

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 16, 2016, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Concannon was excused on legislative business.

Reps. Edmonds and Frownfelter were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Michael Garner, Life Connections, Leavenworth, and guest of Rep. Barton:

Our Father in heaven, Hallowed be Your name. Your kingdom come. Your will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And do not lead us into temptation, but deliver us from the evil one. For Yours is the kingdom and the power and the glory forever. (Matthew 6: 9-13 NKJV)

Father, I come humbly before you right now asking that in the name of Jesus, that name that is above every name, and that by your Holy Spirit you would move in this place not just today but everyday and in every meeting. I ask Father, that any veil of deception from Kingdom of darkness to be removed so that those that have been elected would be able to know what is your good and perfect will for the state of Kansas, and even this nation. Father, as an act of our will we choose to do what you have commanded in your Holy word to humble ourselves before you, to earnestly pray and seek Your Face and turn from our wicked ways. I thank you that as we do this as elected officials, and as individuals, that by your grace you will heal this land. Father, I ask that your spirit of reconciliation would rule and reign between the elected parties and the individuals of this state. That your spirit of grace and mercy would be prevalent in all the meetings that take place here and that your love would be evident by the works completed. I ask Father, that by your Holy Spirit that the men and women here would not just recognize your voice but would also heed it. Father I also ask that by your Spirit that there would not be a shift in the hearts of the people to understand that the most important thing is not whether we belong to a donkey or an elephant, but that we belong to the Lamb, your

Son, whom you sent to die for us. I thank you Father, for the blood of Jesus and I ask that the same blood that saves us and redeems us would also protect the men and women here as they endeavor to be servants to the people of Kansas, as well as their families. Grant them wisdom, understanding, knowledge, and even insight beyond their own ability. I ask Father, that you would strengthen them and that by your Spirit you would encourage these leaders to act according to your ways and not man's ways. I ask all these things in faith believing that you will grant these requests and I thank you for doing these things. For it is in the name of Jesus, your Son, that I pray, Amen!

The Pledge of Allegiance was led by Rep. Clayton.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Transportation: **HB 2736**.

Vision 2020: **HB 2735**.

COMMUNICATIONS FROM STATE OFFICERS

From David N. Harper, Director, Division of Property Valuation, Kansas Department of Revenue, pursuant to K.S.A. 79-1490, 2015 Preliminary Real Estate Appraisal/Sales Ratio Study.

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

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **H Sub for SB 55**, requests a conference and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 390**, requests a conference and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H Sub for SB 193**, requests a conference and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 325**, requests a conference and has appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H Sub for SB 337**, requests a conference and has appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

Announcing passage of **SB 484, SB 485**.

Announcing passage of **Substitute for HB 2062**, as amended.

Announcing adoption of **HCR 5024**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 484, SB 485

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Barton, **HR 6051**, by Rep. Barton, as follows, was introduced and adopted:

HR 6051—A RESOLUTION commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

A RESOLUTION commending the ministers, pastors, priests and rabbis of Kansas for their leadership and commitment to improving lives.

WHEREAS, There are hosts of ministers, pastors, priests and rabbis serving throughout Kansas; and

WHEREAS, They produce God-honoring and prosperous families that help to nurture the spirits of future generations; and

WHEREAS, They preach and teach in ways that impact and enrich lives, causing many to live in more fulfilling ways; and

WHEREAS, As shepherds, who are to protect, they correct wrongs, reflect justice and seek fairness in organizations, families and government; and

WHEREAS, They provide creative approaches to challenges, resulting in better practices; and

WHEREAS, They pioneer the creation of new programs, policies and services; and

WHEREAS, They help cultivate people's strengths and challenge people to step up and step out in communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend our ministers, pastors, priests and rabbis for their leadership in villages, counties, cities and our state and for their priceless commitment to improving lives. We thank God for each one of them; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Barton.

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

This morning it is my privilege to stand with this group of men and women of faith whose deeply held beliefs are seen in their actions everyday. They are the black robe regiment of the day standing in the gap on behalf of the lost and the found. They are servants and leaders who, at times, may be overwhelmed and under appreciated but are very much needed in our state and nation. They are encouragers and builders of faith and they strengthen the lives of the people they shepherd. They understand the necessity of prayer and principles over party and politics and undergird us with that power on a regular basis and I, for one, am appreciative. I ask you this morning to join with me in showing our appreciation for each one of them as they continue to be light and truth.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Carmichael, **HR 6052**, by Reps. Carmichael and Hawkins, as follows, was introduced and adopted:

HR 6052—A RESOLUTION commending hospitals in the state of Kansas for offering, and urging them to continue offering, inpatients, 65 years of age and older, immunization against the influenza virus prior to their discharge.

A RESOLUTION commending hospitals in the state of Kansas for offering, and urging them to continue offering, inpatients, 65 years of age and older, immunization against the influenza virus prior to their discharge.

WHEREAS, Influenza can be life-threatening for people 65 years of age and older, because it has long been recognized that people of this age group are at greater risk for serious complications from the flu, compared with young, healthy adults; and

WHEREAS, It has been estimated that 90% of seasonal flu-related deaths and more than 60% of seasonal flu-related hospitalizations in the United States occur each year in people 65 years of age and older; and

WHEREAS, In accordance with the latest recommendations of the Advisory Committee on Immunizations Practices of the Centers for Disease Control and Prevention, hospitals in the state of Kansas are commended for offering, and urged to continue offering, from October 1 through March 1 of each year, immunization against the influenza virus to inpatients 65 years of age and older, prior to discharge, unless contraindicated for such patients; and

WHEREAS, Nothing in this resolution should be construed to be a mandate upon hospitals to offer this vaccine to elderly patients: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend hospitals in the state of Kansas for offering, and urge them to continue offering, inpatients, 65 years of age and older, immunization against the influenza virus prior to their discharge; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Carmichael.

