

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 11, 2016, 11:00 a.m.

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

The roll was called with 124 members present.
Rep. Seiwert was excused on verified illness.

Prayer by guest chaplain, Pastor Kenneth Harder, Emmanuel Mennonite Church, Meade, and guest of Rep. Estes:

Father in Heaven,

I thank you for the opportunity to approach your throne. You say in your Word that if any lacks wisdom they should ask and you would give it generously. I'm asking for wisdom for these folks so they can govern, make decisions and vote wisely on the issues. I ask also for unity that this body could come together and speak as one voice where before they were divided. Get us out of the budget shortfalls that we find ourselves in. Birth in this group of representatives a plan that can sustain us and allow for a budget surplus once again. I thank you that everything belongs to you, so help us be good stewards of your resources, let us act as though we know it is not ours but yours, and I thank you that you in your grace have allowed us to benefit from them. Bless the speaker and the governor and every representative. May God bless America and this great State of Kansas.

In the Name of Jesus Christ our Savior, AMEN!

The Pledge of Allegiance was led by Rep. Trimmer.

INTRODUCTION OF GUESTS

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

The Governor signed a Proclamation that today, February 11, 2016 is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team. Ten of those scholars are here on the

Floor and the others are in the gallery.

Phi Theta Kappa is an International Honor Society for two-year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join.

Phi Theta Kappa's mission is two-fold:

To recognize and encourage the academic achievement of two-year college students, and

To provide opportunities for individual growth and development through participation in honors, leadership, service and fellowship programming.

Fifty-six students have been named to the All Kansas Academic Team and they represent all nineteen community colleges from across the state and were named to this team based upon their academic achievement, leadership and community service.

Because of their academic achievement, service and leadership they have been awarded scholarships and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

Rep. Proehl welcomed students in the gallery and the following students who accompanied him: Nurali Mamedov – Independence Community College; Reina Garcia – Coffeyville Community College; Alayna Hernandez – Kansas City Kansas Community College; Kaitlin Jurging – Butler Community College; Kendall Elliott – Labette Community College; Ruthanne Wark – Neosho County Community College-Ottawa; Angela Sas – Johnson County Community College; Johnathan Dallman – Highland Community College; Alexis Vaughan – Garden City Community College; Kayla Drybread – Neosho County Community College.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Victors, Boldra and Schwartz are spread upon the Journal:

Today is Kansas Farm Bureau day at the capitol, I have asked my colleagues the Chair and Vice chair of the House agricultural committee to join me in recognizing the Kansas Farm Bureau's Women's Leadership committee which was started in 1919. This is the first time in Kansas history, have there been women in leadership of the House agricultural committee. Therefore, as ranking minority of the committee, I wanted to highlight and recognize some of our hard working women farmers of Kansas. The Kansas Farm Bureau Women's Leadership Committee contributes an essential perspective to the organization, broadening opportunities for women to become increasingly involved in all aspects of Farm Bureau, actively participating in the implementation of priority issues involving agriculture education, improving the quality of life in rural communities, promotion of the industry and agricultural advocacy.

Kansas is a leader in agriculture. Women in agriculture are sometimes overlooked in America for all their hard work they contribute to our economy. I'm proud to say more women are stepping up to the plate to handle agriculture business as well as taking care of the home. Today, I would like to thank the Kansas Farm Bureau's women's leadership committee and all the women who take care of our agriculture in Kansas.

Reps. Victors, Boldra and Schwartz welcomed the women of the Kansas Farm Bureau to the House. In attendance were Pam Meng, Doniphan Co.; Debbie Kueser, Anderson Co.; Christy Springer, Wilson Co.; Lexy Goyer, Cowley Co.; Carrie Fraser, Cloud Co.; Gimmie Jo Jansonius, Phillips Co.; Sheryl MacNair, Hodgeman Co.; Carol Deaver, Finney Co.; Susan May, Decatur Co.; Marieta Hauser, Grant Co.; Paige Pratt, Morris Co.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2682, AN ACT concerning public assistance; relating to the Kansas program of medical assistance; waiver services, by Committee on Health and Human Services.

HB 2683, AN ACT concerning insurance; relating to motor vehicle liability insurance; increasing the minimum policy limit for bodily injury and property damage; amending K.S.A. 40-3107 and repealing the existing section, by Committee on Judiciary.

HB 2684, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; creating alternative incarceration credit; amending K.S.A. 2015 Supp. 21-6821 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2685, AN ACT concerning income tax; relating to credits; disabled veterans, property taxes, by Committee on Veterans, Military and Homeland Security.

HB 2686, AN ACT concerning postsecondary education; relating to postsecondary career technical education performance-based funding; amending K.S.A. 2015 Supp. 72-4490 and repealing the existing section, by Committee on Education Budget.

