

# Journal of the House

## SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 12, 2016, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Kiegerl and Seiwert were excused on verified illness.

Reps. Sloan and Wilson were excused on legislative business.

Reps. Kelley and Winn were excused on excused absence by the Speaker.

Present later: Rep. Kelley

Prayer by Chaplain Brubaker:

Lord God in Heaven,  
today our leaders get back to work--  
their responsibilities they cannot shirk.  
As in the prayer of St. Thomas Aquinas I pray for them  
this viable and possible stratagem:  
give them a keen understanding, a retentive memory,  
and the ability to grasp things correctly and fundamentally.  
Grant them the talent of being exact in their explanations  
and the ability to express themselves with thoroughness and charm.  
Point out the beginning, direct the progress,  
and help in the completion.  
For our new representatives, I pray for them:  
For Scott,  
I pray his suggestions will hit the spot.  
For Rahjes,  
may his solutions be gracious.  
For Helgerson,  
he's come back to complete what he earlier begun.  
And for Weber,  
may his contributions be ever so clever.  
This I pray in Jesus' Name.  
Amen.

The Pledge of Allegiance was led by Rep. Thimesch.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2447**, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; program credits; amending K.S.A. 2015 Supp. 21-6821 and repealing the existing section, by Committee on Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2448**, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful tampering with electronic monitoring equipment; amending K.S.A. 2015 Supp. 21-6322 and repealing the existing section, by Committee on Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2449**, AN ACT concerning the judicial branch; relating to severability of the provisions of 2015 House Bill No. 2005, chapter 81 of the 2015 Session Laws of Kansas; repealing K.S.A. 2015 Supp. 20-1a18, by Committee on Appropriations.

**COMMUNICATIONS FROM STATE OFFICERS**

From Derek Schmidt, Attorney General, pursuant to K.S.A. 75-723, the 2015 annual report of the Abuse, Neglect and Exploitation Unit.

From Robin Jennison, Secretary, Kansas Department of Wildlife, Parks and Tourism, a welcome letter to Kansas Legislators with a list of contacts for the KDWPT.

From Scott Frank, Legislative Post Auditor, Legislative Division of Post Audit, Annual Report to the 2016 Legislature.

From Shari Feist Albrecht, Chair and Ryan A. Hoffman, Director, Conservation Division, Kansas Corporation Commission; Oil and Gas Remediation Site Status Report, 2016 and the Abandoned Oil and Gas Well Status Report, 2016.

From Jon A. Roberts, Chair, Central Interstate Low-Level Radioactive Waste Commission, in accordance with Article IV.M.2. of the Central Interstate Low-Level Radioactive Waste Compact, the Annual Report for the fiscal year ending June 30, 2015.

From Earnest A. Lehman, Chairman, Kansas Electric Transmission Authority, the 2015 Annual Report of KETA.

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 **SR 1755**, a resolution relating to the organization of the 2016 Senate and selection of the following officers:

Susan Wagle, President,  
Jeff King, Vice President,  
Terry Bruce, Majority Leader,  
Anthony Hensley, Minority Leader,  
Corey Carnahan, Secretary,  
Charles (Nick) Nicolay, Sergeant-at-Arms,

and awaits the pleasure of the House of Representatives.

Announcing adoption of **HCR 5020**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2016 session of the legislature is duly organized and ready to receive communication. Senators Kelly and Bowers are appointed as Senate members of the committee to wait upon the Governor.

Announcing adoption of **HCR 5021**, a concurrent resolution providing for joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor. The following escorts are appointed for the State of the State:

Escort the Governor: Senators Wolf and Francisco

Escort the Lt. Governor: Senators Denning and Faust-Goudeau

Escort the Supreme Court: Senators Love and Hawk

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:  
HOUSE RESOLUTION No. **HR 6031**—

by Representative Ryckman, Sr.

A RESOLUTION congratulating and commending Bethany Ellis for her work as the high school state president of SkillsUSA Kansas.