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

Kansas has always led the nation in the field of public health, and in the prevention of the spread of communicable disease. Though out the early 1900's Dr. Samuel Crumbine, a member of the Kansas State board of Health and Dean of the University of Kansas School of Medicine (and incidentally, the man upon whom the character of "Doc Adams" on *Gunslinger* was based) campaigned to "Ban the Public Drinking Cup," "Throw out the Common Roller Towel," and "Swat the Fly." These were all steps designed to prevent the spread of communicable disease.

Following the great influenza, or flu, pandemic of 1918 Wesley Hospital, now Wesley Medical Center in Wichita, opened the Fresh Air Baby Camp in Riverside Park in my district. The camp was designed to prevent the spread of not only influenza but also to allow infants to thrive in the fresh air, free from unnecessary exposure to viruses. Today the camp, later known as "The Girl Scout House" has been placed on the National Register of Historic Places and is being restored with the help of the

Heritage Trust Fund and the Wichita Parks Foundation, in part to serve as a reminder of my community's efforts to prevent the spread of communicable disease.

Today, we can rely on more than just fresh air to prevent the spread of influenza. Today we have flu shots. While this resolution commends Kansas hospitals for providing flu shots to Kansas seniors, it also serves as a reminder to all of us myself included, to get our flu shot, not only for ourselves, but also to preserve the health of those we meet, even here in the Statehouse.

So, along with the Chair of the House Health and Human Services Committee, Rep. Hawkins, I move the adoption of the resolution.

CONSENT CALENDAR

No objection was made to **Sub SB 103** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 103, AN ACT concerning pharmacy benefits managers, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Frownfelter.

The bill passed.

SB 175, AN ACT concerning postsecondary education; relating to the exercise of religious beliefs by student associations, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 41; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Anthimides, Barker, Barton, Billinger, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley,

Henry, Hibbard, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleebe, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, F. Patton, Pauls, Peck, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Ballard, Becker, Boldra, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Curtis, Dierks, Doll, Finney, Gallagher, Helgerson, Henderson, Highberger, Hill, Hineman, Houston, Kuether, Lusk, Lusker, Moxley, Ousley, Phillips, Rooker, Ruiz, Sawyer, Scott, Sloan, C. Smith, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Frownfelter.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 318** be adopted; also, roll call was demanded on motion of Rep. Sloan, to amend **SB 318** on page 1, in line 14, by striking "to the state general fund" and inserting "of the state corporation commission to the public service regulation fund of the state corporation commission"; in line 16, after "fund" by inserting "of the state corporation commission"; in line 17, by striking "state general fund" and inserting "public service regulation fund of the state corporation commission"

On roll call, the vote was: Yeas 76; Nays 44; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Anthimides, Ballard, Becker, Billinger, Bollier, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Corbet, Curtis, DeGraaf, Dierks, Doll, Estes, Ewy, Finch, Finney, Francis, Gallagher, Gonzalez, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Hutchins, Jennings, K. Jones, Kelly, Kuether, Lewis, Lusk, Lusker, O'Brien, Osterman, Ousley, F. Patton, Phillips, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Sawyer, Schroeder, Schwab, Scott, Sloan, C. Smith, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Barker, Barton, Boldra, Bradford, Claeys, E. Davis, Dove, Esau, Garber, Goico, Grosserode, Hawkins, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutton, Johnson, D. Jones, Kahrs, Kiegerl, Kleebe, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, Pauls, Peck, R. Powell, Rahjes, Ryckman, Ryckman Sr., Scapa, Schwartz, Seiwert, Sutton, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Frownfelter, Kelley, Suellentrop.

The motion of Rep. Sloan prevailed.

Also, on motion to recommend **SB 318** favorably for passage, the motion prevailed and the bill be passed as amended.

Committee report to **HB 2468** be adopted; also, roll call was demanded on motion to recommend **HB 2468** favorably for passage.

On roll call, the vote was: Yeas 91; Nays 27; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Clark, Corbet, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sutton, S. Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Weber, C., Whipple, Whitmer, K. Williams.

Nays: Alcalá, Ballard, Bollier, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Gallagher, Helgerson, Henderson, Highberger, Houston, Kuether, Ousley, Rooker, Ruiz, Scott, C. Smith, Tietze, Trimmer, Victors, Ward, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Frownfelter, Lusk, Ryckman, Sloan, Suellentrop.

The motion prevailed and **HB 2468** be passed as amended.

Committee report to **HB 2534** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 352** be passed.

Committee on **Education** recommends **HB 2486** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2486," as follows:

"Substitute for HOUSE BILL NO. 2486

By Committee on Education

"AN ACT concerning school districts; relating to capital improvement state aid, cap; amending K.S.A. 2015 Supp. 75-2319 and repealing the existing section.";

And the substitute bill be passed.

(**Sub HB 2486** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 402**, as amended by Senate Committee of the Whole, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 402," as follows:

"House Substitute for SENATE BILL NO. 402

By Committee on Health and Human Services

"AN ACT concerning certified nurse-midwives; relating to scope of practice;

licensure; amending K.S.A. 2015 Supp. 65-1130 and repealing the existing section.";
And the substitute bill be passed.

(H Sub for SB 402 was thereupon introduced and read by title.)

Committee on **Insurance and Financial Institutions** recommends **SB 387**, as amended by Senate Committee, be amended on page 1, in line 36, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

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 bill was introduced and read by title:

HB 2737, AN ACT concerning school districts; creating the student physical privacy act, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Burroughs to replace Rep. Frownfelter on Committee on Commerce, Labor and Economic Development on March 16, 17 and 18.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, March 17, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

