

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 13, 2015, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Gonzalez and Winn were excused on legislative business.

Reps. Goico, Hedke, Kelley, Peck, Powell, Rhoades, Sawyer, and Suellentrop were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Loving God,
As we finish up the work for this week,
thank You for all that has been accomplished.
With Valentine's Day coming up,
I am reminded of the great love chapter in the Bible
which really was written in the context of
helping a body of people know how to get along and work together.
I believe the words are appropriate for even this body.
If they speak with human eloquence and angelic ecstasy but don't love,
they are nothing but the creaking of a rusty gate.
If they give everything they own to the poor
and even go to the stake to be burned as a martyr, but don't love,
they have gotten nowhere.
No matter what they say, what they believe, and what they do,
they are bankrupt without love.
Love never gives up.
Love cares more for others than for self.
Love doesn't want what it doesn't have.
Love doesn't strut,
doesn't have a swelled head,
doesn't force itself on others,
isn't always 'me first.'
It doesn't fly off the handle,
doesn't keep score of the sins of others,
doesn't revel when others grovel.
Love takes pleasure in the flowering of truth,

puts up with anything, trusts God always,
 always looks for the best,
 never looks back, but keeps going to the end.
 Give us all grace to live, act and be accordingly.
 I pray in Your Name, Amen.
 (1 Corinthians 13, *The Message*)

The Pledge of Allegiance was led by Rep. Grosserode

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2343, AN ACT relating to employment; concerning fair consideration for persons with a record of criminal convictions, by Committee on Veterans, Military and Homeland Security.

HB 2344, AN ACT concerning judges; relating to the court of appeals; retention in office; amending K.S.A. 2014 Supp. 20-3006 and 20-3010 and repealing the existing sections, by Committee on Judiciary.

HB 2345, AN ACT concerning schools; relating to school boards; conflicts of interest, by Committee on Judiciary.

HB 2346, AN ACT concerning public information; relating to open records; draft budgets; amending K.S.A. 2014 Supp. 45-221 and repealing the existing section, by Committee on Judiciary.

HB 2347, AN ACT concerning crimes, punishment and criminal procedure; relating to expungement of traffic infractions; amending K.S.A. 2014 Supp. 21-6614 and repealing the existing section; also repealing K.S.A. 2014 Supp. 21-6614e, by Committee on Transportation.

HB 2348, AN ACT concerning oil and gas; relating to the state corporation commission; concerning rules and regulations, hydraulic fracturing; amending K.S.A. 2014 Supp. 55-152 and repealing the existing section, by Committee on Vision 2020.

HB 2349, AN ACT concerning oil and gas; relating to the state corporation commission; concerning injection disposal wells, moratorium on wells in Harper and Sumner counties; amending K.S.A. 2014 Supp. 55-155 and repealing the existing section, by Committee on Vision 2020.

HB 2350, AN ACT concerning municipalities; relating to property assessments, qualified clean energy improvements, by Committee on Vision 2020.

HB 2351, AN ACT concerning water; related local enhanced management areas; amending K.S.A. 2014 Supp. 82a-1041 and repealing the existing section, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2327, HB 2329, HB 2341.**

Commerce, Labor and Economic Development: **HB 2325, HB 2326.**

Corrections and Juvenile Justice: **HB 2335, HB 2336, HB 2337, HB 2338.**

Elections: **HB 2340.**

Federal and State Affairs: **HB 2331, HB 2332, HCR 5014.**

Financial Institutions: **HB 2334.**

Health and Human Services: **HB 2324**.

Judiciary: **HB 2323, HB 2330, HB 2333, HB 2339, HB 2342**.

Taxation: **HB 2328**.

CONSENT CALENDAR

No objection was made to **HB 2013, HB 2091** appearing on the Consent Calendar for the first day.

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

Objection was made to **HB 2061** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2010, AN ACT concerning the legislative post audit act; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

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, Grosserode, Hawkins, 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, Phillips, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, 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, Gonzalez, Hedke, Kelley, Peck, Powell, Rhoades, Sawyer, Suellentrop, Winn.

The bill passed, as amended.

HB 2051, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; good time and program credits; amending K.S.A. 2014 Supp. 21-6821 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 5; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, 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, Grosserode, Hawkins, Hemsley,

Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Jennings, Johnson, D. Jones, K. Jones, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Phillips, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Whipple, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: Anthimides, Hutton, Kahrs, Scapa, Ward.

Present but not voting: None.

Absent or not voting: Goico, Gonzalez, Hedke, Kelley, Peck, Powell, Rhoades, Sawyer, Suellentrop, Winn.

The bill passed.

HB 2056, AN ACT concerning crimes, punishment and criminal procedure; relating to community corrections; use of risk assessment tool; amending K.S.A. 2014 Supp. 75-5291 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

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, Grosserode, Hawkins, 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, Phillips, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, 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, Gonzalez, Hedke, Kelley, Peck, Powell, Rhoades, Sawyer, Suellentrop, Winn.

The bill passed.

