

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 24, 2014, 10:00 a.m.

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

The roll was called with 122 members present.

Reps. Claeys, Sawyer and Thimesch were excused on excused absence by the Speaker.

Present later: Rep. Sawyer.

Prayer by guest chaplain, Dr. L. D. Holmes, pastor, Wanamaker Woods Church of the Nazarene, Topeka:

Dear God,

You are a mighty and awesome God, and we give you praise for your unconditional love.

We thank you that your arm is not shortened when it comes to touching the hurting, and responding to the cries and pleas of your people.

In your perfect timing, you have lifted up these called the Kansas House of Representatives. No one is here by accident, but rather by Divine Decree. Remind each of them that, "They who dwell in the shadow of the Most High will abide in the shadow of the Almighty. They will say to the Lord, my refuge and my fortress, my God in whom I trust."

We invite you, Great God, to sit in on committee hearings, be the vigilant member in every deliberation, and whisper words of wisdom, counsel and encouragement to all who will listen.

We also want to remember those husbands and wives, sons and daughters, who have released these who serve our great state. Remind them, if you would, Lord, that they are not forgotten and their sacrifice of sharing is so appreciated.

Thank you for the state of Kansas, the place we all call home. We do not claim to be a perfect state, but we do love freedom, democracy and the God-given right to prevail in our quest of what is right and best for our state.

Now, may your blessings rest upon those who have made themselves available for service.

In the name of the Great God of all creation, we pray. AMEN.

The Pledge of Allegiance was led by Rep. Hutton.

INTRODUCTION OF GUESTS

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

On behalf of Rep. Thimesch, I am pleased to recognize Principal Bob Lyall and students from St. Patrick Catholic School from Kingman. St. Patrick Catholic School has received the Governor's Award for Academic Achievement for the 2012-2013 academic year awarded by the Kansas State Board of Education. In order to receive this award, the state test scores for reading and math must be in the top five percent of all schools in the state. This is the sixth consecutive year for which they have received this honor. I am proud to have them in our district.

In addition, for the fourth straight year, St. Patrick Catholic School has won the Banner School Award from the diocese of Wichita. This award signifies that they are one of the best schools out of the forty-two in the Diocese of Wichita.

Please join me in congratulating Principal Robert Lyall, Father Benjamin Shockey, Lead Teacher Ann Vaughn, and the students representing their school: Audrey Birkenbaugh, Aubry Campbell, Colby Schreiner, Grant Harden and Jaxson Reed.

Rep. Seiwert presented a framed House certificate to the school.

CONSENT CALENDAR

No objection was made to **SB 267, SB 268, SB 306, SB 321, HR 6063** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2755** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2755, AN ACT concerning the Kansas taxpayer transparency act; amending K.S.A. 2013 Supp. 74-72,122 and repealing the existing section; also repealing K.S.A. 2013 Supp. 74-72,126, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Clayton, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meier, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwab, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe

Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Claeys, Sawyer, Thimesch.

The bill passed.

HB 2553, AN ACT concerning health care; enacting the health care compact, was considered on final action.

On roll call, the vote was: Yeas 74; Nays 48; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Barker, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, Carlson, Carpenter, Cassidy, Christmann, Corbet, Crum, E. Davis, DeGraaf, Dierks, Dove, Edwards, Esau, Estes, Ewy, Finch, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hineman, Hoffman, Houser, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Meigs, Merrick, O'Brien, Osterman, Peck, Petty, Phillips, Powell, Read, Rhoades, Rothlisberg, Rubin, Ryckman Jr., Ryckman Sr., Schwab, Seiwert, Suellentrop, Sutton, Thompson, Todd, Vickrey, Waymaster.

Nays: Alcalá, Anthimides, Ballard, Becker, Bollier, Bridges, Burroughs, Carlin, Carmichael, Clayton, Concannon, Curtis, P. Davis, Doll, Edmonds, Finney, Frownfelter, Henderson, Henry, Hibbard, Hill, Houston, Kuether, Lane, Lusk, Lusker, Meier, Menghini, Moxley, Pauls, Perry, Proehl, Rooker, Ruiz, Schroeder, Schwartz, Sloan, Sloop, Swanson, Tietze, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Claeys, Sawyer, Thimesch.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: While I understand the issue of State sovereignty, **HB 2553** if enacted, has a high price tag. Administrative programs would be required for Medicare and the Healthcare Exchange that are not accounted for in the bill. These programs would significantly increase the size and scope of State Government. For those reasons, I vote no on **HB 2553**. -- DON SCHROEDER

MR. SPEAKER: Although Indian Health Services would be exempted, the rights and privileges of Native Americans under federal programs like Medicare, Medicaid are not specifically protected, as the law would allow the States to redesign or reject those programs altogether. Tribal clinics are severely underfunded already and putting the state in charge could let them do away with Medicare entirely which would have a huge impact on the tribal clinics. I vote No to **HB 2553**. -- PONKA-WE VICTORS

MR. SPEAKER: I vote yes on **HB 2553** because I believe the Affordable Care Act, otherwise known as Obamacare, is a seriously flawed federal policy. It harms hardworking Kansans and does not properly deliver healthcare reform. While **HB 2553** would create serious implementation issues if it should ever be endorsed by Congress, I consider that to be an unlikely outcome. My vote in the affirmative is intended to send a

message to Congress: Obamacare is an ill-conceived and unworkable program. I implore congress to work diligently toward effective healthcare reform. -- DON HINEMAN, TOM PHILLIPS, SUE BOLDRA, STEVEN C. JOHNSON, J. RUSSELL JENNINGS, STEPHEN ALFORD, DIANA DIERKS