HOUSE CONCURRENT RESOLUTION No. **HCR 5024**—

By Representatives Barton, Anthimides, Bradford, B. Carpenter, Concannon, DeGraaf, Dove, Estes, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hoffman, Hutchins, Hutton, Johnson, K. Jones, Kahrs, Kelley, Kiegerl, Lunn, Macheers, Mast, McPherson, O'Brien, Osterman, F. Patton, Pauls, R. Powell, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schwab, Schwartz, C. Smith, Sutton, Thompson, Vickrey, Waymaster, Weber, C. and Whitmer

HR 5024-- A CONCURRENT RESOLUTION urging the President of the United States to obey the Constitution and abandon the threatened transfer of terrorist detainees to Fort Leavenworth.

WHEREAS, The President of the United States, Barack Obama, has threatened to move the terrorist detainees currently held at Naval Station Guantanamo Bay to Fort Leavenworth without regard to the wishes or the safety of the people of Kansas; and

WHEREAS, The President has threatened to close the detention facility at Naval Station Guantanamo Bay; and

WHEREAS, The threat of the transfer has been underscored by visits to Fort Leavenworth by officials of his Administration, preparing for the threatened transfer; and

WHEREAS, Many detainees that have been released have continued to fight against

this country and its allies; and

WHEREAS, This President and others have insisted that the mere existence of the detention facility at Guantanamo has inflamed terrorists around the world and aided in their recruitments; and

WHEREAS, Transferring the detainees to Fort Leavenworth will only transfer the ire of terrorists worldwide from Guantanamo to Fort Leavenworth; and

WHEREAS, This President has a demonstrated willingness to violate American law; and

WHEREAS, This President has said that he will go around the Congress to accomplish his agenda; and

WHEREAS, Closing the Naval Station at Guantanamo has been high on this President's agenda since before he was first elected; and

WHEREAS, The President has continually sought to weaken our standing in the world; and

WHEREAS, The terrorists have demonstrated an ability and willingness to conduct attacks in America, in furtherance of their savage war against America; and

WHEREAS, Detonating large bombs in civilian communities in the vicinity of Fort Leavenworth would be exactly the sort of demonstration that the terrorists would try; and

WHEREAS, Fort Leavenworth does not have the necessary facilities to hold and care for the detainees and would, for example, be forced to transport them through the city of Leavenworth to access medical care, thereby presenting additional soft, tempting targets for attacks; and

WHEREAS, The surrounding community does not have the law enforcement, emergency response resources or the physical capability to harden potential civilian targets in the surrounding area. Transferring detainees to Fort Leavenworth represents a predictable, direct and unnecessarily high risk to American citizens in the vicinity of Fort Leavenworth; and

WHEREAS, The Naval Station at Guantanamo is a high security facility designed to both house high risk detainees and be secure from attack by external forces. This facility has not been the object of an external terrorist attack and, if it had been attacked, it would not have represented a threat to American civilians or communities; and

WHEREAS, The intentional placement of detainees on American soil, physically within an American community, would unnecessarily and intentionally put American citizens at much greater risk. It follows that any move by the President or other members of the Federal, State or local government to move the detainees to Fort Leavenworth would mean intentionally and knowingly placing American citizens at greater risk, in violation of the government's sworn oath to support and defend them against enemies, foreign or domestic; and

WHEREAS, Officers from over one hundred countries attend classes at Fort Leavenworth; and

WHEREAS, Many of these officers would not bring their families nor be permitted by their countries to attend, if the detainees were transferred to Fort Leavenworth, thereby hurting the local economy; and

WHEREAS, These officers and their families represent an important bond and link among our nations. Their loss will not just affect the local economy, but would potentially have grave impacts on our future ability to effectively and successfully find

peaceful solutions to international problems: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature of the State of Kansas urges the President of the United States to obey the Constitution of the United States and the laws of this country, the people of which have placed him in a position of great trust and responsibility and depend upon him to ensure that the laws be upheld and that their security be maintained; and

Be it further resolved: That the President must declare that the detention facility at Naval Station Guantanamo Bay will remain, and that the detainees will continue to be held there, until said detainees are given proper, lawful disposition, in accordance with the Laws of War and the best interests of the safety of the people of the United States and their allies; and

Be it further resolved: That the Secretary of State shall send enrolled copies of this resolution to President Obama, Vice President Biden and the Kansas congressional delegation.

