

# Journal of the House

TWENTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 9, 2016, 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. Goico, Mason, Mast, Read and Tietze were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Creator God,  
Thank You for the gift of this day  
that holds many opportunities, privileges and responsibilities.  
I sometimes wonder what Your thoughts are  
when You look down upon each one of us  
as we fulfill that which You have called us.  
I know the desire of Your heart is that we will:  
see people, issues and situations through Your eyes;  
feel the concerns of the people with Your heart;  
speak to the matters through Your mouth;  
hear the anxieties and fears through Your ears;  
and act and respond to the needs through Your actions.  
Your Son set the perfect example before us,  
help us to do likewise.  
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Ryckman, Sr.

## PERSONAL PRIVILEGE

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

In Kansas on Shrove Tuesday we don't celebrate Mardi Gras, we celebrate Pancake Day. It's a friendly international celebration between Liberal, Kansas and Olney, England that is in its 67<sup>th</sup> year. The race started 500 years ago in Olney in 1445. A woman engrossed in using up cooking fats that were forbidden during lent was making pancakes. When she heard the church bells ring calling everyone to the shriving service, she grabbed her headscarf which was required then in church and ran to the

church with her skillet and pancake in hand and still wearing her apron. In the following years her neighbors got into the act and it became a race to see who could reach the church first and collect a “Kiss of Peace” from the Bell Ringer along with the blessing: “The Peace of the Lord Be Always With You.”

In 1950 Liberal Jaycee President R.J. Leete contacted the Rev. Ronald Collins, Vicar of St. Paul’s Church in Olney, Challenging their women to a race against the women of Liberal and as they say history was made. This race is a testament to community spirit and pride. On the morning of Pancake Day we all join together to eat pancakes as a community. The race is a lasting symbol of the spirit of goodwill and friendship between Liberal and Olney, as well as England and the United States, with that I say from the people of Liberal “May the Peace of the Lord be Always with You” and have a happy Pancake Day.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

**HB 2643**, AN ACT regulating traffic; concerning maximum speed limits, powers of the secretary of transportation; amending K.S.A. 8-1559 and repealing the existing section, by Committee on Transportation.

**HB 2644**, AN ACT regulating traffic; concerning weight limitations; amending K.S.A. 8-1909 and repealing the existing section, by Representatives Peck, Doll, Garber, Hibbard, Read and Thompson.

**HB 2645**, AN ACT concerning the mental health technician's licensure act; amending K.S.A. 65-4203 and 65-4208 and K.S.A. 2015 Supp. 65-4202 and 65-4212 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2646**, AN ACT concerning public health; relating to pharmacists and certain other individuals; pertaining to the administration of vaccines; amending K.S.A. 2015 Supp. 65-1635a and repealing the existing section, by Committee on Health and Human Services.

**HB 2647**, AN ACT concerning civil actions; relating to immunity from liability; unattended persons and animals, by Committee on Corrections and Juvenile Justice.

**HB 2648**, AN ACT concerning the prison-made goods act of Kansas; relating to vocational building programs; sale of units; amending K.S.A. 2015 Supp. 75-5275 and 75-5275a and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

## HOUSE CONCURRENT RESOLUTION No. **HCR 5023**—

By Representatives B. Carpenter, Anthimides, Barton, Boldra, Bradford, W. Carpenter, Claeys, Corbet, DeGraaf, Dove, Esau, Estes, Ewy, Garber, Goico, Gonzalez, Hawkins, Hedke, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, D. Jones, K. Jones, Kahrs, Kelley, Kiegerl, Kleeb, Lunni, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Pauls, Peck, R. Powell, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Weber, C., Whitmer and K. Williams

**HCR 5023--** A CONCURRENT RESOLUTION reaffirming 10<sup>th</sup> Amendment rights.

WHEREAS, The 10<sup>th</sup> Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The 10<sup>th</sup> Amendment was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three-fourths of the states, and went into effect on December 15, 1791; and

WHEREAS, The 10<sup>th</sup> Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states, rather than the states being agents of the federal government; and

