

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 31, 2015, 11:00 a.m.

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

The roll was called with 117 members present.

Rep. Edmonds was excused on verified illness.

Rep. Bridges was excused on legislative business.

Reps. Gallagher, Highland, Hineman, Kelley, Sloan and Todd were excused on excused absence by the Speaker.

Rep. Hildabrand was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Lewis O. Smith, Sr., pastor, Manhattan First Free Methodist Church, and guest of Rep. Barker:

Gracious Father, I come before your throne of grace, mercy, love, forgiveness and salvation giving thanks, praise and glory unto your Holy name.

I thank you God for these dedicated men and women who are willing to serve on behalf of the people of this great State of Kansas and I pray that as they make decisions concerning the health, welfare and safety of the people of Kansas that they will seek your guidance and wisdom Lord.

Father God, I pray that you will surround our Governor, our State Senators and our State Representatives. Bestow upon each of them wisdom to make the right decision that indeed comes from you Gracious Father.

Gracious Father, throughout the years you have given us the strength and resources to build nice towns and cities throughout this great State unto which these men and women of this legislative body represent. Grant us the humility and wisdom to acknowledge that we cannot build enduringly unless we give honor, praise and glory to your Holy name Father God.

Give unto each of these State Senators, State Representatives and Governor of the State of Kansas an awareness of the many people in all walks of life who rely upon them to serve the common welfare of the people of this State, who trust them to do what is right and beneficial for the people throughout the State of Kansas.

Share with us the vision that God has given these men and women who are dedicated to serving God and their respective communities.

Let not the still, small voice of conscience be stifled by the loud demands of the selfish, nor by the harsh utterance of the heartless. Save us God from violence, discord, and confusion, from pride and arrogance, and from every evil way.

Father God may these men and women who have been elected to serve defend our liberties. Let our strength become a blessing to the weak, and let our resources be at the command of all who are worthy, regardless of class, creed, race, sexual orientation and national origin.

May we labor together that all may see our faces as set toward thee Lord as brothers and sisters in Christ Jesus.

We ask this in the Name of Christ Jesus, who presence is in every street, in every home and in all our affairs. In Jesus' precious and glorious name. Amen.

The Pledge of Allegiance was led by Rep. Swanson.

INTRODUCTION OF GUESTS

Rep. Alcalá introduced Gabriel J. Alcalá, Topeka, to the members of the body. Colonel Alcalá was recognized for his awards, accomplishments, service and retirement from the United States Air Force.

Rep. Alcalá presented him with a framed House certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Judiciary: **SB 133**.

MESSAGES FROM THE GOVERNOR

HB 2023, HB 2066, HB 2085 approved on March 30, 2015.

COMMUNICATIONS FROM STATE OFFICERS

From Kari M. Bruffett, Secretary, Kansas Department for Aging and Disability Services, pursuant to K.S.A. 59-29a11(e), Annual Report, Transitional and Conditional Release of Persons Committed to the Sexual Predator Treatment Program.

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

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2013** and has appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB**

2043 and has appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2048** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2051** and has appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2061** and has appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2064** and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2101** and has appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2104** and has appointed Senators Holmes, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2135** and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2142** and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2149** and has appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2165** and has appointed Senators Pyle, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2216** and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2225** and has appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2259** and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2281** and has appointed Senators Pilcher-Cook, O'Donnell and Kelly as conferees on the part of the Senate.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hedke, the House concurred in Senate amendments to **HB 2193**, AN ACT concerning the secretary of health and environment; relating to environmental remediation; risk management program act; voluntary cleanup and property redevelopment act; amending K.S.A. 65-34,167, 65-34,168 and 65-34,169 and repealing the existing sections; also repealing K.S.A. 65-34,170.

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 9.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bridges, Edmonds, Gallagher, Highland, Hineman, Kelley, Mast, Sloan, Todd.

On motion of Rep. Rubin, the House concurred in Senate amendments to **HB 2336**, AN ACT concerning children and minors; relating to juvenile offenders; risk assessment tool; placement in the custody of the secretary of corrections; amending K.S.A. 2014 Supp. 38-2361, 38-2366 and 38-2369 and repealing the existing sections.

On roll call, the vote was: Yeas 111; Nays 5; Present but not voting: 0; Absent or not voting: 9.

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

Nays: Alcalá, Carlin, Carmichael, Houston, Lane.

Present but not voting: None.

