

# Journal of the House

## SIXTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 3, 2015, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Kiegerl and Proehl were excused on verified illness.

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

Prayer by Chaplain Brubaker:

Heavenly Father,  
For the great and small things we experience today,  
we thank You for life and the gift of this day.  
For these men and women, I pray  
for strength, wisdom, kindness and a spirit of unity.  
They are not supermen or wonder women.  
They are just doing the work they were elected to do.  
They cannot be in more than one place at a time.  
They may not smile all the time.  
They do not like to be called out by the media or constituents.  
They won't keep everyone happy.  
They can't expect everyone to agree with them.  
They will not get every bill passed.  
They will not win every argument.  
They can, however, do unto each other  
as they would have done unto them.  
They can be considerate and polite.  
They can be determined and persistent.  
They can respect one another.  
In their diversity, they can find common ground.  
And, most of all, I believe they will put forth their best effort  
into making the tough decisions that need to be made.  
To accomplish this, they need clarity of thought  
and Your guidance, wisdom and compassion.  
It is for Your gift of these qualities that I pray,  
in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Bollier.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2205**, AN ACT concerning advanced practice registered nurses; amending K.S.A. 2014 Supp. 65-1113 and 65-1130 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2206**, AN ACT concerning firearms; enacting the gun violence restraining order act; amending the protection from abuse act; criminal distribution of firearms; criminal possession of a firearm; domestic batterers; amending K.S.A. 2014 Supp. 21-6303 and 60-3107, by Committee on Judiciary.

**HB 2207**, AN ACT concerning schools; relating to ethnic studies, by Committee on Education.

**HB 2208**, AN ACT concerning alcoholic beverages; prohibiting the sale of powdered alcohol; amending K.S.A. 2014 Supp. 41-102 and 41-2640 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2209**, AN ACT concerning income taxation; relating to credits; individual development account program; amending K.S.A. 2014 Supp. 74-50,208 and repealing the existing section, by Committee on Taxation.

**HB 2210**, AN ACT concerning counties; relating to expansion of the board of county commissioners; amending K.S.A. 2014 Supp. 19-203 and repealing the existing section, by Committee on Elections.

**HB 2211**, AN ACT concerning campaign finance; relating to contributions; amending K.S.A. 2014 Supp. 25-4153a and repealing the existing section, by Committee on Elections.

**HB 2212**, AN ACT concerning campaign finance; relating to political committees; creating city political committees; amending K.S.A. 2014 Supp. 25-4143 and repealing the existing section, by Committee on Elections.

**HB 2213**, AN ACT concerning campaign finance; relating to campaign contributions; amending K.S.A. 25-4149 and K.S.A. 2014 Supp. 25-4153 and repealing the existing sections, by Committee on Elections.

**HB 2214**, AN ACT concerning filling vacancies of certain offices and candidacies; relating to the procedure of appointment; amending K.S.A. 2014 Supp. 25-3902 and 25-3904 and repealing the existing sections, by Committee on Elections.

**HB 2215**, AN ACT concerning certain public officers and employees; relating to the use of unexpended campaign funds; amending K.S.A. 25-4142 and K.S.A. 2014 Supp. 25-4143 and 25-4157a and repealing the existing sections, by Committee on Elections.

**HB 2216**, AN ACT concerning banks and banking; relating to the Kansas money transmitter act; amending K.S.A. 2014 Supp. 9-508, 9-509, 9-510, 9-513a and 9-513b and repealing the existing sections, by Committee on Financial Institutions.

**HB 2217**, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2014 Supp. 22-4606, 22-4610 and 22-4611a and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Children and Seniors: **HB 2201**.  
 Commerce, Labor and Economic Development: **HB 2200**.  
 Education: **HB 2199, HB 2203, HCR 5011**.  
 Health and Human Services: **HB 2202**.  
 Insurance: **HB 2204**.  
 Judiciary: **HB 2198**.  
 Local Government: **HB 2197**.  
 Taxation: **HB 2196**.  
 Transportation: **HB 2194, HB 2195**.

**CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2174** from Committee on Education Budget and referral to Committee on Education.

**COMMUNICATIONS FROM STATE OFFICERS**

From Pat George, Secretary of Commerce, in accordance with K.S.A. 12-17,169(c), STAR Bond Annual Report – 2014.