WHEREAS, When taking the oath of office, all members of the Kansas Legislature solemnly swear that they will support the Constitution of the United States and the Constitution of the state of Kansas; and

WHEREAS, Many federal mandates are in direct violation of the 10<sup>th</sup> Amendment to the Constitution of the United States and infringe upon both the reserved powers of Kansas and the people's reserved powers; and

WHEREAS, The United States Supreme Court ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states by compelling them to enact and enforce regulatory programs; and

WHEREAS, The United States Supreme Court, in *Printz v. United States*, 521 U.S. 898 (1997), reaffirmed that the Constitution of the United States established a system of "dual sovereignty" that retains "a residuary and inviolable sovereignty" by the states: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas hereby claims sovereignty under the 10<sup>th</sup> Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and

*Be it further resolved:* That this resolution shall serve notice to the federal government of our demand to maintain the balance of powers where the Constitution of the United States established it; and

*Be it further resolved:* That we state our intentions to ensure that all government agencies and their agents and employees operating within the geographic boundaries of Kansas, or whose actions have an effect on the inhabitants, lands or water of Kansas, shall operate within the confines of the original intent of the Constitution of the United States; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives and each member of the congressional delegation of Kansas.

#### **CORRECTION OF REFERENCE**

Speaker Merrick announced **HB 2632**, appearing on the calendar as being referred to Committee on General Government Budget, should be referred to Committee on Insurance and Financial Institutions.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2634**.

Commerce, Labor and Economic Development: **HB 2635, HB 2636, HB 2637**.

Corrections and Juvenile Justice: **HB 2639**.

Education: **HB 2630**.

General Government Budget: **HB 2640**.

Health and Human Services: **HB 2633**.

Insurance and Financial Institutions: **HB 2632**.

Judiciary: **HB 2638**.

Local Government: **HB 2642**.

Taxation: **HB 2631**.

Transportation: **HB 2641**.

**MESSAGES FROM THE GOVERNOR**

**HB 2449** approved on February 8, 2016.

**MESSAGES FROM THE SENATE**

The Senate accedes to the request of the House for a conference on **Senate Substitute for HB 2049** and has appointed Senators Smith, Knox and Haley as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6037**—

By Representative Hawkins

**HR 6037**—A RESOLUTION recognizing the Donated Dental Service Program's 20 years of service.

A RESOLUTION recognizing the Kansas Donated Dental Services Program's 20 years of service.

WHEREAS, The members of the Kansas Dental Association have been providing disabled and elderly Kansans with free dental care through the Kansas Donated Dental Services Program for 20 years, since its inception in 1996; and

WHEREAS, The Kansas Donated Dental Services Program is overseen by Dental Lifeline Network of Kansas; and

WHEREAS, The Kansas Donated Dental Services Program has provided \$10 million in donated dental services to over 3,200 Kansans through the generosity of dentists and dental laboratories throughout the State of Kansas; and

WHEREAS, Seven hundred and six volunteer dentists and 99 volunteer dental laboratories generously donated treatment services to aid the seriously neglected dental problems of medically fragile, disabled and aged individuals throughout the state; and

WHEREAS, Compared to other states with a Donated Dental Services Program, dentist participation in the Kansas program ranks among the highest; and

WHEREAS, The strength, success, vitality and effectiveness of the State of Kansas and its communities depend in great measure upon concerned and devoted programs, such as the Kansas Donated Dental Services Program: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we recognize and thank the Kansas Donated Dental Services Program and its volunteers for their generosity during the last 20 years and for continuing to provide free dental care to the citizens of Kansas; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the Kansas Dental Association and the Kansas Donated Dental Services Program at 5200 SW Huntoon, Topeka, KS 66604.

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

On motion of Rep. Todd, **HR 6036**, A RESOLUTION designating February 9, 2016, as Kansas MS Action Day, was adopted.

There being no objection, the following remarks by Reps. Todd and Boldra are spread upon the Journal:

Remarks by Rep. Todd:

When I came to Topeka and was asked to help found a MS Caucus in the House, it was a no brainer. My mother fought MS all of my life. Whatever time I have available to me in public service will in part be used to raise awareness of this terrible disease. I will do my small part to work for a cure. My mother's passing has ended her struggle but the fight must continue on for others still living with MS.