Absent or not voting: Bridges, Edmonds, Gallagher, Highland, Hineman, Kelley, Mast, Sloan, Todd.

On motion of Rep. Goico, the House concurred in Senate amendments to **HB 2006**, AN ACT concerning veterans; relating to license plates for disabled veterans; pertaining to parking in certain public parking spaces; amending K.S.A. 2014 Supp. 8-161 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not

voting: 10.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Bridges, Edmonds, Gallagher, Highland, Hildabrand, Hineman, Kelley, Mast, Sloan, Todd.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2055** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2106** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2111** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **S Sub for HB 2124** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **Sub HB 2159** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Macheers, the House nonconcurred in Senate amendments to **HB 2256** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as

conferees on the part of the House.

On motion of Rep. O'Brien, the House nonconcurred in Senate amendments to **S Sub for Sub HB 2170** and asked for a conference.

Speaker Merrick thereupon appointed Reps. O'Brien, Dove and Victors as conferees on the part of the House.

On motion of Rep. Goico, the House nonconcurred in Senate amendments to **S Sub for HB 2155** and asked for a conference.

Speaker Merrick thereupon appointed Reps. Goico, Osterman and Lane as conferees on the part of the House.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2416** from Committee on Commerce, Labor and Economic Development and referral to Committee on Calendar and Printing.

Also, the withdrawal of **Sub SB 155** from Committee on Financial Institutions and referral to Committee on Insurance.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 228** submits the following report:

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

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

STEVEN C. JOHNSON

KENT L. THOMPSON

ED TRIMMER

Conferees on part of House

JEFF KING

JEFF LONGBINE

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Johnson the conference committee report on **SB 228** to agree to disagree, was adopted.

Speaker Merrick thereupon appointed Reps. Johnson, Thompson and Trimmer as second conferees on the part of the House.

CHANGE OF CONFEREES

Speaker Merrick announced the appointment of Rep. Burroughs as a member of the conference committee on **HB 2216** to replace Rep. Frownfelter.

On motion of Rep. Vickrey, the House recessed until 3:30 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **SB 228**, and has appointed Senators King, Longbine and Hensley as second conferees on the part of the Senate.

The Senate announced the appointment of Senator Francisco to replace Senator Kelly as a conferee on **HB 2149**.

The Senate announced the appointment of Senator Francisco to replace Senator Kelly as a conferee on **S Sub for HB 2225**.

The Senate accedes to the request of the House for a conference on **HB 2055** and has appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2106** and has appointed Senators Smith, Knox and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2111** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2124** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2155** and has appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2159** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for Sub HB 2170** and has appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2256** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

CHANGE OF CONFEREES

Speaker Merrick announced the appointment of Reps. Brunk, Couture-Lovelady and Tietze as members of the conference committee on **S Sub for HB 2155** to replace Rep. Goico, Osterman and Lane.

APPOINTMENT OF SELECT COMMITTEE

Speaker Merrick, pursuant to House Rule 4902, appointed the following members to serve on a Select Investigative Committee in response to the complaint filed with House Clerk Susan Kannarr on March 23, 2015:

Rep. Davis, Chair; Reps. Kahrs, Schwartz, Sawyer, Ballard and Whipple.

A copy of the signed complaint has been given to Chairwoman Davis, who will proceed under the House Rule to convene the Committee and initiate its inquiry. Pursuant to House Rule 4902(b), the select committee shall constitute an investigating committee and shall have the powers thereof under Article 10 of chapter 46 of the Kansas Statutes Annotated.

MR. SPEAKER: An incident occurred in the House Education Committee on March 19, 2015. It was moved and seconded that **HB 2139** be passed. The chairman, Ron Highland, recognized Representative Valdenia Winn for discussion of the bill.

Representative Winn proceeded to use inflammatory language and inferences toward the committee or anyone who would support such a bill. After objection was raised, the representative stated her remarks were not personal in nature but also said if the “Shoe Fits.” She continued with additional language that was offensive and reprehensible. The transcript of her comments is attached.

Pursuant to House Rule 4901, we the undersigned hereby desire to lodge a formal complaint. – RONALD L. HIGHLAND, TONY BARTON, CHARLES MACHEERS, WILLIE O. DOVE, JERRY LUNN, JOHN BRADFORD, MARC RHOADES, JOHN E. BARKER, DENNIS E. HEDKE

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, April 1, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

