

# Journal of the House

## SECOND DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 15, 2013, 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. Peterson and Siegfroid were excused on excused absence by the Speaker.

Rep. Montgomery was absent.

Present later: Rep. Siegfroid.

Prayer by Chaplain Brubaker:

Creator God,  
 thank You for fresh new starts – for new beginnings.  
 With the genesis of a new session,  
 there is a spirit of excitement and hope.  
 Help our leaders to capture this new excitement and passion  
 and begin to build upon it.  
 As we look around, we see familiar faces,  
 we see many new faces.  
 From Elkhart to Highland,  
 St. Francis to Baxter Springs,  
 Kiowa to Smith Center  
 and Coolidge to Mound City,  
 these representatives have come together  
 to work as a team to make Kansas a better state  
 and to improve the life of our citizens.  
 From the stockyards in western Kansas  
 to the stock broker's office in Corporate Woods,  
 we know there are differences of opinions and philosophies,  
 but as mentioned yesterday, help us to focus on the similarities  
 and not obsess about the differences.  
 And, most of all, help us to seek You and Your wisdom.  
 In Your Son's Name I pray,  
 Amen.

The Pledge of Allegiance was led by Rep. Ryckman, Sr.

**APPOINTMENT**

Speaker Merrick announced the appointment of the Rev. Eunice Brubaker, Church of the Nazarene District Coordinator for Church Plants, Topeka, as Chaplain of the House.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to committee as indicated:

Transportation: **HB 2011**.

**COMMUNICATIONS FROM STATE OFFICERS**

From Representative Carl D. Holmes, Chairperson, Kansas Electric Transmission Authority, 2012 Annual Report to the Governor and the Legislature, January 14, 2013.

From REAP (Regional Economic Area Partnership of South Central Kansas), in accordance with KSA 74-50,150, Kansas Affordable Airfares Program Fiscal Year 2013 Financial Status Report.

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 75-723, Abuse, Neglect and Exploitation Unit (ANE), Annual Report, July 1, 2011 - June 30, 2012.

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

**MESSAGE FROM THE SENATE**

Announcing adoption of **HCR 5001**, a concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

The Senate announces the appointment of Senators Donovan and Faust-Goudeau to escort the Governor and Senators Ostmeyer and Kelly to escort the Lt. Governor. Also, Senators King and Haley to escort the Supreme Court.

On motion of Rep. Vickrey, the House recessed until 6:00 p.m.

---

**EVENING SESSION**

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

It being the hour in accordance with **HCR 5001** to meet in joint session with the Senate to hear the message of the Governor, Reps. Hermanson, Proehl and Winn escorted members of the Senate to seats in the House.

Reps. Siegfried, Kleeb and Trimmer and Senators King and Haley escorted the Supreme Court to seats in the House.

Reps. Kinzer, DeGraaf and Frownfelter and Senators Ostmeyer and Kelly escorted the Lt. Governor to a seat in the House.

Reps. Weber, Hoffman and Dillmore and Senators Donovan and Faust-Goudeau escorted the Governor to the rostrum.

**GOVERNOR SAM BROWNBACK'S COMPLETE TEXT  
OF THE STATE OF THE STATE  
January 15, 2013**

Mr. Speaker, Madam President, Legislators, Justices of the Kansas Supreme Court; Lt. Governor Jeff Colyer and members of my Cabinet; leaders of the Native American Nations of Kansas, my wonderful wife and First Lady of Kansas, Mary – my parents, Bob and Nancy Brownback - and My Fellow Kansans - Good evening.

Kansas Governors have appeared more than 130 times to discuss the state of our state. I am honored to be the first Governor to say, "Welcome, Madam President."

Mr. Speaker, Madam President, the state of our state is strong and blessed and leading America in several key arenas.

Let me begin tonight by saying Kansas is a truly special place---a state that chose freedom when the darkness of slavery divided our nation. A place where the world learned to fly and bounce a basketball – and the place where a boy born in a log cabin in Canada could grow up to be Speaker of the Kansas House.