WHEREAS, Bethany Ellis is the high school state president of the SkillsUSA Kansas organization, which serves students in Kansas public high schools and colleges who are preparing for careers in technical, skilled and service occupations. The organization today has 79 school chapters and serves more than 3,600 members annually; and

WHEREAS, Bethany Ellis competed in the 2015 SkillsUSA Kansas State Championship and placed first in the categories of Architectural Drafting and Engineering Technology and fourth in the Job Skill Demonstration category. Bethany then advanced to the 2015 SkillsUSA National Leadership and Skills Conference, where she placed 34<sup>th</sup> in the Architectural Drafting category; and

WHEREAS, Bethany Ellis lives in Meade, Kansas, and is currently a senior at Meade High School. Bethany is the first student from Meade High School to become a state officer in SkillsUSA Kansas. Bethany has been accepted into the University of Kansas School of Architecture, Design & Planning, where she plans to start attending during the 2016 fall semester: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Bethany Ellis for her work as the high school state president of SkillsUSA Kansas, that we wish her continued success in her academic and personal pursuits and encourage her to use her significant gifts to improve the future of her home state; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Ryckman Sr.

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

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

It being the hour in accordance with **HCR 5021** to meet in joint session with the Senate to hear the message of the Governor, Reps. Barton, Whitmer and Ousley escorted President Wagle and members of the Senate to seats in the House.

Reps. Barker, Estes and Curtis and Senators Love and Hawk escorted the Supreme Court to seats in the House.

Reps. Hutchins, Ryckman, Sr. and Whipple and Senators Denning and Faust-Goudeau escorted the Lt. Governor to a seat in the House.

Reps. Campbell, Ewy and Lusker and Senators Wolf and Francisco escorted the Governor to the rostrum.

### **Governor Sam Brownback's Complete Text of the State of the State**

Mr. Speaker, Madam President, Legislators, Cabinet Members, Justices, honored guests...Kansans all.

Welcome.

Welcome back to our annual ritual.

First, please join me in recognizing the First Lady of Kansas, my wife Mary.

And welcome also to Ruth Colyer, wife of Lt. Governor, Jeff Colyer.

There is someone who has been a part of this ritual for a long time – and that is Associated Press reporter John Hanna, who is covering his 30<sup>th</sup> consecutive State of the State address.

That's a great milestone, John, exceeded only by Martin Hawver who is covering his 40<sup>th</sup> address.

Here, we celebrate freedom.

Here, we practice self-government.

Here, the people rule.

And here we crown no royalty...except in baseball.

Well, soccer too, and football and basketball hopefully.

And as our region's latest champions showed us, with the right fundamentals and teamwork, we can accomplish anything in time.

It was precisely five years ago tonight when I first addressed this body on the State of our State.

And just look at what has happened in those five years:

More than 388,000 low income Kansans now pay zero income taxes.

KPERS is out of the bankruptcy zone. Our funded liability percentage is up by 13% since 2012.

K-12 spending is at an all-time high. Up by more than \$300 Million.

More than half the people who were on welfare are now off it and more importantly, they are getting out of poverty.

We have embraced innovation and modernization in our Medicaid system, providing more services and better outcomes for 20,000 more Kansans than before.

More than 96,000 Kansas children have participated in innovative reading programs.

Over 3,000 high school students have participated in the Jobs for America's Graduate Program and graduated at a rate of 93%.

Participation in technical education has tripled since we began the program.

We are graduating 2,100 more engineers from our state universities.

We have controlled spending, reformed tax policy, and reduced burdensome regulations.

We have consolidated agencies, eliminated wasteful programs, and overhauled workers compensation.

We lifted the Major League Soccer Cup Trophy with Sporting KC.

And we have seen the Wichita State Shockers join basketball's "big dance" every year since 2012.

Working together, we've created an economic environment that has seen Kansas gain more than 78,000 private sector jobs and achieve its lowest unemployment rate in fourteen years.

Working together, we've created an economic environment where hard-working Kansans have seen their wages increase more than 10%.

Kansans are finding good jobs, right here in our state.

Working together, we've created an economic environment where new filings for businesses increased by 15%.

Working together last year, we created a stable regulatory environment that will see nine new wind farms come on line this year, at an investment of nearly \$3 billion.