HB 2097, AN ACT concerning search and rescue and hazardous material response matters; dealing with tort claims immunity; amending K.S.A. 2014 Supp. 75-6102 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 23; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, W. Carpenter, Claey's, Clark, Clayton, Concannon, Curtis, Dannebohm, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Hawkins, Hemsley, Henderson, Henry, Hibbard, Highberger,

Highland, Hill, Hineman, Houser, Houston, Huebert, Hutton, Jennings, Johnson, D. Jones, Kahrs, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Moxley, Osterman, Ousley, Patton, Pauls, Phillips, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Schroeder, Seiwert, Sloan, Smith, Sutton, Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Waymaster, Whipple, Williams, Wilson, Wolfe Moore.

Nays: Boldra, B. Carpenter, Corbet, Esau, Garber, Grosserode, Hildabrand, Hoffman, Hutchins, K. Jones, Kiegerl, Mason, Mast, McPherson, Merrick, O'Brien, Scapa, Schwab, Schwartz, Thimesch, Todd, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Goico, Gonzalez, Hedke, Kelley, Peck, Powell, Rhoades, Sawyer, Suellentrop, Winn.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2107** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2053** be amended on page 3, following line 7, by inserting:

"(e) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.";

On page 5, following line 10, by inserting:

"(j) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.";

Also on page 5, by striking all in lines 11 through 35; following line 35, by inserting "New Sec. 3. If any provision of this act is held invalid, the invalidity shall not affect other provisions or applications of the act, and to this end the provisions of this act are severable.";

Also on page 5, in line 36, by striking "K.S.A. 22-3504 and";

On page 1, in the title, in line 3, by striking "K.S.A. 22-3504 and"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2182** be amended on page 1, by striking all in lines 28 through 31; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2183** be amended on page 1, in line 28, by striking "computer or"; by striking all in line 29; in line 30, by striking all before the period and inserting "an electronic medium which allows users to create and view user-generated content, including, but not limited to, uploaded or downloaded videos or photographs, blogs, audio files, instant messages or email";

On page 3, in line 16, by striking "140" and inserting "200"; also in line 16, by striking the second "which"; by striking all in line 17; in line 18, by striking all before the period; in line 41, after "apply" by inserting "to"; also in line 41, by striking the last "the"; in line 42, by striking "wireless broadband" and inserting "internet"; also in line 42, by striking "in the Kansas statehouse to"; by striking all in line 43;

On page 4, by striking all in line 1; in line 2, by striking all before the period and inserting "by the state of Kansas or any municipality to any candidate or elected official"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2185** be amended on page 1, in line 9, by striking "60" and inserting "365"; in line 13, by striking "shall" and inserting "may"; in

line 14, by striking "a training" and inserting "an inservice"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2032** be amended on page 1, in line 8, by striking "shall" and inserting "may"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2124** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2002** be amended on page 1, in line 7, after "is" by inserting "engaging in any of the following acts with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person"; in line 13, by striking "with intent to arouse"; by striking all in line 14; in line 15, by striking "offender or any other person"; in line 19, after the first "or" by inserting "(a)"; in line 36, by striking "Subsection (c) of"; also in line 36, after "21-5301" by inserting "(c)";

On page 2, in line 3, by striking "subsection (c) of"; also in line 3, after "21-5302" by inserting "(c)"; in line 6, by striking "subsection (d) of"; also in line 6, after "21-5303" by inserting "(d)"; in line 12, before "Appearance" by inserting "Exhibition in the nude;"; also in line 12, by striking "victim" and inserting "child"; in line 15, by striking "sado-masochistic" and inserting "sodomasochistic"; in line 20, by striking the colon; by striking all in lines 21 and 22; in line 23, by striking "prurient interest of the offender or any other person"; in line 25, by striking the comma and inserting a semicolon; also in line 25, after "recording" by inserting a semicolon; in line 29, after "disk" by inserting a semicolon; and the bill be passed as amended.

Committee on **Veterans, Military and Homeland Security** recommends **HB 2154** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 29, by Representative Ron Highland, congratulating the Rossville High School Bulldawgs Football Team in recognition of winning the 2014 Kansas State 3A State Championship with a 14-0 record;

Request No. 30, by Representative Basil Dannebohm, commending Christopher McCord and Company in recognition for hard work in restoring the historic Wolf Hotel as an Ellinwood landmark;

Request No. 31, by Representative Basil Dannebohm, commending St. Peter and Paul Heritage Association in recognition for dedication to the restoration of a spiritual and historic landmark on the plains of central Kansas;

Request No. 32, by Representative Basil Dannebohm, congratulating Alma Spangenburg in recognition of her 100th birthday;

Request No. 33, by Representative Basil Dannebohm, congratulating Harold and Sylvia Drake in recognition of their 78th wedding anniversary;

Request No. 34, by Representative Basil Dannebohm and Representative Ponka-We Victors, congratulating Annika Wooton in recognition of being crowned Miss Greater

Wichita 2015;

Request No. 35, by Representative Virgil Peck, congratulating Ramona Rau on her 80th birthday;

Request No. 36, by Representative Troy L. Waymaster, congratulating Melinda Cross in recognition for being named the 2014-2015 Dr. Earl Reum Kansas Advisor of the Year;

Request No. 37, by Representative Susie Swanson, congratulating Robert Moran on being named the 2014 Girls' Volleyball Coach of the Year, Class 4A-Division II;

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 2352, AN ACT concerning financial institutions; relating to branch banking, remote service units; amending K.S.A. 2014 Supp. 9-1111 and repealing the existing section, by Committee on Financial Institutions.