Yes, Kansas is a special place - and it is our home.

When our country seems adrift, Kansas leads to the stars through difficulty.

In an era when many believe America has lost its way, Kansans know the difficult path that the Nation must take.

It is the well-worn sod tracks of hard work, thrift, patience, perseverance, faith, sacrifice and family that will get us where we want our country to be.

And as has been our tradition since before statehood, our place, Kansas, will not be timid in doing what is right, even if much of the Nation takes another way.

Where others choose to raise taxes, we will lower them so our people have more money, not the government.

Where other governments expand, we grow smaller.

Where others choose to grow spending, Kansas grows jobs.

In important ways, our state is going against the tide and reflecting more of the values of the Greatest Generation, the World War II generation, more than my own.

Where some accept the breakdown of the family as unavoidable, we push back, knowing that strong families and healthy marriages are the best guarantee for the future of our kids.

Where some walk away from our Nation's motto, we embrace it as a part of the

pioneering spirit...”In God We Trust.”

Yes, Kansas is a special place.

When I started as governor, we began the fiscal year with \$876.05 in the bank and a projected deficit of \$500 million - even after taxes had been increased.

Working with the legislature, we ended last fiscal year with a \$500 million ending balance...a billion dollar swing to the good AND we paid off all of our callable bonds!

The last decade was unfortunately a lost decade where Kansas lost thousands of private sector jobs while the rest of America grew. In December 2010, our unemployment rate was seven percent.

Today our state’s unemployment rate is 5.4 percent – the 10<sup>th</sup> lowest in America - and Wichita State University projects we will add more than 24,000 private sector jobs in the state this year alone.

When I started as governor, we had the highest state income tax in the region, now we have the 2<sup>nd</sup> lowest and I want us to take it to zero. Look out Texas, here comes Kansas!

In the previous decade, we had population losses of more than ten percent in nearly half of our counties. Today we are adding hundreds of new Kansans in many of our rural counties. Communities like Colby are actually adding kindergarten classes for the first time in years.

Kansas has been blessed.

Although the current drought is harsh, our reservoirs and aquifers continue to give us the water we need. But now they need attention. Several of our reservoirs and many of our lakes need dredging from siltation. The Ogallala Aquifer needs local action to reduce its use and save some of it for future generations.

Our forefathers and mothers sacrificed to provide for us. Now we must prepare and in cases, sacrifice so our children and grandchildren will be provided for. We will go forward by simply doing the right things for our children.

### **Preparing Children for 21<sup>st</sup> Century Careers/Reading/Families**

For one, we must reduce childhood poverty. Trillions of dollars have been spent since President Johnson first declared our country’s war on poverty. Yet, childhood poverty rates nationwide have remained virtually unchanged at more than 23 percent.

We need a new strategy. Kansans intuitively know what the Brookings Institute has reported - that the best way to combat childhood poverty is through effective education, jobs and family.

A key to a child’s success is the ability to read.

This morning, 40,000 Kansas children woke up, got dressed, and went to kindergarten.

They are the class of 2025. They are the future of Kansas.

Being able to read is one of the greatest gifts we can give these children. Yet – 29 percent of Kansas 4<sup>th</sup> graders can't read at a basic level. A goal of my administration is to ensure each of the 40,000 kindergartners is able to read proficiently by the time they reach 4<sup>th</sup> grade.

That is why I am proposing the **Kansas Reads to Succeed** initiative. This proposal has three components.

First, it will provide \$12 million to support innovative programs to help struggling readers.

Second, it will provide incentives to elementary schools that most successfully increase 4<sup>th</sup> grading reading scores.

Third, it will require 3<sup>rd</sup> grade students to demonstrate an ability to read before being promoted to the 4<sup>th</sup> grade.