Kansas is once again a national leader in wind energy development.

Mr. Speaker, Madam President, it is for these reasons - and many more- that I can report to you that the State of our State is STRONG.

Kansas is strong. And Kansas is GROWING.

It's often said that Kansas feeds the world.

And we will continue to provide for our fellow Americans and support the global economy

By providing food:

Wheat, beef, and now dairy.

By providing energy:

Oil and gas, ethanol, and renewable.

By providing air travel:

From our manufacturers in Wichita and suppliers across South Central Kansas.

By providing recreation:

The National Water Trail, the Flint Hills Nature Trail, NASCAR and world class hunting and fishing.

Wildcat football.

Jayhawk Basketball.

And finally, by providing a business climate where the Financial Services Industry can grow and prosper under the leadership of the industry executives and Insurance Commissioner Ken Selzer.

One of the biggest challenges we face in much of Kansas is the future of our water.

One of my passions as Governor is to prepare the state to be in a better position for the future. To do that we've got to prepare today and in some cases we have to sacrifice some now so our kids and grandkids have better options.

The work we have accomplished to preserve and extend water resources in Kansas in the last three years has been significant.

The first Local Enhanced Management Area has been in operation for three years in 99 square miles of Northwest Kansas. They have reduced their water use by roughly 20 percent, and maintained their net income. That should extend the useful life of the Ogallala in that area by 25 years.

That is solid progress but more needs to happen.

We are, right now, dredging John Redmond Reservoir, the first federal reservoir to be dredged in the nation.

Whether it's dredging projects or reducing our demands on the Ogallala, it's going to take time and some sacrifice.

We are going to continue implementing action items in the Long Term Vision for Kansas Water.

With most natural resources, we aren't just taking them to use for today. We are borrowing them from the future.

Perhaps no one individual has done more to protect our water than the recipient of the first Water Legacy Award.

Wayne Bossert was the long-time director of Groundwater Management District #4. Now retired, he led the organization at the time it formed the state's first LEMA in Thomas and Sheridan County, to help preserve the aquifer.

Wayne—thank you for your vision to protect this vital resource for the future.

Speaking of the future. I'd like to talk about our investment in our children.

By far the biggest item funded by state government is education. That is as it should be.

But education in the 21<sup>st</sup> century can no longer be based on 19<sup>th</sup> century models.

Parents and educators across the state have sought innovative options, from alternative teacher certification and merit pay to scholarships backed by tax credits.

We must have an educational system that has a range of options in which our students can learn and prosper and grow.

Education is not done by money or buildings. It is done by teachers.

Teaching isn't a job or a vocation. It's a calling. I know. I have taught. Two of my children teach.

Former students are prized people to teachers. The bond of teacher and student never

breaks.

Teachers need money to care for their needs. That's why Kansans invest in education: so good teachers are able to do their calling and teach.

Yet today, of the more than \$4 billion the state puts into education funding, not nearly enough goes toward instruction.

That's highly inefficient, if not immoral, denying Kansans from putting their education dollars where they want it...behind a good teacher.

I call on the legislature to design a new education funding system that puts more of our money into instruction. That provides bonuses for exceptional teachers and recognizes their true value to our future and the souls of our students.

To keep Kansas strong we must also keep it safe.

In December, the Kansas Highway Patrol graduated its 55<sup>th</sup> class of troopers. It was the largest class in recent years.

I saw fathers pin badges on sons. I saw families stand proudly with their wife, husband, father, son or daughter as they received their badges. But I was most moved by the sight of twin brothers – one becoming a trooper and the other pinning on his badge.

Jonathan Blank became a KHP trooper that day, after serving as a U.S. Marine with two tours of duty in Iraq. He received his badge from his brother, Linden Blank also a U.S. Marine who served – and was gravely injured – in Afghanistan.

Please join me in recognizing these two outstanding young men from Augusta Kansas, who put the welfare of others before their own safety. Jonathan and Linden – thank you.

Elected officials have a responsibility to protect our citizens from all threats, foreign and domestic.

In this, the President has refused to lead.

He has prioritized his agenda and the feelings of the radical Islamic terrorists over the safety of Americans. He is unwilling to take simple actions to improve our security.