CORRECTION OF REFERENCE

Speaker Merrick announced **HB 2681** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Judiciary, should be corrected to be referred to Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2662, HB 2675, HB 2679.**

Corrections and Juvenile Justice: **HB 2666, HB 2677, HB 2681.**

Education: **HB 2663, HB 2664, HB 2676.**

Elections: **HB 2659, HB 2674.**

Energy and Environment: **HB 2673.**

Federal and State Affairs: **HB 2658, HB 2661.**

General Government Budget: **HB 2660.**

Judiciary: **HB 2667, HB 2668, HB 2678.**

Local Government: **HB 2665.**

Taxation: **HB 2669, HB 2670, HB 2671, HB 2672, HB 2680.**

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2639** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2655** from Committee on General Government Budget and referral to Committee on Vision 2020.

MESSAGES FROM THE SENATE

The Senate concurs in House amendments to **SB 133.**

Announcing passage of **Substitute for SB 99, SB 225, SB 243, SB 312, SB 341, SB 349, SB 373.**

Announcing passage of **HB 2387**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

Sub SB 99, SB 225, SB 243, SB 312, SB 341, SB 349, SB 373.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hawkins, **HR 6037**, A RESOLUTION recognizing the Donated Dental Service Program's 20 years of service, was adopted.

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

We're privileged to have with us in the Chamber and Gallery today some of the dentists who have volunteered and collectively donated over \$10 million in dental care to underserved elder and medically compromised Kansans through the Donated Dental Services Program.

First started in 1996 collaboratively by the Kansas Dental Association and the Dental Lifeline Network, 3,265 Kansans have received treatment from over 700 volunteering dentists and dental labs during its 20 years of existence.

My guests today in the Chamber VIP-Section are three of the dentists who have served as President of the Dental Lifeline Network: Dr. Cindi Sherwood, Independence is the current President; Dr. Charles Squire, Wichita and Dr. R. Wayne Thompson, Shawnee.

This program truly transforms lives and the state of Kansas and its communities depend in great measure upon concerned and devoted volunteers and programs such as Kansas Donated Dental Services.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Ward moved, pursuant to House Rule 2303, that the House reconsider its previous action of recommending **H Sub for SB 161** favorably for passage. Rep. Schwab raised a point of order that matters awaiting adjudication in a court shall not be debated or discussed during House proceedings. The Rules Chair ruled the challenge had no merit and the House should proceed with the motion to reconsider. The motion to reconsider did not prevail.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H Sub for SB 161, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, for the state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 75-3722 and K.S.A. 2015 Supp. 68-2320, 74-4914d, 74-4920, 74-50,107, 74-99b34, 75-2319 and 79-34,161 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 56; Present but not voting: 0; Absent or not voting: 1.

Yeas: Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Campbell, B. Carpenter, W. Carpenter, Claeys, Corbet, E. Davis, Dove, Esau, Estes, Ewy, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Pauls, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcala, Alford, Ballard, Becker, Bollier, Bruchman, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, DeGraaf, Dierks, Doll, Edmonds, Finch, Finney, Francis, Frownfelter, Gallagher, Helgerson, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Kelley, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, F. Patton, Peck, Phillips, Rooker, Ruiz, Sawyer, Scott, Sloan, S. Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Seiwert.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **H Sub for SB 161**. For the last five year, Governor Brownback and conservative legislators mismanaged our state to a point of crisis. It is clear they would rather throw the future of Kansas away, than admit their mistakes and change course. Rather than producing a structurally balanced budget this budget begs, borrows and steals. It begs the people of Kansas are not paying attention. It borrows even more money from the state highway fund and KPERS. And it steals a future of safety and prosperity from our children. I vote NO. – BEN SCOTT, JOHN ALCALA, DENNIS (BOOG) HIGHBERGER

MR. SPEAKER: I will not “just do it” for a budget that is balanced with a borrow and spend mentality. I “just say no” to **H Sub for SB 161**. My parents raised me to be fiscally conservative, and having taught that to my own children it would be irresponsible to support the continued refusal of this administration to address the revenue crisis in the state of Kansas. – BARBARA BOLLIER

MR. SPEAKER: I vote no on **H Sub for SB 161**. I cannot support the continued sweep of funds, use of other one-time money, bankrupting our road systems and punishing our state employees. I am astonished that our body gives the Governor complete control of our budget allotments. This likely has huge negative consequences for programs important to every Kansan. – TOM MOXLEY

MR. SPEAKER: I vote No on **H Sub for SB 161**. I cannot support the continued use of one-time money, sweeping fee-funded agencies, bankruptcy of KDOT's maintenance program, under funding of social safety net and education programs, and punishment of state employees. We do not have a spending problem, we have a revenue problem and

a problem of short-sighted policies instead of maximizing long-term opportunities. – TOM SLOAN, DON HILL, LINDA GALLAGHER, SUSIE SWANSON, DIANA DIERKS

