

Journal of the House

TWENTY-SECOND DAY

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

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

The roll was called with 122 members present.
Reps. Goico, Hedke and Sawyer were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Almighty God,
Thank you for once again for this day
and the opportunity to come before You
to pray for these leaders and the decisions
that are to be made.
Your Word declares that we can come to You,
the source of wisdom, for wisdom.
I ask that You give these leaders not only the wisdom of humanity,
but the wisdom of God.
I pray that You will instruct them and teach them
in the way they should go.
Direct their steps, and let their ears
be inclined to hear Your voice.
Help them to be quick to hear and listen,
slow to speak and slow to anger.
Let their words speak Your truth with wisdom,
but in simplicity so that all may understand and benefit by them.
Thank You for Your faithfulness in helping each one.
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Rooker.

INTRODUCTION OF GUESTS

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

The aspiration to pursue the Miss Rodeo Kansas crown came during Abbey's reign as

Miss Rodeo K-State 2012 and during her time as a college rodeo competitor. She became deeply immersed in a community where the qualities of independence, responsibility and camaraderie were cornerstones. She desired to be a giving part, an ambassador of and for that same community.

The daughter of Jerry and Dixie Pomeroy, she and her three siblings, Jason, Michelle, and Emily, were raised on a farm near Hesston, Kansas. Abbey is a Proud Wildcat and graduated from Kansas State University with a degree in Interior Design. In addition to being part of the rodeo club and competing on the rodeo team, she served as President of the Student Design Group and served as their community wide Fair Trade Marketplace coordinator. She was an active member of the cooperative living house, Alpha of Clovia. Abbey was also a member of her local 4-H Club. When Abbey's not on horseback you are likely to find her creating leather creations or with close friends, rock climbing, canyoneering and exploring the outdoors.

In addition to capturing the Miss Rodeo Kansas title, Abbey earned the Horsemanship, Speech and Modeling awards. As the First Lady of Rodeo for the great state of Kansas, Abbey will travel the state and country promoting the sport and the western way of life. Her reign will conclude in December as she represents the Sunflower State at the Miss Rodeo America Pageant in Las Vegas, Nevada during the Wrangler National Finals Rodeo.

Rep. Schroeder presented Abbey with a framed House certificate.

INTRODUCTION OF GUESTS

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

The Republic of China, Taiwan, has long been a strong ally and trade partner of the United States, and of Kansas. Twenty-six years ago Taiwan and Kansas entered into a sister state relationship and I am here to honor that relationship.

Let me highlight some important information about this relationship:

- Taiwan is the 17th largest economy in the world
- Taiwan is the United States 10th largest trade partner
- The United States is Taiwan's 3rd largest trading partner
- Taiwan is Kansas' 12th largest trading destination
- Kansas exports \$194.5 million in goods to Taiwan

We can do more.

I had the opportunity to travel to Taiwan as part of a delegation of legislators from the Midwest this last summer. It is a dynamic nation with a striving economy. But, because of its size and terrain, Taiwan can not produce all of the food that its population requires. Kansas is an important food source for the nation.

We are also an important source of agricultural research. I had the opportunity to speak with members of agricultural trade groups in Taiwan and they routinely seek out information and consultation from individuals at our own Kansas State University, which is seen as one of the leading agricultural research institutions in the world.

Kansas also has a strong tie to Taiwan with Garmin because the largest subsidiary

and main production facility is located in New Taipei City in Taiwan.

I want to welcome Director-General J.C. Yang, from the Taiwan Consulate in Kansas City. He has served his country for 36 years seeking to improve their economic relations around the world.

Please join me in honoring our guest and calling for our governments to strengthen the friendship and economic cooperation between our countries and our people.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2299, AN ACT concerning workplace safety; directing the secretary of labor to enter into an agreement regarding state enforcement of federal occupational safety and health act standards, by Committee on Appropriations.

HB 2300, AN ACT concerning the open records act; relating to public records and personal electronic devices; amending K.S.A. 2014 Supp. 45-217 and repealing the existing section, by Committee on Judiciary.

HB 2301, AN ACT concerning the legislature; relating to the committee on judiciary of the house of representatives; powers and functions of the legislative coordinating council; amending K.S.A. 46-1202 and repealing the existing section, by Committee on Judiciary.

HB 2302, AN ACT concerning financial institutions; enacting the Kansas right to financial privacy act, by Committee on Judiciary.

