

# Journal of the House

FIFTY-NINTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, May 30, 2014, 10:00 a.m.

The House met pursuant to **HCR 5033** with Speaker Merrick in the chair.

Prayer by Chaplain Brubaker:

God in Heaven,  
Today we stand before You and think of all the  
reading, writing, and calculating,  
debating, questioning and talking  
that has taken place over the last five months.  
All of it has brought us to this day.  
We are thankful for all that has been accomplished,  
and whether or not they agree with all the decisions,  
may our leaders return home knowing  
they were faithful and did their best.  
Watch over them over the next few months,  
especially those who will be on the road  
meeting constituents and campaigning.  
Keep them and their families safe and healthy.  
As we finish this session, I pray as Christ taught us,  
“Our Father, who are in heaven,  
hallowed be Thy name.  
Thy Kingdom come, They will be done  
on earth, as it is in Heaven.  
Give us this day our daily bread,  
and forgive us our debts, as we forgive our debtors.  
And, lead us not into temptation, but deliver us from evil.  
For Thine is the Kingdom, and the power and the glory forever.  
Amen.

The Pledge of Allegiance was led by Rep. Proehl.

## **PERSONAL PRIVILEGE**

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

I have made the difficult decision not to run for re-election. I want you to know that

it has been a tremendous honor to serve with you in the Kansas House these past eight years. It has been a great experience to get to know such a dedicated group of individuals. Many decisions have been difficult but the goal of all was to advance our state.

I wish you the best in future years.

#### **PERSONAL PRIVILEGE**

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

As Sine Die marks the official end to the 2014 session, this will also be my last official day in the House of Representatives. My family and I embarked on this adventure together four years ago and today we will bring it to closure. After many hours of conversations with them, we feel this decision is the best one for us. I do not know what the future holds for me, but I trust the One who does and know He will provide. As I look around this chamber, I see many faces that have become my closest friends. I will dearly miss you. However, I will not miss the late night sessions, the drives to and from Topeka, and time spent away from my family.

I am very grateful and honored to serve the people of Kansas especially District 17 and 23. Thank you for giving me the opportunity to represent you. I would also like to thank my family for their support and love during my service. Without you, this would not have been possible.

Thank you Mr. Speaker for allowing me this time to say good bye.

#### **PERSONAL PRIVILEGE**

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

Colleagues and friends, sometimes it is bittersweet to make life's choices. It has been a difficult decision to leave the legislature. Many of my goals have been addressed and I am grateful to be one that helped define and deliver much of the policy for our state these last four years.

I am so glad to have had this incredible opportunity to be a Kansas State Representative. Being a servant of the people in my district and doing my best to be a problem solver is rewarding. However, I am truly sorry to walk away from something I have enjoyed so much these last four years. But, it is time to close this chapter of my life.

I want to thank my Beautiful Wife Leah for her sacrifice that not just allowed me to serve but she helped me in countless ways to get here and to make tough decisions. I could not have done this without her. I also want to thank my Family for putting up with so much that has competed for my time.

I have truly loved getting to know and work with each of you. I treasure your friendships and hope that we can continue them as time goes on. This has been one of my greatest life experiences. I do hope to be able to come back and serve here again at some point in my future.

I sincerely thank Rep. Steve Brunk and Rep. Pete DeGraaf in particular. The memories made and lessons I have learned will always stay with me. I came in with

lofty ideals and I have learned how to use them in a more real-world way. Showing respect of others and finding common goals is truly the way to an effective legislature.

Thank you all for sharing this highlight of my life!

#### MESSAGES FROM THE GOVERNOR

**HB 2130, HB 2433, HB 2480** approved on May 7, 2014.

**S Sub for Sub HB 2051** approved on May 9, 2014.

**Sub HB 2246, HB 2312, S Sub for HB 2448, HB 2487, HB 2537, HB 2551, HB 2580, HB 2596, S Sub for HB 2616, HB 2668, HB 2687, S Sub for HB 2693** approved on May 12, 2014.

**HB 2086, HB 2143, HB 2172, HB 2490, HB 2515, HB 2568** approved on May 13, 2014.

**Sub Bill for HB 2140, S Sub for HB 2154, S Sub for HB 2389, Sub HB 2430, S Sub for HB 2446, HB 2525, S Sub for HB 2588, HB 2643, HB 2673, Sub for Sub HB 2721** approved on May 14, 2014.

#### MESSAGE FROM THE GOVERNOR

May 21, 2014

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 14-04 for your information.

EXECUTIVE ORDER NO. 14-04  
Concerning Drought Conditions within the State

SAM BROWNBACK  
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

#### VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2296**, An Act concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2013 Supp. 25-4157a and 25-4148a and repealing the existing sections, was received and read.