Therefore, we must act.

It is my responsibility, as Governor of this great state to do what we can to protect the citizens of Kansas.

And we must act to maintain the security of our state.

Last summer, in response to the attack on recruiting facilities in Tennessee, I ordered Adjutant General Tafanelli to complete a comprehensive security assessment of all Kansas National Guard facilities.

Included in his report was a plan to arm and train additional personnel and make security enhancements to our National Guard facilities. My budget proposal includes funding to support these activities.

I call on legislators from both sides of the aisle to strongly support this request and send a clear message to our troops that we stand with them.

In November, in response to the horrific terrorist attacks in Paris I directed all state agencies to immediately cease the placement of refugees from countries where potential

terrorists can arise, due to our inability to verify their background. More than thirty other Governors across the nation joined in this call.

Governors, both Republican and Democrat, continue to question the federal government's ability to properly screen people claiming to be refugees. Governors must have the information they need to protect the people they serve.

Instead of simply pausing his resettlement plan and working with the governors to address their legitimate security concerns, President Obama has chosen to pursue a path that puts Americans at risk.

Mr. President, this will not work.

We must – and will – act to protect the citizens of Kansas.

Last year we also learned that President Obama has resurrected his plan to close the terrorist detention facility in Guantanamo Bay, Cuba and transfer terrorists to the United States.

His own Secretary of Defense knows it is not a good idea.

His own Attorney General knows it would be illegal.

The President does not care.

Therefore, we must be prepared to act. And we are.

Every member of the Kansas Congressional Delegation, the Lieutenant Governor, the Attorney General, and I each stand at the ready to thwart every action the President takes to transfer terrorists to Kansas.

Kansas was founded by people of strength. People who understood the value of hard work, of friendship, of faith.

The strength of Kansas lies in the hearts and minds of our people. Here the people rule. All of our people.

James Madison, writing in the Federalist Papers, warned of the dangers of placing too much power in the noble elites that could control our judicial process. This warning rings true today.

Kansas is the only state in the country where the selection of Supreme Court justices is controlled by a handful of lawyers.

Kansas, however, is grounded in the principal of representative democracy.

The current selection method used for the Supreme Court removes the people of Kansas from the process of selecting judges.

It places the process in the hands of those lawyers who regularly appear in front of the judges they select.

Well, enough is enough.

The Legislature should put before Kansas voters a proposed Constitutional amendment for a more democratic selection process for our Supreme Court justices.

We must have faith in the people. Here the people rule.

Since 1999, when the property tax lid was lifted, Kansans have seen those tax rates increased by 24 percent, and property tax revenue increase by 92%.



Understandably, people do not like this.

Your property taxes should not grow faster than your paycheck.

They carry heavy burdens on all Kansans, especially those living on fixed incomes.

Last year, you acted to place a lid on property taxes. That was a positive step.

The ability to raise taxes at the local level should not be made without consent and input from local citizens.

Voters should have the ability to make their voices heard with an up or down vote on any proposal that raises property taxes in excess of inflation.

I would welcome legislation that strengthens the property tax lid by closing the existing loopholes and puts it in place sooner.

Here, the people rule. Here, the people have a voice.

Kansans value self-sufficiency and independence.

But some Kansans are still struggling. And we have an obligation to help them.

We implemented common-sense requirements for those on welfare with the goal of providing economic opportunity instead of government dependency.

We said, if you have no disabilities and no children at home, you should work or train for work at least 20 hours per week.

The results are in. The reforms have worked.

Our caseloads are 70% lower today than they were before we made the change.

The work participation rate among enrollees nearly tripled.

The amount of time able-bodied adults spend on food stamps has been cut in half.

And those leaving welfare are better off!

Before work requirements, 93% of able-bodied adults on welfare were in poverty. Most were in severe poverty and not working at all.

But within a year of leaving welfare, their incomes had more than doubled – an increase of 127% on average.

The number of enrollees who have risen out of poverty tripled.

These are real people. These are our friends and families and neighbors. We've seen what happens when they get off welfare and have hope of a better life.

