

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 19, 2013, 10:00 a.m.

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

The roll was called with 119 members present.

Reps. Grant, Hermanson and Kuether were excused on verified illness.

Reps. Bruchman, Peterson and Weber were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
thank you for the privilege of coming before You today
to lift up in prayer these leaders before me.
Fill them with gratitude for the opportunity
they have to serve in this place.
Use their talents and gifts You have given them
to do their work and to contribute to the common good.
Give each mind clarity of thought and purity of motive
so they may render their service to the best of their ability.
Tune each set of ears to hear Your still small voice within.
Open each pair of eyes to see You in one another and
especially in those with whom they disagree.
Excite each mind to the great possibilities that lie before them.
Do some of Your very best work in them.
Be with their families back home today.
Watch over them, protect them, and encourage them
as many are separated from their
spouse, dad, or mom for the week.
May everything that is said and accomplished today
bring You honor and glory.
In the Name of Your Son, I pray,
Amen.

The Pledge of Allegiance was led by Rep. Hedke.

PERSONAL PRIVILEGE

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

Leadership Norton County is an intensive six-month course designed to create a network of community leaders who are informed about the government, public policies, facilities and services of Norton County. Today's class represents the 9th since 1999.

During the six-month session (one day a month) class members are introduced to goal setting, conflict management, parliamentary procedure, leadership development, trust building, personality evaluation and public speaking. General sessions cover the topics of agriculture, rural health and economic development and the class tours the area's government entities, businesses and facilities to gain first-hand knowledge.

Leadership Norton County is coordinated and facilitated by the Norton Area Chamber of Commerce Director, with the support from K-State Research and Extension and the Twin Creeks Extension District and Norton City/County Economic Development.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

HB 2375, AN ACT concerning the school sports head injury prevention act; relating to health care providers; amending K.S.A. 2012 Supp. 72-135 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. **HCR 5013**—
By Committee on Appropriations

A CONCURRENT RESOLUTION to indicate the Legislature's intention not to expand medicaid services in Kansas as provided under the federal affordable care act.

WHEREAS, The federal government authorized the expansion of medicaid services as a provision of the federally mandated patient protection and affordable care act;

WHEREAS, The Supreme Court of the United States ruled that the affordable care act was unduly coercive to states with its threat to eliminate all federal funding for medicaid if states did not expand eligibility as outlined in the affordable care act;

WHEREAS, The expansion of medicaid services in Kansas with federal funds as provided for in the patient protection and affordable care act will commit future Kansas Legislatures and the citizens of Kansas to share the cost in future years;

WHEREAS, The affordable care act will have a significant woodwork effect, leading Kansans with private coverage to convert to less stable publicly funded programs;

WHEREAS, Medicaid expansion would significantly harm the state's economy by making private sector healthcare smaller at the expense of government-provided care;

WHEREAS, Medicaid expansion would dramatically increase the number of Kansans receiving public assistance;

WHEREAS, Kansas is committed to Kansas solutions to Kansas problems and the citizens of Kansas provide assistance to the most vulnerable through safety net clinics, support for physicians and hospitals, and other assistance;

WHEREAS, The federal government could further obligate the state to fully fund the medicaid expansion through maintenance of effort provisions, should federal funds cease;

WHEREAS, The state's official forecast has indicated medicaid expansion, combined with the woodwork effect, will cost the state in excess of \$1billion over the next ten years;

WHEREAS, Kansas medicaid and the children's health insurance program currently covers children whose household income is below 232% of the poverty level;

WHEREAS, Kansas medicaid currently covers pregnant mothers whose household income is less than 150% of the federal poverty level;

WHEREAS, Participating in the federal medicaid expansion would require the state of Kansas to cover people in 100-133% of the federal poverty level on medicaid, while by not participating these same individuals would be eligible to receive private, federally subsidized coverage;

WHEREAS, Governor Brownback has stated his concern that the federal government will not keep its long term commitment to 90% federal medical assistance percentage rate for the medicaid expansion populations: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the will of the Kansas Legislature is that the state of Kansas not expand medicaid above its current eligibility levels.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2373**.

General Government Budget: **HB 2371**.

Health and Human Services: **HB 2372**, **HB 2374**.

Taxation: **HB 2369**, **HB 2370**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Swanson, **HR 6009**, A resolution commemorating Emporia State University's Sesquicentennial, was adopted.

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

Remarks by Rep. Swanson:

Kansas State Normal was founded in 1863 with the mission to prepare teachers. Lyman Kellogg, the first president and lone faculty member, opened the school with 18 students, a bible and a chalkboard. Over the past 150 years, the name has changed from the Normal School to Kansas State Teachers College, Emporia Kansas State College to Emporia State University as it is known today, but the mission has not changed, still educating Kansas' citizens as well as others from around the world.

Today, the university is a comprehensive regional institution of higher education with over 61,000 alumni living in all 50 states and in 80 different countries. Over half of those alumni live and contribute to the great State of Kansas.

ESU is consistently ranked as a tier 1 regional university, as reported by the annual

US News and World Report's "Best College's" edition.