HB 2303, AN ACT concerning the department of health and environment; relating to water and soil pollution; amending K.S.A. 2014 Supp. 65-171d and repealing the existing section, by Committee on Appropriations.

HB 2304, AN ACT concerning the department of health and environment; creating the local conservation lending program, by Committee on Appropriations.

HB 2305, AN ACT concerning the Kansas veterinary practice act; relating to licensure; providing for an institutional license to practice veterinary medicine; amending K.S.A. 47-815, 47-817 and 47-829 and K.S.A. 2014 Supp. 47-822 and 47-830 and repealing the existing sections, by Committee on Appropriations.

HB 2306, AN ACT concerning taxation; relating to rates of taxation; cigarettes, tobacco products and alcoholic beverages; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2014 Supp. 79-3310, 79-3310c, 79-3311, 79-3312 and 79-4101 and repealing the existing sections, by Committee on Taxation.

HB 2307, AN ACT concerning state finances; relating to state general fund tax receipts and expenditures; providing a tax amnesty; creating a budget stabilization fund and tax reduction fund; ending balances; income tax rates, itemized deductions; reports to the legislature; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2014 Supp. 75-3721, 75-6702, 79-32,110, 79-32,120 and 79-32,269 and repealing the existing sections, by Committee on Taxation.

HB 2308, AN ACT concerning sales taxation; relating to exemptions of certain machinery and equipment used in automated ice vending machines; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2309, AN ACT concerning sales taxation; relating to exemptions, rotary club of Leawood, Kansas charitable fund, inc.; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2310, AN ACT concerning agriculture; relating to chemigation; permit

exceptions; amending K.S.A. 2014 Supp. 2-3304 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2311, AN ACT concerning firearms; creating the Kansas firearms industry nondiscrimination act, by Committee on Federal and State Affairs.

HB 2312, AN ACT concerning gaming; amending K.S.A. 74-8836 and K.S.A. 2014 Supp. 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2313, AN ACT concerning crimes, punishment and criminal procedure; relating to assault; battery; unlawful interference with a firefighter; unlawful interference with an emergency medical services attendant; creating the crime of unlawful interference with a health care provider; amending K.S.A. 2014 Supp. 21-5412, 21-5413, 21-6325 and 21-6326 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2314, AN ACT repealing K.S.A. 2014 Supp. 16-2001, 16-2002, 16-2003, 16-2004 and 16-2005; concerning certain labor agreements for public works construction projects; relating to prohibiting agencies and municipalities from requiring contractors to make such agreements, by Representatives Burroughs, Ballard, Carlin, Carmichael, Curtis, Gallagher, Highberger, Kuether, Ousley, Ruiz, Whipple and Wolfe Moore.

CORRECTION OF REFERENCE

Speaker Merrick announced **HB 2286**, appearing on the calendar as being referred to Committee on Transportation, should be referred to Committee on Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2278**, **HB 2279**, **HB 2293**.

Corrections and Juvenile Justice: **HB 2275**.

Education: **HB 2292**.

Elections: **HB 2274**.

Federal and State Affairs: **HB 2291**, **HB 2294**, **HB 2295**.

Health and Human Services: **HB 2281**, **HB 2282**.

Insurance: **HB 2286**.

Judiciary: **HB 2272**, **HB 2276**, **HB 2277**, **HB 2289**, **HB 2290**, **HCR 5012**, **HCR 5013**.

Local Government: **HB 2273**, **HB 2296**.

Pensions and Benefits: **HB 2287**, **HB 2288**.

Taxation: **HB 2280**, **HB 2283**, **HB 2284**, **HB 2298**.

Transportation: **HB 2297**.

Vision 2020: **HB 2285**.

MESSAGES FROM THE GOVERNOR

February 10, 2015

Message to the Kansas House of Representatives:

Enclosed herewith is Executive Order No. 15-01 for your information.

EXECUTIVE ORDER NO. 15-01
Rescinding Certain Executive Orders

SAM BROWNBACK
Governor

February 10, 2015

Message to the Kansas House of Representatives:

Enclosed herewith is Executive Order No. 15-02 for your information.

EXECUTIVE ORDER NO. 15-02

Employment practices for veterans and disabled individuals

SAM BROWNBACK
Governor

The above Executive Orders are on file and open for inspection in the office of the Chief Clerk.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Sloan, **HR 6010**, A RESOLUTION honoring former Representative Forrest Swall., was adopted.