Passing children up the grade ladder when we know they can't read is irresponsible - and cruel. We will do better.

### **Jobs and Economic Growth**

It's never easy being a mom or a dad. But it gets even harder if one or both parents are not able to get a decent job. Our road map for Kansas is focused on the economic growth of our state so employment can expand and families can prosper.

Last year the Kansas Legislature passed the largest tax cut in state history. Tonight we are here to take another step on our path to no state income tax. This will create jobs and opportunities in our state that the current generation has left for Texas or Florida to find.

By making government more efficient and growing our economy, we can keep the sales tax flat at its current level and cut income taxes on our lower income working families to 1.9 percent and drop the top rate to 3.5 percent. This glide path to zero will not cut funding for schools, higher education or essential safety net programs.

And for those who come or stay in Kansas because of lower taxes, opportunities abound.

- An all-time record of more than 15,000 new businesses formed in 2012 – a sign of strong economic growth.
- We are the Air Capital of the world. Our aircraft industry is back on the ascent -and Southwest Airlines is soon to land in Wichita.
- We are the Nation's breadbasket and its meat counter and are becoming its dairy section as well.

- Our oil production is hitting a high not seen in more than a decade with billions of dollars in new investment in vertical and horizontal drilling.
- We are number one in new wind energy with nearly three billion dollars of new investment last year alone and more to come.
- Our rapidly growing animal health sector that stretches from K-State in Manhattan to Johnson County grabs a significant share of the global industry.
- We provide engineering, architecture and other services to people everywhere.

Our new pro-growth path is a path home for our children. Part of our strategy will involve encouraging, not destroying families. We will help families economically, educationally, and socially. It will involve local efforts of intensive support, mentoring and pushing people to the job market, not another government program. We look forward to continuing our partnership with the Casey Family Programs as we strive toward reaching these goals.

### **Two Year Budget**

Just as families must budget, the state of Kansas must prioritize its budget as well. Fiscal discipline has seemingly become a lost art in government.

Our schools only get 54-cents of every valuable education dollar into the classroom. This at a time when we put more state money into K-12 per capita than any surrounding state...and when total spending averages more than \$12,600 per student per year.

We seem to focus only on how much money is appropriated, not on whether it is effectively spent. This must change and that change is happening in our Administration.

I am submitting to this Legislature a full two-year budget recommendation, with substantial focus on efficiency and effectiveness.

- This two-year budget is balanced.
- It protects base aid and increases total state funding for K-12 schools.
- It maintains stable funding for higher education.
- It provides funding to educate 50 additional medical doctors every year at a new, state-of-the-art medical training building at the University of Kansas Medical Center. We want the highest quality health care for all Kansans.
- This two-year budget provides essential services for our most needy Kansans.
- It funds a new crime lab and training facility for our state's law enforcement on the campus of Washburn University.
- It fully funds our state's infrastructure investments through T-WORKS.

Additionally, both my 2014 and 2015 budgets provide a 7.5 percent ending balance - without cutting core services. This stands in stark contrast to the \$876 in the state treasury in July of 2010. Make no mistake; I believe in fiscal discipline and adequate cash balances.

### **Government Reform**

Trends matter, and for years Kansas has consistently progressed to larger government, higher taxes, and unfortunately – though perhaps not surprisingly – more of our citizens leaving. We are changing these trends.

My administration has worked to restructure and reform state government to be more efficient and more effective. But there is a lot more we can do.

One of the clearest examples of duplication in state government is the fact that we have two highway departments: the Kansas Department of Transportation and the Kansas Turnpike Authority.

It is time that we realize the efficiencies to be gained by placing these two operations under the same umbrella. We don't need two highway departments in Kansas. One is enough.

By bringing these two large organizations together under the direction of the Secretary of Transportation, we will serve the public better and more efficiently.

Yes, trends matter, but principles matter even more.

In the democratic system of checks and balances crafted by our Founding Fathers, the power to authorize spending public money was given exclusively to you, the Legislative branch. This is a core principle.

