

Journal of the House

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 3, 2016, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.

The roll was called with 117 members present.

Rep. Winn was excused on verified illness.

Rep. Swanson was excused on legislative business.

Reps. Bollier, Garber, Kelley, Merrick, Sloan and Wilson were excused on excused absence by the Speaker.

Present later: Rep. Swanson.

Prayer by guest chaplain, the Rev. Curtis W. Coombs, pastor, Church of the Nazarene, Meade, and guest of Rep. Ryckman, Sr.:

O Lord Our God, Our Everlasting Hope, and Merciful Lord,
we express to You thanks for giving us another day.

May we use this moment to be reminded of your presence
as the workers before this House consider what needs to be done this day.

May Your Spirit lead these men and women that have been called upon
by the people of Kansas to act upon what is good
for this State and especially for your Kingdom, O Lord.

May they have the same attitude as King David and say

“My heart is not proud, O LORD, my eyes are not selfishly ambitious;
I do not concern myself with great matters or things too wonderful for me.

But I have stilled and quieted my soul...
and put my hope in the LORD both now and forevermore.”

(from Psalm 131)

I ask this in the name of your living Son, Jesus Christ.

Amen.

The Pledge of Allegiance was led by Rep. Dierks.

INTRODUCTION OF GUESTS

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

Over the last five years, this body has addressed one of the largest risks to the financial security of our state and our employees. This progress would not have been possible without the expertise, service and leadership of our guests with us today. I

would ask any members, past and present, of the house pension committee to join us up front.

Good work had been done by many leaders in the past. However, the market downturn of 2008-2009 threatened that work. When we reviewed the status of KPERS in 2011:

In our group with the largest liability, projected contributions were not shown to meet the actuarially required rate until after the year 2030, and in some projections they never met during the projection or amortization period.

Annual contributions for just the KPERS state/school group were projected to exceed \$2 billion per year by the year 2034.

The system's unfunded liability based on KPERS market value of assets was just over \$10 billion.

So, in 2011, the legislature and the governor appointed a study commission. This group dove headfirst into the data and explored many options that might help the system. Many ideas were created over many hours. The work we have done since that time has been built on this foundation of knowledge and recommendations. But their work goes so far beyond what we have done. Making these choices required not only exploring the paths chosen, but also examining so many paths not chosen. Without that exploration, we would not have been able to move forward on any path with confidence.

The legislature took those recommendations and many of you are familiar with our role in that work.

There is yet another key group serving the state of Kansas in a fiduciary role for KPERS and that is the board of trustees. They oversee the complex KPERS operation and make the exceedingly critical investment decisions for the portfolio. We have with us today the chairs of the board since 2011.

They have done an exceptional job, with a five year return as of November 30th of 9.1%. They have achieved returns in the top quartile of their peers over three, five and ten year periods, while being in the lowest quartile of expenses with management fees of less than .3% or 30 basis points. Specifically, the investment talent of our KPERS staff, past chair Terry Matlack and current chair Lois Cox was key to giving me the confidence to be willing to bond a billion dollars and know that it would be handled optimally.

The staff that execute our decisions are absolutely some of the best. Their team is consistently in the top quartile for low expenses and high quality service. Specifically, KPERS total administration cost is the lowest of all of their peers. For service, their average call wait time is 9 seconds vs. the average peer time of 1 minute 20 seconds. If you have seen any of the post audit reports on KPERS, you know this is an organization of which we can be proud and which serves our employees well.

Today, we are meeting to review our progress together.

Some of the highlights:

Contribution rates are expected to pay off the unfunded liability within the current amortization period.

Those contributions stabilize around 12% vs growing to over 20%.

We are projected to meet the actuarially required rate for the state/school group in 2019 rather than after 2030.

The liability and funded ratios have both improved dramatically.

We are not done. Sticking to the plan will not always be easy and no doubt adjustments will be needed along the way. There is a Japanese proverb that says beginning is easy, continuing is hard. While that understates the enormous challenges we faced in the beginning, we recognize the importance of having this body and future legislatures continue to implement this work.

Please join me in thanking these leaders for making this progress possible.

Rep. Johnson presented framed House certificates to members of the commission.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2716, AN ACT concerning insurance; relating to government employer-sponsored group health care benefits plans; implementing an exchange platform for retirees; eliminating retirees from participation in the state health care benefits program; amending K.S.A. 12-5040, 20-358, 20-3208, 75-6504 and 75-6510 and K.S.A. 2015 Supp. 75-4101 and 75-6501 and repealing the existing sections; also repealing K.S.A. 75-6511, by Committee on Appropriations.