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

Relatively few Kansans are elected by their neighbors to serve in the Kansas Legislature. Whether we knew them or not, the passing of a legislative colleague should be noted. Former Representative Forrest Swall served the people of Douglas County and Kansas for one term. He was a compassionate and gentle man with a lifelong commitment as an educator, legislator, and citizen to providing people the encouragement, education, and counsel necessary to succeed. He recognized all people as being equal, regardless of their gender, age, race, religion, or preferences. Please join me in honoring a former member of our Legislative Chamber.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Davis, **HR 6011**, A RESOLUTION recognizing and celebrating National Donate Life Blue and Green Day on April 17, 2015, and National Donate Life Month in Kansas during April, was adopted.

There being no objection, the following remarks of Reps. Swanson and Davis are spread upon the Journal.

Remarks by Rep. Swanson:

Thank you for the opportunity to share my story about organ donation with you

today.

Three years ago, our neighbor's son, Mike, was in desperate need of a kidney transplant. In 1987, when he was in his mid twenties, both Mike and his twin brother, Steve, were diagnosed with a degenerative kidney disease. Steve was the first to be diagnosed and his mother, Carol, donated a kidney to her son. Steve died of cancer in 2007. Mike had two transplants, one in 1994 which was unsuccessful and another in 2004. Both kidneys were from deceased donors. Two-and-a-half-years later, his new kidney was attacked by a virus which caused it to fail and he had to have the kidney removed. He was, once again, on dialysis. In June of 2011, Mike's condition had become so fragile that it appeared he might not live without a transplant soon.

Even though I was a proponent of deceased organ donation and had signed up with the DMV to be an organ donor, being a living donor was a different matter. The idea had entered my mind but I promptly dismissed it because I was paralyzed with fear at the notion of surgery. I could barely have blood drawn without fainting let alone volunteer to donate an organ.

Through a friend of Mike's nephrologist, he heard about Johns Hopkins incompatible donor program. It is called the Paired Donor Kidney Exchange Program. The program, also called a "kidney swap," is an option for those waiting for a kidney transplant. It is for patients who have a willing, living donor whose kidney is incompatible, usually because of differing blood types or incompatible tissue types. The program helps incompatible pairs find other incompatible pairs who wish to exchange donors. The exchange can involve two or more incompatible pairs. Matches are made using data bases from JHH and the Organ Procurement and Transplantation Network.

Mike needed a living donor who was willing to donate for him, in order to participate in the program. Once his condition became so critical, and I realized that Jim and Carol might lose another son, my fear somehow disappeared and I made the decision to donate a kidney for Mike. His mother, Carol, helped me start the process of becoming a living donor. Early in the evaluation process, which began with a series of blood tests to determine compatibility as well as the general health of the donor, Carol informed me that a friend of Mike's had also volunteered to donate and she was ahead of me in the evaluation process. Even though Mike had a donor, I decided I would continue with the evaluation process in case something unforeseen happened and his friend would not be able to follow through with the donation. I wanted to be a back up. If I was not needed for Mike, then I wanted to donate to anyone who needed a kidney. I didn't actually know Mike. He lived with his wife and two children in Liberal, KS. If I could give to Mike, who I didn't know, I was sure there were other families with the same heart-wrenching stories.

My initial lab work was done in early June and again in August in Clay Center at our local hospital. In November of 2011, my husband and I flew to Baltimore, Maryland and I completed the third phase of the evaluation which included physician and nursing consults and additional testing. Southwest Airlines for supplying us with travel vouchers for the trip.

On February 14, 2012, Mike received his transplant. In early March, his team of doctors determined that the transplant was successful and I was contacted by John's Hopkins asking if I wanted to proceed as a non-directed donor. When connected with existing incompatible donor/recipient pairs, non-directed donors start a domino effect of kidney donations. Because I have a rare blood type, it took five months to

find a compatible recipient. The recipient was identified in Aug. 2012 and surgery was scheduled for Oct. 23, 2012.

Again, Southwest Airlines provided my husband and I with vouchers and we flew to Baltimore on Oct. 21. The day of surgery, my kidney was transplanted into Cassie, a woman in her early forties, and her husband, Tom's kidney was given to Eric, a 30 year-old-man. Eric's mother was waiting for a compatible recipient to be located and she would then donate and the chain could continue on. Prior to leaving the hospital, I was able to meet Cassie and her husband and her mother and Eric. That was an amazing and heartwarming experience.