In Franklin County, a man had been trapped on welfare since early 2009. He had been on food stamps for four and a half years, with no end in sight.

He wasn't working and had no earned income. But that all changed when the work requirement went into effect.

He began working. And after a year, he was earning \$45,000 a year.

We have even seen the marriage rate go up as the numbers of men and women who are out of poverty and working has gone up.

We're moving people out of poverty, out of dependency, and into self-sufficiency. We're giving them the hope of a better life.

Our work to help struggling Kansans must continue.

That includes supporting access to quality health care.

When we took office in 2011, I asked Lt. Governor Dr. Jeff Colyer to modernize and transform the State's Medicaid program. Previous administrations had cut reimbursement rates and reduced services, yet costs were still out of control.

Today, we have higher reimbursement rates for providers, more services for clients and, most importantly, we have better, measurable health outcomes for Kansans who participate in KanCare.

We have also saved nearly \$1 Billion over the projected cost estimates for the old Medicaid program. We have proven that a Kansas solution is better than one from Washington, DC.

KanCare is working. ObamaCare is failing.

I grew up in a town with a population of 268. I do understand rural hospitals are often the lifeblood of their community.

ObamaCare has increased healthcare costs in Kansas and especially hurt rural healthcare.

It was ObamaCare that cut Medicare reimbursements to rural hospitals.

It was ObamaCare that *caused* the problem. We should not expand ObamaCare to *solve* the problem.

Tonight, I am asking Lt. Governor Colyer to assemble a working group to address the problems of health care delivery in rural Kansas and to present a proposal to me by this time next year.

As a fifth generation rural Kansan and a physician, I can think of no one better suited to take on this vital task than Dr. Colyer.

I believe this working group should have frontline stakeholders involved, including a rural hospital administrator and a rural physician at the same table as top policy makers.

We will welcome input from diverse organizations, but let's be realistic. Congress recently voted to defund expansion. We cannot rely on yet another ObamaCare false promise

We *can* and should find a Kansas solution that will improve rural healthcare access and outcomes.

Ensuring the health and safety of Kansans means protecting all Kansans at every stage of life.

We must keep working to protect our most innocent Kansans, the unborn. We have become the shining city on the hill and the champions for life.

As Harriet Beecher Stowe wrote: "Every nation that carries in its bosom great and unredressed injustice has in it the elements of this last convulsion."

Kansas was founded on the principal that every life has dignity, that every life has beauty, that every life has value.

Every year since I became Governor we have enacted pro-life legislation.

We have come a long way, but there is still work to be done.

In 2011, I signed legislation stopping most taxpayer funding from going to Planned

Parenthood. The time has come to finish the job.

Planned Parenthood's trafficking of baby body parts is antithetical to our belief in human dignity.

Today, I am directing Secretary Susan Mosier to ensure that not a single dollar of taxpayer money goes to Planned Parenthood through our Medicaid program. I welcome legislation that would enshrine this directive in state law.

As we begin this year's legislative session, I leave you with this timeless question:

The Ancients asked of God, "Who is man that you are mindful of him?" They saw an Earth so big and awe inspiring. A sky so vast. Stars without number. They felt small and insignificant.

Modern man suffers no such humility.

We deem ourselves masters of our own destiny. The Earth our ship to guide and life a voyage where we choose the destinations.

So who is right?

We conquer one problem but new ones arise in increasing number. We are perplexed when things don't go as we think they should.

Maybe our forefathers were closer to right than we thought. What if God is bigger than we can think and we actually are smaller than we can believe?

Wouldn't that give us the proper awe of a sunset and thankfulness for our lives and blessings?

With that in mind, I invite each of us to be thankful and enjoy the chance to serve our fellow citizens in such a wonderful role. To also think more highly of others than we do of ourselves — even if they are of a different political persuasion.

I'll seek to do this. I also invite each of us to contemplate and consider the reasons we are here. In this job. At this time. In this place.

Questions to which our ancestors would quickly and humbly reply, "To love God and one another."

God bless you all. Have a great session.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, January 13, 2016.

BECKIE HENDRICKS, JENNY HAUGH *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