HB 2717, AN ACT concerning property taxation; relating to taxing subdivisions, approval of budgets, resolution and election requirements; amending K.S.A. 2015 Supp. 79-2925b and repealing the existing section, by Committee on Taxation.

HB 2718, AN ACT concerning alcoholic beverages; dealing with beer and cereal malt beverages; amending K.S.A. 41-103 and K.S.A. 2015 Supp. 41-102, 41-304, 41-308, 41-310 and 79-4108 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2712**, **SB 330**.

Appropriations: **Sub SB 335**.

Commerce, Labor and Economic Development: **HB 2713**, **SB 338**, **SB 365**, **SB 366**.

Corrections and Juvenile Justice: **SB 367**, **SB 391**, **SB 392**, **SB 426**, **SB 453**.

Federal and State Affairs: **HB 2715**, **Sub SB 277**, **SB 326**.

Health and Human Services: **SB 402**, **SB 449**.

Insurance and Financial Institutions: **Sub SB 103**, **SB 387**, **SB 419**, **SB 438**.

Judiciary: **SB 362**, **SB 374**, **SB 393**, **SB 407**, **SB 408**, **SB 410**, **SB 415**, **SB 418**, **Sub SB 440**.

Taxation: **HB 2714**.

Transportation: **SB 382**, **SB 405**.

Utilities and Telecommunications: **SB 412**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2713** from Committee on Commerce, Labor and Economic Development and referral to Committee on Judiciary.

COMMUNICATIONS FROM STATE OFFICERS

From Susan Mosier, MD, MBA, FACS, Secretary and State Health Officer, pursuant to K.S.A. 65-1,159a, Stan Clark Pregnancy Maintenance Initiative Program.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Goico, **HR 6044**, by Representative Goico, as follows, was introduced and adopted:

HR 6044—A RESOLUTION honoring Captain Christopher Norgren for service to his country and the world community.

WHEREAS, Captain Christopher Norgren, native of Wichita, Kansas, and member of the United States Marine Corps, was killed on May 12, 2015, at the age of 31, when his helicopter crashed in the mountains of Nepal; and

WHEREAS, Capt. Norgren was part of a group of six Marines and two Nepalese soldiers who were on a mission of mercy – delivering food, blankets and medicine to villages cut off from civilization by the devastating earthquake that hit Nepal on April 25, 2015; and

WHEREAS, Capt. Norgren was serving with Marine Light Attack Helicopter Squadron 469, based at Camp Pendleton, California. The squadron had traveled to the Philippines for a training mission when it was deployed to Nepal as part of a military aid mission; and

WHEREAS, Capt. Norgren was commissioned on August 8, 2009. His deployments included Operation Enduring Freedom and Operation Sahayogi Haat and his decorations included the Navy and Marine Corps Achievement Medal, Combat Action Ribbon, Sea Service Deployment Ribbon with bronze star in lieu of second award, Afghanistan Campaign Medal with bronze star in lieu of second award, National Defense Service Medal, Global War on Terrorism Service Medal, Navy Unit Commendation, Certificate of Commendation and a NATO Medal; and

WHEREAS, Capt. Norgren was a 2002 graduate of Bishop Carroll High School, in Wichita, Kansas, and a 2007 summa cum laude graduate of the University of Missouri-Rolla, now called the Missouri University of Science and Technology, with degrees in aerospace engineering and applied mathematics; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Captain Christopher Norgren for service to his country and the world community, and extend our deepest sympathy to his family; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the family of Captain Christopher Norgren.

INTRODUCTION OF GUESTS

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

This resolution honors Captain Christopher Norgren, posthumously, for service to his

country and to the world community. He was on a mission of mercy – delivering food, blankets and medicine to villages cut off from civilization by the devastating 7.8 earthquake that hit Nepal on April 25, 2015, over 9,000 people were killed.

I first met Chris and his dad Ron in the scouting program at our church. Even as a child he was a leader at everything he did. He was always very honest and caring. He was the product of a very loving and caring family.

I can best describe Chris as a person who made things happen no matter how difficult they might seem. Chris wanted to fly in the military. However, he did not meet the vision requirements. He joined the Marines and served as a field officer in Afghanistan. He was a combat-tested infantry officer. During the tour he saved up enough money for corrective eye surgery. He made his dream a reality. He was a Marine Corp pilot with operational ground experience.

He truly loved being a Marine and was always willing to help a friend. He prepared hard for every mission, excelled as a pilot, and was fearless and determined yet humble.

