

Journal of the House

SIXTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 20, 2015, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Hawkins, Peck, Read and Whipple were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God our Provider,
This day You have given us
promises to be another long day
with difficult decisions to be made.
I pray for common sense,
but then whose common sense?
Some say it is common sense to come in out of the rain,
while others say it is common sense to stay out
and sing in the refreshing rains.
Some say it is only common sense to save;
others say it is common sense to give or spend.
So rather than praying just for common sense,
I pray that You give our leaders Your wisdom
to see things as they are
and not as they want or hope for them to be.
Show them how to use what you have given them
rather than letting them long for things
they do not have or cannot use.
Help them not to overlook the most common
of people, places and things,
but show them these people, places, and things are made by you,
and given to them as an opportunity
to do right and good and to let Your light shine.
This I pray in Your Son's Name,
Amen.

The Pledge of Allegiance was led by Rep. Highland.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2319** from Committee on Appropriations and rereferral to Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 11**, **SB 34**.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 11** be passed over and retain a place on the calendar.

Roll call was demanded on motion of Rep. Jennings to amend **SB 34** on page 1, in line 29, after the semicolon by inserting "or"; in line 30, by striking "; or"; in line 31, by striking all before the period;

On roll call, the vote was: Yeas 60; Nays 61; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Becker, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Davis, Dierks, Doll, Edmonds, Ewy, Finch, Finney, Frownfelter, Gallagher, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Johnson, Kelly, Kuether, Lane, Lewis, Lusk, Lusker, Moxley, Ousley, Phillips, Proehl, Rooker, Ruiz, Ryckman Sr., Sawyer, Schroeder, Sloan, Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Waymaster, Williams, Wilson, Winn, Wolfe Moore.

Nays: Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Corbet, DeGraaf, Dove, Esau, Estes, Francis, Garber, Goico, Gonzalez, Grosserode, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, D. Jones, K. Jones, Kahrs, Kelley, Kiegerl, Kleebl, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Patton, Pauls, Powell, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Smith, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Hawkins, Peck, Read, Whipple.

The motion did not prevail.

Also, roll call was demanded on further motion of Rep. Jennings to amend **SB 34** on page 1, following line 36, by inserting:

"(c) This section shall take effect on and after January 1, 2019.";

On roll call, the vote was: Yeas 57; Nays 64; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Becker, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Davis, Dierks, Doll, Edmonds, Finch, Finney, Frownfelter, Gallagher, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Kelly, Kuether, Lane, Lewis, Lusk, Lusker, Moxley, Ousley, Patton,

Phillips, Proehl, Rooker, Ruiz, Ryckman Sr., Sawyer, Schroeder, Sloan, Smith, Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Nays: Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Corbet, DeGraaf, Dove, Esau, Estes, Ewy, Francis, Garber, Goico, Gonzalez, Grosserode, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kiegerl, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Pauls, Powell, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Hawkins, Peck, Read, Whipple.

The motion did not prevail.

Also, roll call was demanded on motion of Rep. Ward to amend **SB 34** on page 1, in line 23, by striking all after "2."; by striking all in lines 24 through 36 and inserting "The secretary of state may refer such evidence as may be available concerning a violation of any act that constitutes a Kansas elections crime defined in K.S.A. 25-1128, and amendments thereto, or article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, to the attorney general or the proper county or district attorney, who may in the prosecutor's discretion, with or without such a reference, institute appropriate criminal proceedings. Upon receipt of such reference, the attorney general or the county attorney or district attorney may request that a duly employed attorney of the secretary of state prosecute or assist in the prosecution of such violation or violations on behalf of the state. Upon approval of the secretary of state, such employee shall be appointed a special prosecutor for the attorney general or the county attorney or district attorney to serve without compensation from the attorney general or the county attorney or district attorney. Such special prosecutor shall have all the powers and duties prescribed by law for assistant attorneys general or assistant county or district attorneys and such other powers and duties as are lawfully delegated to such special prosecutor by the attorney general or the county attorney or district attorney.";

On roll call, the vote was: Yeas 46; Nays 75; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Ballard, Becker, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Doll, Edmonds, Finney, Frownfelter, Gallagher, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Kuether, Lane, Lewis, Lusk, Lusker, Moxley, Ousley, Rooker, Ruiz, Sawyer, Schroeder, Sloan, Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Corbet, Davis, DeGraaf, Dierks, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Patton, Pauls, Phillips, Powell, Proehl, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schwab, Schwartz, Seiwert, Smith, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Hawkins, Peck, Read, Whipple.

The motion did not prevail.