The MS Society carries out three important functions. Raising awareness Multiple Sclerosis is one of them. Providing resources to individuals afflicted with MS is a cornerstone of the MS Societies mission. Ultimately, we want a cure. And it is the pursuit of new treatments and medications through clinical trials and academic research that will bring an end to the debilitating condition.

There is hope on the horizon for people with MS. There are doctors and researchers around the globe working hard to find new ways of treating MS.

One area that could potentially show promise is the use of Adult Stem Cells.

Some information I found on the MS Society's website:

In November 2015, the International Conference on Cell-Based Therapy for Multiple Sclerosis was convened in Lisbon, Portugal under the auspices of the International Advisory Committee on Clinical Trials in MS (a group jointly sponsored by the National MS Society and the European Committee for Treatment and Research in Multiple Sclerosis). The Conference was chaired by Jeffrey A. Cohen, MD (Cleveland Clinic, USA), Marcelo C. Pasquini, MD, MS (Medical College of Wisconsin, USA) and Neil Scolding, PhD, FRCP (Southmead Hospital Bristol, UK).

Participants reviewed current experience with, and value of, specific cell-based therapies. Invited speakers Drs. Saud Sadiq (Tisch MS Research Center of New York) and Richard Burt (Northwestern University) joined 70 other leading researchers and clinicians who conferred on clinical trials needed to provide answers about which types of cells, which route of delivery, and which types and stages of disease, would be the

most promising approach for treating MS.

In the news recently there are reports of progress in Stem Cell treatments. A clinical trial carried out in England and done with cooperation from Hospitals in the United States, Sweden, and Brazil, MS patients suffering from Relapse-Relapsing MS (The most common form) are given a treatment that previously had been used for cancer patents. Known as, autologous haematopoietic stem cell transplant (HSCT).

With the treatment, patients undergo chemotherapy. The chemo largely destroys the patient's current immune system, white blood cells. They are then given a transplant (I believe bone marrow, but don't hold me to that) of their own stem cells in order to reboot the immune system. Because they are stem cells, they should return the immune system to a state prior to the development of MS.

This treatment is in its early development stages and I would caution anything other than hopeful optimism. But all breakthroughs must begin somewhere.

Please join with me in thanking everyone that works to treat people with MS, connect them with needed resources, advocate for needed changes, and carry out the research to ultimately find a cure.

Remarks by Rep. Boldra:

Our youngest daughter, was an avid athlete through high school and college. She graduated from Pepperdine Law School in 2008, was married in 2009, and was diagnosed with MS in 2010.

She has accepted and embraced her condition, and is a proud member of the Mid-American MS advisory board. She has an informational blog called "Optimistic with MS", where she chronicles her personal story and relays information about new treatments and new drugs.

She has a 3 year old and a 6 month old. She is an active assistant district attorney in Sedgwick County.

This year will mark her 5<sup>th</sup> anniversary on the MS advisory board and involvement in the search for a cure. She is committed to raising \$5,000 for the MS walks in Wichita and Hays .

As a family, we walk and bike for MS. We walk to support research and we walk with the hope that a cure will come within her life time.

Every hour of every day, someone in America is diagnosed with MS. There is no known cause and no known cure.

## CONSENT CALENDAR

No objection was made to **HB 2501** appearing on the Consent Calendar for the first day.

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

**COMMITTEE OF THE WHOLE**

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

Recommended that **HB 2471** be passed over and retain a place on the calendar.

Committee report to **HB 2018** be adopted; and the bill be passed as amended.

On motion of Rep. Todd, **HB 2469** be amended on page 1, in line 10, after "thereof" by inserting ", if, however, the licensee holds a 10% or greater ownership interest in one or more entities that also hold a microbrewery license, then the aggregate number of barrels of domestic beer manufactured by all such licensees with such common ownership shall not exceed the 60,000 barrel limit"; and the bill be passed as amended.