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

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2005**, AN ACT concerning the office of information technology services; relating to separate agency status for budgetary purposes, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, L. Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Kelley, Kiegerl, Proehl, Sawyer, Winn.

The bill passed.

**HB 2009**, AN ACT concerning the division of post audit; relating to background checks; amending K.S.A. 2014 Supp. 46-1103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, L. Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Kelley, Kiegerl, Proehl, Sawyer, Winn.

The bill passed, as amended.

**HB 2023**, AN ACT concerning legislative review of exceptions to open records; amending K.S.A. 2014 Supp. 45-229 and 60-3351 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, L. Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Kelley, Kiegerl, Proehl, Sawyer, Winn.

The bill passed.

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

## COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Vickrey, pursuant to House Rule 2311, House Rule 3905 be suspended requiring printing and distribution of **H Sub for SB 4** 24 hours before consideration.

Also, on motion of Rep. Vickrey, pursuant to House Rule 2311, House Rule 1704 be suspended for the purpose of allowing the following members to speak more than once on **H Sub for SB 4**: Reps. Henry, Grosserode, Schwartz and Kleeb.

Committee report recommending a substitute bill to **H Sub SB 4** be adopted; also, on motion of Rep. Phillips to amend **H Sub for SB 4**, the motion did not prevail; and the substitute bill be passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2049, HB 2051, HB 2055, HB 2056** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2017** be amended on page 1, in line 24, by striking ", when done in a rude,,"; in line 25, by striking "insulting or angry manner" and inserting ":

(i) Resulting in great bodily harm to another person or disfigurement of another person; or

(ii) when done in a rude, insulting or angry manner";

On page 3, in line 33, after "(b)(1)(A)" by inserting "or (b)(1)(D)(i)"; in line 34, by striking "or" and inserting a comma; also in line 34, after "(b)(1)(C)" by inserting "or (b)(1)(D)(ii)"; in line 39, by striking "; and"; in line 40, by striking all before the period; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2082, 2083** be passed.

Committee on **Elections** recommends **HB 2108** be amended on page 1, in line 17, by striking "a cross or check" and inserting "the appropriate"; also in line 17, after "square" by inserting "or oval";

On page 2, in line 23, by striking "a cross or"; in line 24, by striking "check" and inserting "the appropriate"; also in line 24, after "square" by inserting "or oval"; in line 26, by striking "a cross or check" and inserting "the appropriate"; also in line 26, after "square" by inserting "or oval";

On page 3, in line 12, by striking "a cross or check" and inserting "the appropriate"; also in line 12, after "squares" by inserting "or ovals"; in line 14, after "square" by inserting "or oval"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2042, HB 2043** be passed.

Committee on **Insurance** recommends **HB 2065** be passed.

Committee on **Judiciary** recommends **HB 2025** be passed.

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 2218**, AN ACT concerning crimes, punishment and criminal procedure; relating to burglary; aggravated burglary; amending K.S.A. 2014 Supp. 21-5807 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2219**, AN ACT regulating traffic; concerning the operation of a motor vehicle; providing penalties for the use of a wireless communication device, license examination questions; amending K.S.A. 8-2118 and K.S.A. 2014 Supp. 8-240 and 8-15,111 and repealing the existing sections, by Committee on Utilities and Telecommunications.

**HB 2220**, AN ACT concerning teachers; relating to contracts; amending K.S.A. 2014 Supp. 72-5436, 72-5437, 72-5438, 72-5439 and 72-5445 and repealing the existing sections, by Representatives Whipple, Alcalá, Ballard, Bridges, Burroughs, Carmichael, Clayton, Curtis, Dierks, Henderson, Highberger, Houston, Kuether, Lane, Lusk, Ousley, Rooker, Tietze, Trimmer, Victors, Ward and Wolfe Moore.

### COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Ruiz to replace Rep. Sawyer on Committee on Taxation for Tuesday, February 3 through Thursday, February 5.

Also, Rep. Curtis is appointed to replace Rep. Sawyer on Committee on Elections on Wednesday, February 4.

Also, Rep. Houston is appointed to replace Rep. Winn on Committee on Education Budget on Tuesday, February 3.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, February 4, 2015.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