*Message to the House of Representatives of the State of Kansas:*

I appreciate the work of the Legislature and the Kansas Governmental Ethics Commission in reviewing and updating the laws applicable to the electoral and governmental processes. Nevertheless, I believe that retaining the lobbyist and candidate reporting and disclosure requirements in current law serves to promote transparency and openness.

I am supportive of the provisions of this bill that would permit unused campaign funds to be donated to charitable organizations. Therefore, I would invite the

Legislature to send me a new piece of legislation that contains these provisions.

Accordingly, pursuant to Article 2, Section 14 (a) of the Constitution of the State of Kansas, I hereby veto **HB 2296**.

SAM BROWNBACK  
*Governor*

Dated: May 14, 2014

### **VETO MESSAGE FROM THE GOVERNOR**

I want to thank every member of the Kansas Legislature for your hard work during the 2014 session. This two-year supplemental budget will continue to fund the core services of state government to July 1, 2015. I am particularly pleased this bill includes a significantly improved budget for the Department of Corrections and demonstrates our commitment to these essential public safety programs.

*Message to the House of Representatives of the State of Kansas:*

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S Sub for Sub HB 2231** with my signature approving the bill, except for the items enumerated below.

#### **Kansas Board of Barbering**

##### **Salary Cap**

Sections 14(c) and 15(c) are vetoed in their entirety.

If it is the case that there are restrictions on how agencies compensate their employees, those restrictions should be done in a consistent manner. The language in these sections impacts three state employees inconsistently from other agencies, so I therefore find it necessary to veto the limitation. The agency's budget is otherwise left as the Legislature approved it.

#### **Kansas Public Employees Retirement System**

##### **Sweep of Tobacco Settlement Funds**

Section 50(b) has been vetoed in its entirety.

The Kansas Endowment for Youth Fund was specifically established to hold and draw interest upon excess tobacco settlement revenues so that such funds could later be used for early childhood programs. The \$5 million in question in this section should remain available for such purposes in the future, so I therefore veto the transfer.

#### **Department of Administration**

##### **Lapse of State General Fund Budget Authority**

Section 52(f) has been vetoed in its entirety.

The Division of the Budget had excess funding in FY 2013 because a permanent Budget Director was not drawing a normal salary. The Interim Budget Director was dual-purposed between the Office of the Governor and the Division of the Budget. As I soon plan to appoint a permanent Budget Director, I veto the lapse of funding in the Division of the Budget to finance this position.

#### **Kansas Department for Aging and Disability Services**

##### **Lapse of State Hospital Funds**

Sections 71(g) and 71(h) have been vetoed in their entirety.

In an effort to consolidate oversight of the food service contract, my budget recommendations for the Kansas Department for Aging and Disability Services (KDADS) and the State Hospitals transferred money from the hospitals to KDADS. The 2014 Legislature concurred with this recommendation; however, the appropriations bill as written did not technically achieve this goal. Therefore, it is necessary for me to veto this section.

### State Fair Board

#### State Funds for Capital Improvements

Section 100(c) has been vetoed in its entirety.

As part of your deliberations on the budget, it was determined that \$400,000 from the State General Fund would be provided to the State Fair to make a variety of repairs and improvements to their facilities. When preparing the appropriations bill, two separate sections of the bill inadvertently each provided this funding. To eliminate this duplication, I veto the State General Fund appropriation contained in this particular section. A \$400,000 transfer will remain in the bill to implement the Legislature's recommendations.

SAM BROWNBACK  
*Governor*

Dated: May 16, 2014

#### CONSIDERATION OF VETOED BILL

On motion of Rep. Rep. Schwab the House proceeded to reconsider **HB 2296**, An Act concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2013 Supp. 25-4157a and 25-4148a and repealing the existing sections..

The Governor's objection to **HB 2296** having been read (see HJ Page 3065) the question being, "Shall the bill be passed notwithstanding the Governor's veto?"

On roll call, the vote was: Yeas 96; Nays 5; Present but not voting: 0; Absent or not voting: 24.

Yeas: Alcalá, Alford, Anthimides, Barker, Becker, Boldra, Bollier, Bradford, Bruchman, Brunk, Burroughs, Couture-Lovelady, Carlson, Carmichael, Carpenter, Christmann, Corbet, Crum, Curtis, DeGraaf, Dierks, Dove, Edwards, Esau, Finch, Finney, Gandhi, Garber, Goico, Gonzalez, Grosserode, Hawkins, Henderson, Henry, Hibbard, Highland, Hill, Hineman, Hoffman, Houser, Houston, Howell, Huebert, Johnson, Jones, Kahrs, Kelley, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Meigs, Menghini, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Perry, Phillips, Powell, Proehl, Rhoades, Rooker, Rothlisberg, Rubin, Ruiz, Ryckman Jr., Ryckman Sr., Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Sloop, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Victors, Waymaster, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Bridges, Clayton, P. Davis, Meier, Ward.