The surgery was laparoscopic. I was in the hospital two days and remained in Baltimore for another week. After a clinic visit and a good report, we returned home on Nov.1. Recovery took about two to three weeks. I resumed all my normal activities and have maintained excellent health since that time. Obviously there are risks involved in any surgery and giving a kidney means that, should something happen to my remaining kidney, I no longer have a back up. That was a risk, I believed, was worth taking and I have had no second thoughts

Transplants are a humbling and life changing experience for so many. Employers have healthy employees once again, donors and their families are impacted in positive ways and most importantly, recipients and their families have a whole new life. Whatever can be done to promote organ and tissue donation both deceased and living, is well worth the investment of time and money. It means lives saved.

Thank you for allowing me to share my story.

Remarks by Rep. Davis:

On January 5, 2000, my brother welcomed a baby boy and named him Dakota. Our family was overjoyed by Dakota's arrival; however, the joy of Dakota's birth was soon overshadowed by the terrifying news that Dakota was very ill. Soon after Dakota's birth, the delivery nurses noticed that Dakota was covered with bruises and petechiae, which are little red pin dots. Preliminary tests were run and it was determined that Dakota's platelet levels were gravely low and his blood was unable to clot. Dakota was rushed to KU Med Center where he spent the next six weeks in the Neo Natal Intensive Care Unit. During his stay, the doctors ran many tests to determine the cause of his low platelets. Dakota received platelet transfusions every five to six days and was eventually sent home as besides the puzzling platelet condition, Dakota was a healthy baby.

Dakota continued to receive platelet transfusions every five to seven days for two years. After moving to North Carolina and receiving care from Duke University Hospital, it was determined that Dakota's condition was called Myelodysplastic syndrome, which is a disorder that affects the blood and bone marrow. We learned the cure for Myelodysplastic syndromes was a bone marrow transplant. Hearing this news, our entire family decided to be tested to see if we were a match. Unfortunately, none of our family was a match. However, Dakota was eventually matched with a cord blood donor and in the fall of 2002, Dakota began the arduous process of preparing for the transplant.

Because of the generosity of cord blood donation, my nephew, Dakota, is a healthy 15 year old and a freshman at Olathe Northwest. He has yearly check-ups at Duke

University hospital and I'm happy to say, there is no sign of the MDS reoccurring.

With Dakota's successful transplant behind us, I had almost forgotten that in being tested to see if I was a match for Dakota, I was also placed on the National Marrow Donor list. To my surprise in the fall of 2008, I received a phone call telling me that I was a preliminary match for a 15 year old boy who suffered from leukemia. They asked if I would still consider donating bone marrow or stem cells. Unsure of what all that entailed but keenly aware that someone else's generosity saved my nephew's life, I said yes and began a two-month process of blood tests, medical exams, EKG's. Finally, it was determined that not only was I a good match for this young man, I was a nearly perfect match.

In January of 2009, as I prepared to donate bone marrow or stem cells, I began receiving daily injections of a drug that would increase the number of stem cells my body produced. On February 1, 2009, I headed to Denver for the donation, which only took about six hours. Aside from occasionally achy knees, which were a result of the injections, I felt totally normal after the donation. In fact, when the National Marrow nurse called to check up on me, I remember commenting how anticlimactic the entire donation process was for me.

For the 15 year old boy and his family, I know that time was anything but anticlimactic as they first waited in anticipation of the donation and then waited with trepidation to see whether or not the transplant would be a success. I'm happy to report that at last update, my stem cell recipient was a healthy young man and able to enjoy most activities he had enjoyed prior to his diagnosis.

If you are not already on the National Marrow Donor list, I encourage you to do so. You never know, you might Be the Match that saves someone's life.

CONSENT CALENDAR

No objection was made to **HB 2061** 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. Hoffman in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2025, HB 2042, HB 2043, HB 2065, HB 2066, HB 2126, HB 2111** be passed.

Committee report to **HB 2006** be adopted; and the bill be passed as amended.

On motion of Rep. Jennings, **HB 2055** be amended on page 2, in line 32, by striking "be classified as a class C"; in line 33, by striking "misdemeanor" and inserting "not be used in classifying the offender's criminal history"; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2029** 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 **Agriculture and Natural Resources** recommends **HB 2063** be amended on page 1, in line 17, after "system." by inserting "Water transfer projects shall be a lower priority than safe drinking water compliance projects."; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2096** be amended on page 1, in line 35, before "of" by inserting "or on a limited common element adjoining a unit"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2034** be passed.