MR. SPEAKER: I cannot lend my support to a budgetary ideology that disrespects hardworking Kansans by handling their tax dollars in this irresponsible manner. This sweep, borrow and spend budget signifies commitment to a revenue plan that is dysfunctional, imbalanced, and relies heavily on the volatile revenue sources. In addition to that, it gives too much power to the executive branch. Kansans deserve a stable, sustainable revenue and budget plan. I vote NO on **H Sub for SB 161** – STEPHANIE CLAYTON

MR. SPEAKER: I vote No on **H Sub for SB 161**: While I had planned to vote No on SB 161 for many of the reasons explained by my colleagues this morning, in my business if I received a 54 million dollar bill on my desk, I would not be writing any other checks until I figured out how to pay the bill. I therefore vote No on **H Sub for SB 161**.– JOHN CARMICHAEL

MR. SPEAKER: This budget funds public safety and mental health care, while reducing overall spending and giving the Governor flexibility to manage the state's cash flow. It protects KPERS from across the board cuts and balances the budget for the rest of this fiscal year and the next. I vote YES on **H Sub for SB 161** – RANDY GARBER, JOSEPH SCAPA, TONY BARTON.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hawkins, the House nonconcurred in Senate amendments to **HB 2387** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Hawkins, Dove and Ward as conferees on the part of the House.

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 2687, AN ACT concerning the judicial branch; relating to the supreme court, general administrative authority; amending K.S.A. 20-101, 20-115, 20-156, 20-159, 20-347 and 20-3102 and K.S.A. 2015 Supp. 75-3120g and 75-3120h and repealing the existing sections; reviving K.S.A. 20-319, 20-329, 20-342, 20-343, 20-345, 20-349 and 20-3011; reviving and amending K.S.A. 20-162, 20-318, 20-346a, 20-361, 20-2909, 20-2911, 20-2914 and 25-312a and K.S.A. 2013 Supp. 75-5541 and 75-5551 and repealing the revived sections; also repealing K.S.A. 19-4809, 19-4811, 20-104, 20-109, 20-110, 20-111, 20-112, 20-116, 20-139, 20-152, 20-153, 20-154, 20-157, 20-161, K.S.A. 20-162, as amended by section 7 of chapter 82 of the 2014 Session Laws of Kansas, 20-163, 20-168, 20-201, 20-202, 20-203, 20-204, 20-205, 20-206, 20-207, 20-208, 20-208b, 20-209, 20-210, 20-211, 20-212, 20-213, 20-310b, 20-311, 20-318, as amended by section 9 of chapter 82 of the 2014 Session Laws of Kansas, 20-319, as revived by

section 7 of this act, 20-319, as amended by section 10 of chapter 82 of the 2014 Session Laws of Kansas, 20-320, 20-321, 20-322, 20-323, 20-329, as revived by section 8 of this act, 20-329, as amended by section 11 of chapter 82 of the 2014 Session Laws of Kansas, 20-342, as revived by section 9 of this act, 20-342, as amended by section 12 of chapter 82 of the 2014 Session Laws of Kansas, 20-343, as revived by section 10 of this act, 20-343, as amended by section 13 of chapter 82 of the 2014 Session Laws of Kansas, 20-345, as revived by section 11 of this act, 20-345, as amended by section 14 of chapter 82 of the 2014 Session Laws of Kansas, 20-346a, as amended by section 15 of chapter 82 of the 2014 Session Laws of Kansas, 20-349, as revived by section 14 of this act, 20-349, as amended by section 16 of chapter 82 of the 2014 Session Laws of Kansas, 20-357, 20-361, as amended by section 17 of chapter 82 of the 2014 Session Laws of Kansas, 20-438, 20-917, 20-2909, as amended by section 19 of chapter 82 of the 2014 Session Laws of Kansas, 20-2911, as amended by section 20 of chapter 82 of the 2014 Session Laws of Kansas, 20-2914, as amended by section 21 of chapter 82 of the 2014 Session Laws of Kansas, 20-3011, as revived by section 19 of this act, 20-3011, as amended by section 22 of chapter 82 of the 2014 Session Laws of Kansas, 20-3014, 20-3015, 20-3019 and 25-312a, as amended by section 25 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 75-5541, as amended by section 40 of chapter 82 of the 2014 Session Laws of Kansas, and 75-5551, as amended by section 41 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a17, 20-310a, 20-319, 20-329, 20-342, 20-343, 20-345, 20-349, 20-384, 20-3011 and 20-3301, by Committee on Appropriations.

HB 2688, AN ACT concerning crimes, punishment and criminal procedure; relating to assault; battery; law enforcement officers; amending K.S.A. 2015 Supp. 21-5412 and 21-5413 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

On motion of Rep. Vickrey, the House adjourned until 8:00 a.m., Friday, February 12, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