Also, roll call was demanded on motion of Rep. Frownfelter to amend **SB 34** on page 2, by striking all in lines 40 through 43;

On page 3, by striking all in lines 1 through 6;

On page 4, in line 20, by striking "25-2409,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "25-2409,";

On roll call, the vote was: Yeas 34; Nays 86; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clayton, Curtis, Edmonds, Finney, Frownfelter, Gallagher, Henderson, Henry, Highberger, Houston, Kuether, Lane, Lusk, Lusker, Ousley, Ruiz, Ryckman Sr., Sawyer, Sloan, Tietze, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Patton, Pauls, Phillips, Powell, Proehl, Rhoades, Rooker, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Hawkins, Peck, Read, Schwab, Whipple.

The motion did not prevail.

Also, roll call was demanded on motion of Rep. Carmichael to amend **SB 34** on page 2, in line 2, by striking "knowingly" and inserting "intentionally"; in line 7, by striking "knowingly" and inserting "intentionally"; in line 16, by striking "knowingly" and inserting "intentionally"; in line 18, by striking "knowingly" and inserting "intentionally"; in line 25, by striking "knowingly" and inserting "intentionally"; in line 28, by striking "knowingly" and inserting "intentionally";

On page 3, in line 8, by striking "knowingly"; in line 9, before "voting" by inserting "intentionally";

On roll call, the vote was: Yeas 30; Nays 91; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Ballard, Becker, Bridges, Burroughs, Campbell, Carlin, Carmichael, Curtis, Edmonds, Finney, Frownfelter, Henderson, Henry, Highberger, Houston, Kuether, Lane, Lusk, Lusker, Ousley, Ruiz, Sawyer, Tietze, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Billinger, Boldra, Bollier, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb,

Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Patton, Pauls, Phillips, Powell, Proehl, Rhoades, Rooker, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Hawkins, Peck, Read, Whipple.

The motion did not prevail.

Also, on further motion of Rep. Carmichael to amend **SB 34**, the motion did not prevail.

Also, roll call was demanded on motion to recommend **SB 34** favorably for passage.

On roll call, the vote was: Yeas 63; Nays 57; Present but not voting: 0; Absent or not voting: 5.

Yeas: Anthimides, Barker, Barton, Billinger, Bradford, Brunk, Couture-Lovelady, Carmichael, B. Carpenter, W. Carpenter, Claeys, Corbet, DeGraaf, Dove, Esau, Estes, Ewy, Francis, Garber, Goico, Gonzalez, Grosserode, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kiegerl, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Patton, Pauls, Powell, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Ward, Whitmer, Williams.

Nays: Alcalá, Alford, Ballard, Becker, Boldra, Bollier, Bridges, Bruchman, Burroughs, Campbell, Carlin, Clark, Clayton, Concannon, Curtis, Davis, Dierks, Doll, Edmonds, Finch, Finney, Frownfelter, Gallagher, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Kelly, Kuether, Lane, Lewis, Lusk, Lusker, Moxley, Ousley, Phillips, Proehl, Rooker, Ruiz, Ryckman Sr., Sawyer, Schroeder, Sloan, Smith, Swanson, Thompson, Tietze, Trimmer, Victors, Waymaster, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Hawkins, Kleeb, Peck, Read, Whipple.

The motion to recommend **SB 34** favorably for passage prevailed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2005** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

TY MASTERSON

JEFF KING

Conferees on part of Senate

RONALD RYCKMAN

JOHN E. BARKER

Conferees on part of House

On motion of Rep. Ryckman the conference committee report on **HB 2005** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Ryckman, Barker and Henry as

second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Veterans, Military and Homeland Security** recommends **HR 6026** be amended on page 1, in line 25, after "901" by inserting "and 2015 House Bill. H.R. 1769"; in line 36, after "901" by inserting "and 2015 House Bill H.R. 1769";

On page 2, in line 6, after "901" by inserting "and 2015 House Bill H.R. 1769"; in line 10, after "901" by inserting "or 2015 House Bill H.R. 1769";

On page 1, in the title, in line 2, after "901" by inserting "or 2015 House Bill H.R. 1769"; and the resolution be adopted as amended.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Carmichael moved that the House reconsider its action in recommending **SB 34** favorably for passage under that order of business, General Orders.

The motion did not prevail.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Mast announced the appointment of Rep. Burroughs to replace Rep. Whipple on Committee on Taxation for May 20 only.

On motion of Rep. Vickrey, the House recessed until 5:00 p.m.

AFTERNOON SESSION

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

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Rep. Macheers as a member of the conference committee on **HB 2135** to replace Rep. Schwartz.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, May 21, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