MR. SPEAKER: I vote no on **HB 2553**. Although we have been told that **HB 2553** would not impact health services for veterans, most veterans would not be protected under this bill. Retired veterans who are not disabled have Medicare as their primary health insurance and TriCare as their secondary coverage. This legislation offers no assurance that these benefits will not be impacted if the state takes over their administration. I cannot support this bill knowing that veterans could be harmed in the process. – ED TRIMMER, MELANIE MEIER, ADAM LUSKER, VALDENIA C. WINN, SYDNEY CARLIN, CAROLYN BRIDGES

MR. SPEAKER: I vote no on **HB 2553**. Does the Affordable Care Act have its flaws? Yes, but privatizing Medicare is not the answer. The Kansas Insurance Commissioner, the AARP and our Kansas hospitals have all expressed serious concerns about this legislation. We cannot in good faith put the care of our seniors in the hands of a body that has already shown the propensity to divert funds to pet projects. Because of the very real risk this legislation presents to keeping Medicare sound and solvent for the nearly 450,000 Kansans who depend upon it, we must vote no. – TOM BURROUGHS, VALDENIA C. WINN, ANNIE TIETZE, JOHN CARMICHAEL, BARBARA W. BALLARD, BRANDON WHIPPLE, JULIE MENGHINI, GAIL FINNEY, PATRICIA M. SLOOP, VIRGIL WEIGEL, JOHN WILSON, RODERICK HOUSTON, BRODERICK HENDERSON, NANCY LUSK, HAROLD LANE, JOHN ALCALA, LOUIS RUIZ, STAN FROWNFELETER, KATHY WOLFE MOORE, CAROLYN BRIDGES, SYDNEY CARLIN, ANNIE KUETHER, PAM CURTIS, PAUL DAVIS

MR. SPEAKER: I was prepared to vote for this legislation because it is the first opportunity we've been given to send a message to Congress on Obamacare. But, after studying this proposal and its impact on Medicare, it became clear this bill was not the way to do it. I will not jeopardize health care for Johnson County's senior citizens. They have paid into Medicare for decades with the promise that they would have the security of health coverage in their retirement years. I voted no on **SB 2553** today because I will not break the promise we've made to our senior citizens. – STEPHANIE S. CLAYTON

SB 311, AN ACT concerning civil procedure and civil actions; relating to noneconomic damages cap; expert or other testimony; amending K.S.A. 60-456, 60-457, 60-458 and 60-19a02 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Becker, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carlson, Carmichael, Carpenter, Cassidy, Christmann, Clayton, Concannon, Corbet, Crum, Curtis, E. Davis, P. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Edwards, Esau, Estes, Ewy, Finch, Finney, Frownfelter, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Henderson, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Hutton, Jennings, Johnson, Jones, Kahrs, Kelley, Kelly, Kiegerl, Kinzer, Kleeb, Kuether, Lunn, Lusk, Lusker, Macheers, Mason,

Mast, McPherson, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Petty, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Schroeder, Schwartz, Seiwert, Sloan, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Lane, Meier, Schwab.

Present but not voting: None.

Absent or not voting: Claeys, Sawyer, Thimesch.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 272**, **SB 372**, **SB 351** be passed.

Committee report to **SB 263** be adopted; and the bill be passed as amended.

Committee report to **SB 285** be adopted; and the bill be passed as amended.

Committee report to **SB 256** be adopted; and the bill be passed as amended.

Committee report to **SB 357** be adopted; and the bill be passed as amended.

Committee report to **SB 286** be adopted; and the bill be passed as amended.

Committee report to **SB 344** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **SB 309** be passed.

Committee on **Health and Human Services** recommends **SB 424** be passed.

On motion of Rep. Vickrey, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2774, AN ACT concerning schools; relating to the financing thereof; establishing educational goals; creating a presumption in school finance litigation that state moneys have been first applied to certain costs; relating to capital outlay; supplemental general state aid; making and concerning appropriations for the fiscal year ending June 30, 2015, for the department of education; establishing the K-12 student performance commission; providing teacher licensure to certain persons; expanding public innovative districts; relating to transportation weighting; at-risk pupils; relating to the Kansas uniform financial accounting and reporting act; specifying coverage of teachers under the Kansas tort claims act; amending K.S.A. 72-5333b, 72-6411, 72-6416 and 72-

8809 and K.S.A. 2013 Supp. 72-1925, 72-6407, 72-6410, 72-6414, 72-6417, 72-6431, 72-8254, 72-8814 and 75-6102 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 72-1127, by Committee on Calendar and Printing.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Mast announced the referral of the following bill to committee as indicated:

Appropriations: **HB 2774**.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2047** and has appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2130** and has appointed Senators Holmes, O'Donnell 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 2154** and has appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2172** and has appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2516** and has appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2615** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2615," as follows:

"Substitute for HOUSE BILL NO. 2615

By Committee on Commerce, Labor and Economic Development

"AN ACT concerning workers compensation insurance; pertaining to the assigned risk pool; amending K.S.A. 2013 Supp. 40-2109 and repealing the existing section."; and the substitute bill be passed.

(**Sub HB 2615** was thereupon introduced and read by title.)

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Tuesday, March 25, 2014.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