ESU's School of Business is AACSB accredited, a designation held by less than 5 percent of the business schools worldwide.

ESU's Teachers College holds the International Reading Association Award and Certificate of Distinction for the Reading Preparation of Elementary and Secondary Teachers.

ESU is only one of four post-secondary institutions in the nation to be identified as an Exemplary Model Teacher Education in a national study of teacher education programs entitled Educating School Teachers.

ESU students earn the highest percentage of graduate degrees among the Kansas Regents' Universities. On average, one-third of the degrees earned annually are graduate degrees.

ESU's campus became the first of the Kansas colleges to become completely handicap accessible.

An interesting "fun fact" for the legislature-the first woman legislator in Kansas was Minnie J. Grinstead, a graduate of Kansas State Normal. She served in the Kansas Legislature from 1918 to 1924 and was the first woman in the United States to serve on the Judiciary Committee.

Remarks by Rep. Hill:

Today we observe 150 years of extraordinary history of Emporia State University, one of our outstanding institutions. We congratulate ESU on accomplishments and success which provide a source of pride for the entire state of Kansas.

As we celebrate today and look forward to the future it is appropriate we pause to recognize the vision, the wisdom and the courage leaders in the community, at the institution and in the Capitol exhibited in making critical investments in higher education.

For their commitment and passion for ESU's success, I want to thank ESU leadership, faculty, staff, students and alums. To you my legislative colleagues, thank you for the commitment we continue to make to the critical investment in education and a bright Kansas future.

Rep. Swanson introduced Dr. Michael Schonrock, President of Emporia State University and Brooke Schmidt, President of the ESU Student Government Association.

CONSENT CALENDAR

No objection was made to **HB 2143, HB 2145, HB 2152** appearing on the Consent Calendar for the second day.

Objection was made to **HB 2106** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

No objection was made to **HB 2140, HB 2142, HB 2148, HB 2149, HB 2156** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Mast announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2051** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2051," as follows:

"Substitute for HOUSE BILL NO. 2051

By Committee on Agriculture and Natural Resources

"AN ACT concerning water; relating to streams, dams and obstructions; relating to water rights; relating to water flex accounts; amending K.S.A. 82a-307 and K.S.A. 2012 Supp. 82a-301, 82a-302, 82a-303b, 82a-326, 82a-736 and 82a-1901 and repealing the existing sections; also repealing K.S.A. 24-105, 24-107, 82a-312, 82a-313 and 82a-314 and K.S.A. 2012 Supp. 24-106, 74-509, 82a-307a, 82a-326a and 82a-735."; and the substitute bill be passed.

(**Sub HB 2051** was thereupon introduced and read by title.)

Committee on **Agriculture and Natural Resources** recommends **HB 2207** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2207," as follows:

"Substitute for HOUSE BILL NO. 2207

By Committee on Agriculture and Natural Resources

"AN ACT concerning public health; relating to confined feeding facilities; registration; amending K.S.A. 2012 Supp. 65-171d and repealing the existing section."; and the substitute bill be passed.

(**Sub HB2207** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2218** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2169** 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 **Corrections and Juvenile Justice** recommends **HB 2170** be amended on page 40, following line 22, by inserting:

"(22) determine the impact and effectiveness of supervision and sanctions for felony offenders regarding recidivism and prison and community-based supervision populations."; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2209** be amended on page 1, in line 27, by striking "May 29" and inserting "July 1";

On page 2, in line 41, by striking "21-5605" and inserting "21-5604";

On page 3, in line 24, by striking "May 29" and inserting "July 1"; in line 35, after "or" by inserting "subsections (a)(1), (a)(2) or (a)(4) of"; also in line 35, after "thereto" by inserting ". The provisions of this paragraph shall not apply to violations of subsection (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013";

On page 4, in line 16, before the colon by inserting ", on or after July 1, 2007"; in line 17, by striking "On or after July 1, 2007,";

On page 7, in line 26, by striking "from" and inserting "that does not require the daily

return to";

On page 11, in line 32, after "facility" by inserting ". A copy of the registration form and any updated registrations for an offender released on work or school release shall be sent to the registering law enforcement agency where the offender is incarcerated, maintains employment or attends school"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2162** be amended on page 1, in line 5, by striking "may" and inserting "shall"; in line 12, after "shall" by inserting ", within 10 days of certification,"; also in line 12, after "request" by inserting "from"; in line 19, after "shall" by inserting ", within 10 days of publication,"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2099** be amended on page 1, in line 8, by striking all after "secretary"; in line 9, by striking all before the comma and inserting "for aging and disability services or the Kansas department of health and environment, or both"; in line 33, by striking all after "secretary"; in line 34, by striking "and families" and inserting "for aging and disability services or the Kansas department of health and environment, or both,";

On page 2, in line 2, by striking all after "secretary"; in line 3, by striking all before "pursuant" and inserting "for aging and disability services or the Kansas department of health and environment, or both,"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2122, HB 2202 reported correctly engrossed February 18, 2013.

REPORT ON ENROLLED RESOLUTIONS

HR 6013, HR 6014 reported correctly enrolled and properly signed on February 19, 2013.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, February 20, 2013.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