Committee report to **HB 2467** be adopted; on motion of Rep. Frownfelter to amend **HB 2467**, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2512** be adopted; on motion of Rep. Hemsley, **HB 2512** be amended, as amended by House Committee, on page 1, in line 29, by striking "Final official"; by striking all in lines 30 through 32; in line 33, by striking all before the period and inserting "The applicant shall submit final official transcripts and any documents verifying completion of the education requirements of subsection (a) to the board or the examination service within 120 days after the applicant has taken the first section of the examination. If final official transcripts and any documents verifying completion of such education requirements are not received by the board or the examination service within 120 days after the applicant has taken the first section of the examination, the applicant's grades for all sections of the examination may be voided, subject to notice and an opportunity for the applicant to be heard pursuant to the Kansas administrative procedures act"; and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Corrections and Juvenile Justice** recommends **HB 2540** be amended on page 18, in line 25, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2457** be amended on page 1, in line 23, by striking "250%" and inserting "185%";

On page 6, in line 1, by striking "100%" and inserting "90%"; in line 16, by striking all after "(d)"; by striking all in line 17; in line 18, by striking all before the period and inserting "For tax years 2014 and 2015, the total amount of credits allowed under this section is \$10,000,000. Beginning in tax year 2016, in any tax year when the total amount of credits awarded is equal to or greater than 95% of the total amount of credits allowed, the total amount of credits allowed under this section for the next succeeding tax year shall increase by 25%. The state department of education and department of revenue shall publish information on their websites identifying the total amount of credits allowed under this section"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2518** be passed.

Committee on **Judiciary** recommends **Substitute for SB 18** be amended by substituting a new bill to be designated as "House Substitute for Substitute for SENATE BILL NO. 18," as follows:

"House Substitute for Substitute for SENATE BILL NO. 18  
By Committee on Judiciary

"AN ACT concerning law enforcement; relating to audio and video recordings using a body camera or a vehicle camera; criminal investigation records exception under open records act; amending K.S.A. 2015 Supp. 45-217 and repealing the existing section."; and the substitute bill be passed.

(H Sub for Sub SB 18 was thereupon introduced and read by title).

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 2649**, AN ACT concerning municipalities; relating to energy efficiency development boards; concerning energy efficiency improvements, assessment contracts, by Committee on Energy and Environment.

**HB 2650**, AN ACT establishing the school district benefit lottery game, by Committee on Education.

**HB 2651**, AN ACT concerning the Kansas probate code; relating to transfer-on-death deeds; amending K.S.A. 2015 Supp. 59-3504 and repealing the existing section, by Committee on Judiciary.

**HB 2652**, AN ACT concerning district courts; relating to vacancies in the office of judge of the district court; nominations for successor by district judicial nominating commission; amending K.S.A. 2015 Supp. 20-2909 and repealing the existing section, by Committee on Judiciary.

**HB 2653**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; amending K.S.A. 2015 Supp. 46-2201, 74-4914 and 74-4937 and repealing the existing sections, by Committee on Pensions and Benefits.

**HB 2654**, AN ACT concerning the Kansas public employees retirement system; employment after retirement; exempting certain licensed health care professionals from earnings limitation; amending K.S.A. 2015 Supp. 74-4914 and repealing the existing section, by Committee on Pensions and Benefits.

**HB 2655**, AN ACT concerning the state capitol complex; relating to erecting a cornerstone memorial, by Representatives Anthimides, Campbell, Carmichael, Gonzalez, Hawkins, Hibbard, Lusker, Osterman, Proehl, Thompson and Waymaster.

**HB 2656**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; exempting certain retirants in school employment from earnings limitation; amending K.S.A. 2015 Supp. 74-4914 and repealing the existing section, by Committee on Pensions and Benefits.

**HB 2657**, AN ACT concerning private water utilities; creating the water consumer protection act; requiring water quality maintenance funds; creating the water quality assurance fund, by Representative Claeys.



**COMMITTEE ASSIGNMENT CHANGES**

Speaker Merrick announced the appointment of Rep. Burroughs to replace Rep. Tietze on Committee on Commerce, Labor and Economic Development on Tuesday, February 9, 2016.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6034** reported correctly enrolled and properly signed on February 8, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, February 10, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