Present but not voting: None.

Absent or not voting: Ballard, Campbell, Carlin, Cassidy, Claeys, Concannon, E.

Davis, Doll, Edmonds, Estes, Ewy, Frownfelter, Hedke, Hildabrand, Hutton, Jennings, Kelly, Kiegerl, Kinzer, Petty, Read, Sloan, Thimesch, Vickrey.

A two-thirds majority of the members elected to the House having voted in favor of the bill over the Governor's veto, the motion did prevail, and the bill did pass.

### CONSIDERATION OF VETOED LINE ITEMS

The Governor's line item objections to **S Sub for HB 2231** having been read (see HJ Pages 3066-3067), the time arrived for reconsideration of **S Sub for HB 2231**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2013 Supp. 2-223, 12-5256, 72-8814, as amended by section 47 of 2014 Senate Substitute for House Bill No. 2506, 74-99b34, 79-34,156 and 79-4804 and repealing the existing sections.

There was no motion to reconsider the line items. The Chair ruled the line items had been reconsidered and the line item vetoes sustained.

### COMMUNICATIONS FROM STATE OFFICERS

From Roger A. Sevigny, Commission, New Hampshire, IIPRC Chaire and Karen Z. Schutter, IIPRC Executive Director, Interstate Insurance Product Regulation Commission 2013 Annual Report.

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 50-628, Consumer Protection & Antitrust Division, Annual Report, January 1-Deceber 31, 2013.

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

### MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5033**.

### REPORT ON ENGROSSED BILLS

**Sub for Sub HB 2721** reported correctly engrossed May 5, 2014.

Also, **HB 2673** reported correctly re-engrossed May 5, 2014.

**HB 2086**, **S Sub for HB 2143**, **HB 2172**, **S Sub for HB 2389**, **HB 2643** reported correctly engrossed May 6, 2014.

Also, **HB 2051**, **HB 2140**, **HB 2430**, **HB 2515** reported correctly re-engrossed May 6, 2014.

### REPORT ON ENROLLED BILLS

**Sub HB 2246**, **HB 2296**, **HB 2312**, **S Sub for HB 2448**, **HB 2480**, **HB 2487**, **HB 2537**, **HB 2551**, **HB 2580**, **HB 2596**, **S Sub for HB 2616**, **HB 2668**, **HB 2687**, **S Sub for HB 2693** reported correctly enrolled, properly signed and presented to the Governor on May 6, 2014.

**S Sub for Sub HB 2051, HB 2086, Sub Bill for HB 2140, HB 2143, S Sub for HB 2154, HB 2172, S Sub for HB 2231, S Sub for HB 2389, Sub HB 2430, S Sub for HB 2446, HB 2490, HB 2515, HB 2525, HB 2568, S Sub for HB 2588, HB 2643, HB 2673, Sub for Sub HB 2721** reported correctly enrolled, properly signed and presented to the Governor on May 9, 2014.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6062, HR 6073, HR 6074, HR 6075** reported correctly enrolled and properly signed on May 8, 2014.

**HCR 5033, HR 6076** reported correctly enrolled and properly signed on May 15, 2014.

The hour for final adjournment having arrived, Speaker Merrick said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2014 session, I do now declare the House adjourned sine die."

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#### **MESSAGE FROM THE SENATE**

Announcing the Senate herewith transmits certificate of action by the Senate on **HB 2296**, An Act concerning candidates and lobbyists; relating to uses of campaign funds; concerning campaign finance disclosures; relating to certain lobbyist filings; amending K.S.A. 25-904, 25-4157, 25-4173 and 46-268 and K.S.A. 2013 Supp. 25-4157a and 25-4148a and repealing the existing sections.

The veto message from the Governor having been received, members were given the opportunity to reconsider **HB 2296**. No motion being made, the bill did not pass and the veto was sustained.

#### **CERTIFICATE**

In accordance with K.S.A. 45-304, it is certified that House Bill 2296 was not approved by the Governor on May 14, 2014; was returned with his objections and approved on May 30 2014, by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the governor; members of the Senate were given the opportunity to reconsider the veto but the bill was not reconsidered by the Senate and the veto is sustained.

This certificate is made this 30 day of May 2014 by the Secretary of the Senate and President of the Senate.

COREY CARNAHAN  
Secretary of the Senate  
SUSAN WAGLE  
President of the Senate

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*