Committee on **Federal and State Affairs** recommends **HB 2088, HB 2089** be passed.

Committee on **Federal and State Affairs** recommends **HB 2125** be amended on page 3, following line 31, by inserting the following:

"(d) Notwithstanding any provision of the law to the contrary, the secretary may designate the director to be the presiding officer in any proceeding conducted pursuant to this section."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2004** be amended on page 2, in line 10, by striking "ambulatory surgical" and inserting "recuperation"; in line 12, by striking "Investgational" and inserting "Investigational"; in line 17, by striking "disease or"; in line 18, by striking "soon";

On page 3, following line 8, by inserting:

"(e) "Physician" means a person licensed to practice medicine and surgery by the board of healing arts.";

Also on page 3, in line 16, by striking all following (b); by striking all in lines 17 through 21; in line 22, by striking "(c)"; in line 33, by striking "(d)" and inserting "(c): in line 37, before "Notwithstanding" by inserting "(a) No physician who in good faith recommends or participates in the use of an investigational drug, biological product, or device pursuant to the provisions of this act shall be subject to any criminal or civil liability, nor shall such physician be found to have committed an act of unprofessional conduct pursuant to K.S.A. 65-2837, and amendments thereto.

(b) ";

Also on page 3, in line 42, by striking ", as"; by striking all in line 43;

On page 4, in line 1, by striking "care"; in line 7, by striking "consistent with medical standards of care"; in line 17, by striking all following "thereto"; in line 18, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2109** be amended on page 1, in line 29, by striking all after "(B)"; by striking all in line 30; in line 31, by striking "beneficiary surviving the record owner" and inserting "the deceased grantee beneficiary did not leave any issue surviving the record owner";

On page 2, in line 3, by striking all after "(A)"; by striking all in lines 4 through 6; in line 7, by striking "(B)"; in line 9, by striking "(C)" and inserting "(B)"; in line 18, by striking "record owners who die" and inserting "transfer-on-death deeds recorded"; in line 20, by striking "record owners who died" and inserting "transfer-on-death deeds recorded"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2164** be amended on page 1, in line 7, by striking "\$15,000" and inserting "\$25,000"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2165** be amended on page 1, in

line 11, after "(b)" by inserting "(1)"; following line 15, by inserting:

"(2) Once the appointment of a director has been made under paragraph (1), the Sedgwick county board of commissioners shall have 30 days to reject such appointment by a majority vote of the board. If no such action is taken, the appointment shall be deemed approved. If the appointment is rejected, the appointment process shall be repeated until a director is selected."; 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 bills were introduced and read by title:

HB 2315, AN ACT concerning the department for aging and disability services; providing for the licensure of certain facilities and standards for treatment of certain individuals; also repealing K.S.A. 39-1807 and 75-3307c and K.S.A. 2014 Supp. 75-3307b, by Committee on Health and Human Services.

HB 2316, AN ACT concerning the minimum wage; relating to a livable wage; amending K.S.A. 2014 Supp. 44-1203 and repealing the existing section, by Representatives Frownfelter, Burroughs, Carmichael, Highberger, Kuether and Whipple.

HB 2317, AN ACT concerning employment; relating to employment requirements in certain state contracts; employment requirements for certain tax benefits; amending K.S.A. 2014 Supp. 12-17,166, 74-50,131, 74-50,212, 79-32,154 and 79-32,243 and repealing the existing sections, by Representative Whipple.

HB 2318, AN ACT concerning education; relating to establishing a Kansas nonprofit online university in partnership with western governors university, by Representatives Claeys and Whipple.

HB 2319, AN ACT concerning state medical assistance program; relating to expansion of the program; amending K.S.A. 2014 Supp. 39-709 and 75-7409 and repealing the existing sections, by Committee on Appropriations.

HB 2320, AN ACT concerning public employment; relating to wage discrimination on the basis of sex; study by secretary of administration, by Representative Ballard.

HB 2321, AN ACT concerning health care; expanding the definition of charitable health care provider; amending K.S.A. 2014 Supp. 75-6102 and repealing the existing section, by Committee on Health and Human Services.

HB 2322, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to perimutuel racing; creating the Kansas agricultural opportunity act; amending K.S.A. 2014 Supp. 74-8741, 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 12, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