The “power of the purse” is the primary power of the Legislature, not the Executive or the Judiciary.

For the last two years – you, the Legislature, have proven that you can increase state support for education while pursuing pro-growth economic policy. Balancing a wide range of public priorities is one of the strengths of our representative system.

And so I ask you to make it clear in law that defining what is “suitable provision” for public funding of education is a job for the people's elected representatives – and no one else.

Kansans expect and are entitled to a government that is not beholden to any special interest group.

The guiding principle of our American democracy must be that every citizen stands equal before the law, be they governor or farmer, lawyer or teacher. Unfortunately, our current system of selecting our appellate judges fails the democratic test.

Rather than giving an equal voice to all Kansans in the selection of our judges, Kansas is the only state that allows a special interest group to control the process of choosing

who will be our appellate judges. That is not as it should be. Here, the people rule.

Now I didn't realize this but Kansas use to elect our state Supreme Court. I would be supportive of returning to that system or going to the federal model of judicial selection. Either passes the democracy test that the current system fails.

### **Guidance for Legislators**

I mentioned at the outset that many of you are new to the Legislature. That's a good thing. The Framers of our Constitution intended frequent rotation in public office, providing valuable new perspective. Yet there's no teacher like experience and no danger greater than pride.

With that in mind, please permit some advice from one who was a freshman legislator just 18 short years ago.

First - value relationships. I treasure the relationships I am fortunate to have with other people.

One of those relationships was with Paul Wellstone, the wonderful liberal Senator from Minnesota. In 1998, Paul and I co-authored the legislation which started America's efforts to fight human trafficking---work we have a chance to build on in this Kansas session. Paul and his wife died in a plane crash in 2002.

Others took up his work in the Senate, but the loss was the departure of Paul, a beautiful soul.

Cherish people and your relationships with them. They are more important than politics or policy.

Second - learn everything you can from those who have come before you. Those people know more than you can imagine, and if you take the time to listen to them, you'll learn a lot.

For me, my mentors have included our own Kansas treasures---Pat Roberts and Bob Dole... I also learned a lot from Senators Pat Moynihan, Phil Gramm, and Ted Kennedy.

For you, it needn't be someone from your part of the state, or even from your party. In fact, you'll probably learn more if it's not. And of all those you could learn from, may I suggest paying particular attention to a teacher?

Will you join me in honoring a man who has spent more time in this Capitol than any other legislator in Kansas history – beginning his 37th year in the Kansas Legislature - the Senator from Shawnee, Anthony Hensley.

And another person you can learn a lot from who has worked in the statehouse even longer than Senator Hensley is Don Wistuba. Don has operated the statehouse snack shop since 1976. He greets each day as a gift from God – and he truly is a gift of joy to the Capitol. Don, would you please stand up and take a bow.



Lastly, measure your time here not by the loud volume of the positions you take but by the service you give. Learn the facts, stand up for what you think is right and fight hard. But remember, today's opponent is tomorrow's ally and nobody, not even Coach Snyder or Coach Self, wins every game.

Listen, learn, and lead so that we may move forward together towards a more prosperous, more just, more decent Kansas.

Kansas is the heart of America. Let's make our place a shining example for the Nation to follow.

It is within our reach to see that our children can read.

It is within our reach to strengthen marriages and families.

It is within our reach to reduce taxes.

It is within our reach to lead in job growth and energy independence.

It is within our reach to balance our budget and meet the needs of our people.

Our place, Kansas, will show the path, the difficult path, for America to go in these troubled times.

Like Kansas Newspaper publisher William Allen White once said, "...*There is just one way to stop progress in America; and that is to hire some hungry earthquake to come along and gobble up Kansas.*"

We have been placed here for a reason and our season is short. Let us build a better state and do it now. Thank you, may God bless you and may God continue to bless the state of Kansas.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, January 16, 2013.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