The squadron had traveled to the Philippines for a training mission when it was deployed to Nepal as part of a military aid mission. They were aware of the very dangerous terrain conditions in the Himalayan Mountains. The combination of rapidly ascending terrain, dense forest and low visibility made this a very difficult operation. Chris never had any hesitation to do what was right. All of these Marines put their lives at risk so that the suffering of countless people could be eased. They were helping fellow human beings who desperately needed their help. He was accomplishing what he needed to do.

“Greater love has no one than this: to lay down one’s life for one’s friends,” John 15:13

President Obama, addressing this accident, said that the Marines "represent a truth that guides our work around the world: When our friends are in need, America helps.

Captain Christopher Norgren lived his life moment to moment to the fullest, never fearing to do what was right. His professionalism, dedication, selflessness and fearlessness will never be forgotten. He will always be an inspiration to all of us. He loved to fly and to help people.

To quote his mother, Mrs. Norgren "I know in my heart that Chris was doing what he wanted to do. He's always loved life, God and his family." His life was a celebration of the kindness of the human spirit.

The Kansas Legislature is naming the intersection of I-235 and Central in honor of his memory.

Rep. Goico welcomed members of Christopher Norgren's family to the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Ward to amend **HCR 5024**, Rep. Osterman requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Rep. Ward challenged the ruling, the question being, "Shall the Rules Chair be sustained?"

On roll call, the vote was: Yeas 88; Nays 27; Present but not voting: 0; Absent or not voting: 10.

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

Nays: Alcala, Ballard, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gallagher, Helgerson, Henderson, Henry, Highberger, Houston, Kuether, Lusker, Ousley, Rooker, Ruiz, Scott, Tietze, Trimmer, Victors, Ward, Whipple, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bollier, Garber, Huebert, Kelley, Lusk, Merrick, Sloan, S. Swanson, Wilson, Winn.

The Rules Chair was sustained.

Roll call was demanded on motion to recommend **HCR 5024** favorably for passage.

On roll call, the vote was: Yeas 105; Nays 12; Present but not voting: 0; Absent or not voting: 8.

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

Nays: Ballard, Carmichael, Finney, Henderson, Highberger, Houston, Kuether, Lusk, Ousley, Scott, Tietze, Ward.

Present but not voting: None.

Absent or not voting: Bollier, Garber, Johnson, Kelley, Merrick, Sloan, Wilson, Winn.

The motion prevailed and **HCR 5024** be adopted.

Committee reports to **HB 2134** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 312** be passed.

Committee on **Education** recommends **SB 423**, as amended by Senate Committee of the Whole, 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 **Federal and State Affairs** recommends **HB 2612** be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 47, by Representative Tom Sloan, commending Grace Marion for her many accomplishments in serving the State of Kansas and as a life-long public servant;

Request No. 48, by Representative Marty Read, congratulating Garrett Tatro for his receiving the 2016 Prudential Spirit of Community Bronze Award;

Request No. 49, by Representative Don Hineman, congratulating Evan Harlan Tustin for his receiving the 2016 KSHSAA Spirit of Sport Award;

Request No. 50, by Representative John Bradford, recognizing Kris Paronto for his courage in defending the American Ambassador, the Benghazi Consulate, and the Benghazi CIA Station;

Request No. 51, by Representative Broderick Henderson, congratulating Adrion Johnson for 8th birthday;

Request No. 52, by Representatives Ed Trimmer and Steven Johnson, commending members of the KPERS Study Commission Edward Condon, Fredrick Poccia, Rebecca Proctor, Michael Ryan, Paul Seyferth, Richard Stumpf and Bill Buchanan for their dedicated and outstanding service;

Request No. 53, by Representative Steven C. Johnson, commending Lou Pishny, Ron Hagen, Gary Price, Doug Mays, Terry Matlack and Lois Cox, for their dedicated and outstanding service as Chairs of the KPERS Board of Trustees;

On motion of Rep. Vickrey, the committee report was adopted.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Mast announced the appointment of Rep. Carmichael to replace Rep. Winn on Committee on Education on March 3, 2016.

Also, Rep. Trimmer is appointed to replace Rep. Winn on Committee on Education Budget on March 3, 2016.

REPORT ON ENROLLED RESOLUTIONS

HR 6040, HR 6041, HR 6042, HR 6043 reported correctly enrolled and properly signed on March 3, 2016.

On motion of Rep. Vickrey the House adjourned pro forma until 8:00 a.m. on Friday, March 4, 2016.