HB 2353, AN ACT concerning the virtual school act; eliminating reference to nonproficient pupils; amending K.S.A. 2014 Supp. 72-3715 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2354, AN ACT relating to economic development; concerning project sales tax exemptions for certain businesses that create jobs; amending K.S.A. 2014 Supp. 74-50,115 and 79-3606 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2355, AN ACT concerning motion picture distribution and exhibition; relating to drive-in theaters, by Committee on Commerce, Labor and Economic Development.

HB 2356, AN ACT concerning public safety; relating to elevators, escalators, platform lifts, stairway chairlifts, dumbwaiters, moving walks, automated people movers and other conveyances, by Committee on Commerce, Labor and Economic Development.

HB 2357, AN ACT relating to the secretary of labor; concerning employment security law and administration; employment security personnel; amending K.S.A. 2014 Supp. 44-706, 44-709, 44-714 and 44-717 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2358, AN ACT concerning crimes, punishment and criminal procedure; relating to female genital mutilation; amending K.S.A. 2014 Supp. 21-5431 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2359, AN ACT concerning law enforcement; relating to videos; confidentiality; amending K.S.A. 2014 Supp. 45-221 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2360, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; increasing the membership of the

board of trustees of the Kansas public employees retirement system to 11 members; providing certain requirements for new members; amending K.S.A. 74-4905 and repealing the existing section, by Committee on Pensions and Benefits.

HB 2361, AN ACT concerning sales taxation; relating to countywide retailers' sales tax, authority for Bourbon county; sales tax exemptions, concern, inc.; amending K.S.A. 2014 Supp. 12-187, 12-189, 12-192 and 79-3606 and repealing the existing sections, by Committee on Taxation.

HB 2362, AN ACT concerning certain licensees of the state board of healing arts; resident active license; access to health care records; amending K.S.A. 65-2852, as amended by section 21 of chapter 131 of the 2014 Session Laws of Kansas and 65-4941 and K.S.A. 2013 Supp. 65-2809, as amended by section 7 of chapter 131 of the 2014 Session Laws of Kansas, 65-2836, as amended by section 10 of chapter 131 of the 2014 Session Laws of Kansas, 65-2895, as amended by section 36 of chapter 131 of the 2014 Session Laws of Kansas and 65-28a03, as amended by section 43 of chapter 131 of the 2014 Session Laws of Kansas and repealing the existing sections, by Committee on Health and Human Services.

HB 2363, AN ACT concerning judges; relating to district magistrate judges; elimination or reassignment of positions upon vacancy; amending K.S.A. 5-417, 16a-6-116, 17-1775, 17-7307, 17-76,129, 20-301, 20-327, 20-331, 20-333, 20-336, 20-348, 20-354, 20-2908, 22-2602, 22-2603, 22-2604, 22-2605, 22-2606, 22-2607, 22-2608, 22-2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-2614, 22-2616, 22-2617, 43-162, 43-163, 43-164, 47-421, 50-110, 50-638, 55-1617, 56-1a510, 59-2126, 59-2138, 59-2207, 59-2403, 60-601, 60-602, 60-603, 60-604, 60-605, 60-606, 60-607, 60-608, 60-609, 60-611, 60-613, 60-614, 61-2708, 61-3402, 61-3403, 61-3404, 61-3405, 61-3406, 61-3407, 61-3409, 66-118e, 75-6907, 77-609 and 77-624 and K.S.A. 2014 Supp. 8-259, 8-1020, 17-76,121, 20-329, 22-2615, 22-2619, 22-2902, 22-3428, 22-3428a, 23-2210, 26-501, 38-2204, 38-2305, 40-218, 43-107, 43-158, 59-2136, 59-2203, 59-2971, 59-29b71, 60-242, 60-612, 60-4103, 74-711 and 75-7510 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-338, 20-3107, 20-3108, 20-3109 and 20-3110 and K.S.A. 2014 Supp. 43-112a and 43-112b, by Committee on General Government Budget.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2248**, **HB 2317** from Committee on Commerce, Labor and Economic Development and referral to Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGE

Speaker Merrick announced the appointment of Rep. Schwab to replace Rep. Hedke on Committee on Energy and Environment on Monday, February 16. Rep. Hedke will resume his membership on the committee on Tuesday, February 17.

REPORT ON ENGROSSED BILLS

HB 2010, **HB 2097** reported correctly engrossed February 13, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Monday, February 16, 2015.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

