MS: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we declare February 11, 2014, as Multiple Sclerosis Day at the Capitol to raise awareness for this disease that has no known cause and no known cure. We recognize the importance of moving closer to a world free of multiple sclerosis and express appreciation to the Mid America Chapter of the National MS Society for its work; and

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

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Victors, **HR 6042**, A resolution supporting the development and designation of a continuous Chief Standing Bear Trail from Nebraska to Oklahoma, was adopted.

Rep. Victors addressed a few remarks to the members of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2514** be passed.

Committee report to **HB 2516** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2223** be adopted; and the substitute bill be passed.

Committee report to **HB 2420** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Children and Seniors** recommends **HB 2418** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2478** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2445** be amended on page 1, following line 28, by inserting:

"(2) The prosecuting attorney shall also provide a summary or written report of what any expert witness intends to testify to on direct examination, including the witness' qualifications and the witness' opinions, at a reasonable time prior to trial by agreement of the parties or by order of the court.";

By renumbering paragraphs accordingly;

On page 2, in line 29, by striking ", no less than 30 days"; in line 30, by striking "prior to trial,"; in line 31, by striking the second comma and inserting "and"; in line 32, by striking "and the bases and reasons for such opinions" and inserting ", at a

reasonable time prior to trial by agreement of the parties or by order of the court"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2477** be amended on page 1, in line 17, by striking "or"; in line 18, after "(C)" by inserting " except as provided in subsection (b)(1)(D)."; in line 21, after "inflicted;" by inserting:

"or

(D) knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck of another person or by blocking the nose or mouth of another person, when done in a rude, insulting or angry manner;"; in line 26, after the semicolon by inserting "or"; in line 33, by striking "; or"; by striking all in lines 34 through 36;

On page 2, by striking all in lines 1 through 3; and in line 4, by striking all before the period;

On page 3, in line 39, by striking the comma and inserting "or"; also in line 39, by striking "or (b)(4)(A)"; in line 43, by striking "(b)(4)(B)" and inserting "(b)(1)(D)";

On page 4, in line 14, by striking "(b)(4)" and inserting "(b)(1)(D)"; also in line 14, after "to" by inserting ": (1)"; in line 16, after "professional" by inserting "; or (2) a restraint performed by a law enforcement officer in accordance with acceptable law enforcement practices"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2453** be amended on page 2, in line 10, after "employer" by inserting ", in directing the performance of such service."; in line 24, by striking all after "means"; by striking all in lines 25 through 31; in line 32, by striking "entity" and inserting "the executive, legislative and judicial branches and any and all agencies, boards, commissions, departments, districts, authorities or other entities, subdivisions or parts whatsoever of state and local government, as well as any person acting under color of law"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2435** be amended on page 1, in line 5, by striking "No" and inserting "Except upon the written authorization of a person licensed in this state to practice medicine and surgery, no"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2422** be amended on page 1, in line 10, after the period by inserting "On and after January 1, 2014, the levy used to calculate the tax on watercraft shall be the county average tax rate."; in line 13, by striking "includes: (1)"; by striking all in lines 14 through 17; in line 18, by striking all before the period and inserting "means any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water which, if not for the provisions of this section, would be properly classified under subclass 5 or 6 of class 2 of section 1 of article 11 of the Kansas constitution. This section shall not be construed as taxing any watercraft which otherwise would be exempt from property taxation under the laws of the state of Kansas";

Also on page 1, following line 21, by inserting:

"(c) Any watercraft which is designed to be propelled through the water through human power alone shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas.

(d) The "county average tax rate" means the total amount of general property taxes levied within the county by the state, county and all other taxing subdivisions divided

by the total assessed valuation of all taxable property within the county as of November 1 of the year prior to the year of valuation as certified by the secretary of revenue.";

On page 1, in the title, in line 1, by striking "defining" and inserting "relating to"; also in line 1, after the second semicolon by inserting "definition, levy of tax, exemptions;"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 18, by Representative Boldra, congratulating and commending the Kansas Academy of Mathematics and Science 2015 graduates on their academic and personal pursuits;

Request No. 19, by Representative Hibbard, congratulating the Kansas 4-H Foundation in recognition of their efforts to provide leadership programs for Kansas youth that will develop leaders for the future;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted.

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 2576, AN ACT concerning the employment security law; pertaining to rate; amending K.S.A. 2013 Supp. 44-710a and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2577, AN ACT concerning the newborn infant protection act; relating to anonymity of parent surrendering a child; amending K.S.A. 2013 Supp. 38-2282 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2578, AN ACT concerning firearms; relating to certification by a chief law enforcement officer for the transfer of a firearm, by Committee on Federal and State Affairs.

HB 2579, AN ACT establishing the community defense act; amending K.S.A. 2013 Supp. 22-3901 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2580, AN ACT concerning emergencies and disasters; relating to the response to hazardous materials and search and rescue incidents; regional emergency response teams; duties of the state fire marshal; recovery of costs; amending K.S.A. 2013 Supp. 75-6102 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2581, AN ACT concerning veterans; relating to the Kansas commission on veterans affairs; requiring annual reporting by the executive director; amending K.S.A. 2013 Supp. 73-1209 and repealing the existing section, by Committee on Veterans, Military and Homeland Security.

HB 2582, AN ACT concerning food establishments; relating to licensure; creating an exemption for churches; amending K.S.A. 2013 Supp. 65-689 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2583, AN ACT concerning lobbyists; relating to judicial lobbyists; amending K.S.A. 46-221 and 46-222 and repealing the existing sections, by Committee on Judiciary.

HB 2584, AN ACT concerning crimes, criminal procedure and punishment; relating to competence of defendants to stand trial; repealing K.S.A. 22-3301 and 22-3306 and K.S.A. 2013 Supp. 22-3302, 22-3303 and 22-3305, by Committee on Judiciary.

HB 2585, AN ACT concerning the use of epinephrine auto-injectors; prescription thereof for certain authorized entities; use and storage requirements; granting of immunity from liability in certain circumstances; providing for administration of the act by the state board of pharmacy, by Committee on Health and Human Services.

HB 2586, AN ACT concerning parents of children in the custody of the department for children and families; establishing the office of the ombudsman concerning child abuse; amending K.S.A. 2013 Supp. 38-2211 and repealing the existing section, by Committee on Children and Seniors.

HB 2587, AN ACT concerning insurance; pertaining to patient protection act; prohibiting the use of certain provisions in agreements; amending K.S.A. 40-4607 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2588, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; revised Kansas code for care of children; amending K.S.A. 2013 Supp. 38-2268 and repealing the existing section, by Committee on Judiciary.

HB 2589, AN ACT concerning retirement and benefits; relating to investments by the Kansas public employees retirement system; eliminating prohibition on certain investments in business operations in Sudan; amending K.S.A. 2013 Supp. 74-4921d and repealing the existing section; also repealing K.S.A. 2013 Supp. 74-4921c, by Committee on Pensions and Benefits.

HB 2590, AN ACT concerning sales taxation; relating to refunds of tax paid upon certain sales of motor vehicles, by Committee on Taxation.

HB 2591, AN ACT concerning the department of administration; relating to filing of certain audit reports; amending K.S.A. 75-1124 and repealing the existing section, by Committee on General Government Budget.

HB 2592, AN ACT concerning elections and elected officials; amending K.S.A. 25-305, 25-306a and 25-306b and K.S.A. 2013 Supp. 25-205, 25-3801 and 25-3902 and repealing the existing sections, by Committee on Elections.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Monday, February 10, 2014.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

