

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 3, 2016, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Gonzalez and Seiwert were excused on verified illness.

Rep. Dove sang "The Lord's Prayer" for the members of the House.

Our Father which art in heaven,
Hallowed be thy name.
Thy kingdom come,
Thy will be done in 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,
for ever. Amen.

The Pledge of Allegiance was led by Rep. Victors.

INTRODUCTION OF GUESTS

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

In 1884, Haskell boarding school was established for American Indian children in Lawrence, KS. The early years of the boarding school were traumatic for Indian children and their families. The children were required to stay at the boarding school for four years without contact with family and tribes in an attempt to disconnect them with their traditional way of life. My great great grandfather William Bigsnake was one of the children removed from his home in Oklahoma and transferred to Haskell boarding school at the age of 8 years old. He passed away at the age of nine from smallpox and is buried at Haskell Indian Nations University. Despite the hardships that occurred, Haskell changed over time by increasing the level of education and programs.

In 1993, Haskell became Haskell Indian Nations University with the first of four baccalaureate degree programs. Some famous notable graduates from Haskell include Olympic athletes Jim Thorpe and Billy Mills. Also, both of my parents graduated from Haskell as well.

Today, I would like to recognize some of Haskell's outstanding students. Chris Sindone, pursuing a degree in Business and is from the Pawnee, Otoe, Ioway, Kiowa, Cheyenne, and Oglala Lakota Nation. He is the student congress President for American Indian Higher Education consortium and the current student senate president at Haskell Indian Nations University. Barbara Wolfen is currently a Haskell EcoAmbassador (a student-led initiative that focused on Haskell wetlands) and wetlands protection organization club president and is from the Pit river Nation. David Waybenais is a student in the environmental science department and has participated in the Native American and Pacific Islander research experience, Lori Hasselman is a member of the Delaware and Shawnee nation and is a Native American journalist association fellow for 2015-2016. She is editor of the school's newspaper and was Haskell student of the year in 2015. Miss Haskell for 2015-2016, Brettnee Beartrack is a member of the Kiowa/Apache tribe majoring in Business Administration. Haskell Brave is Calvin Smith and he is from the Navajo Nation majoring in American Indian Studies.

Rep. Victors presented the students with House certificates.

Rep. Osterman recognized tribal leaders who were in attendance.

INTRODUCTION OF GUESTS

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

Seventeen years ago, a fresh-faced young woman with long red hair and a splash of freckles started her first teaching job in Clay Center, Kansas. Her challenge lay ahead teaching Pre-Algebra, Algebra I, Algebra A and B, and Geometry to both high school and middle school students. We did not know then that Kristin Wright would go on to touch the lives of many more students in another capacity. During the ensuing years she gained a husband, a masters degree in school counseling, two children and she is currently pursuing a PhD in Counselor Education and Supervision. In 2001 Kristin moved from the teacher role to middle school counselor and in 2012 she transitioned to the PK-3 school in Clay Center. Kristin has served as a school counselor with enthusiasm, creativity and compassion. It's not all work and no play for Kristin. She is a distance runner and an accomplished golfer. In December of 2015, Kristen was named the 2015-2016 *Outstanding School Counselor of the Year* by the Kansas School Counselor Association. Her biggest achievement however, is the many lives she has touched in the course of her career as a teacher and counselor. I would like to introduce Kristin Wright and her husband Wes. Will you please join me in recognizing and thanking Kristin for her contribution to making Kansas students strong and resilient and Kansas Public Schools great.

Later today she will be recognized in the Senate by her cousin, Caryn Tyson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2597, AN ACT concerning telecommunications; relating to rural telephone companies; universal service support, recovery of costs; amending K.S.A. 66-2001 and K.S.A. 2015 Supp. 66-1,187, 66-2005, 66-2008 and 66-2017 and repealing the existing sections, by Committee on Utilities and Telecommunications.

HB 2598, AN ACT concerning water; relating to rural water districts; amending K.S.A. 82a-617 and repealing the existing section, by Representative K. Jones.

HB 2599, AN ACT concerning the healing arts; relating to anatomic pathology billing; amending K.S.A. 2015 Supp. 65-2837 and repealing the existing section, by Committee on Health and Human Services.

HB 2600, AN ACT concerning public assistance; relating to recovery of assistance debt; verification of identity and income; fraud investigations; child care subsidies; work requirements; lifetime benefit limits; amending K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and repealing the existing sections, by Committee on Health and Human Services.

HB 2601, AN ACT designating a portion of interstate highway 70 as the Kyle Jobe and Kyle Thornburg memorial highway; amending K.S.A. 2015 Supp. 68-1009 and repealing the existing section, by Committee on Transportation.

HB 2602, AN ACT concerning social welfare; relating to the Kansas program of medical assistance; income and resource exemptions; amending K.S.A. 2015 Supp. 39-709 and repealing the existing section, by Committee on Insurance and Financial Institutions.

HB 2603, AN ACT concerning compensating use tax; relating to remittance, income tax return form and instructions, by Committee on Taxation.

HB 2604, AN ACT concerning sales taxation; relating to exemptions, Gove county healthcare endowment foundation, inc.; amending K.S.A. 2015 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2605, AN ACT concerning motor vehicles; relating to vehicle registration, failure or refusal to pay tolls; amending K.S.A. 2015 Supp. 8-173 and repealing the existing section, by Committee on Appropriations.

HB 2606, AN ACT concerning animal care; relating to the Kansas veterinary practice act; licensure; creating a license to practice equine dentistry; amending K.S.A. 47-818 and K.S.A. 2015 Supp. 47-815, 47-816, 47-817, 47-822, 47-829 and 47-830 and repealing the existing sections, by Committee on Agriculture and Natural Resources.

HB 2607, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or volunteering therein; background checks; amending K.S.A. 2015 Supp. 65-516 and repealing the existing section, by Committee on Health and Human Services.

HB 2608, AN ACT concerning the Kansas trauma registry; relating to confidential reporting; pertaining to the disclosure of certain information; amending K.S.A. 2015 Supp. 75-5667 and repealing the existing section, by Committee on Health and Human Services.

HB 2609, AN ACT concerning property taxation; relating to taxing subdivisions, approval of budgets, resolution and election requirements; amending K.S.A. 2015 Supp. 79-2925b and repealing the existing section, by Committee on Taxation.

HB 2610, AN ACT designating the junction of interstate highway 70 and commerce parkway in Ellis county as the chief warrant officer 4 David Carter fallen veterans memorial interchange, by Committee on Transportation.

HB 2611, AN ACT concerning civil actions; relating to people wrongfully convicted of crimes; compensation, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2595**.

Corrections and Juvenile Justice: **HB 2592**, **HB 2593**.

Education: **HB 2588**, **HB 2596**.

Federal and State Affairs: **HB 2586**, **HB 2591**, **HCR 5022**.

Health and Human Services: **HB 2589**.

Judiciary: **HB 2587**.

Taxation: **HB 2590**.

Utilities and Telecommunications: **HB 2594**.

COMMUNICATIONS FROM STATE OFFICERS

From Lee E. Tafañelli, Major General, Kansas National Guard, The Adjutant General, 2015 Annual Report for the Adjutant General's Department.

From Elaine Frisbie, Kansas Board of Regents, as directed by K.S.A. 76-717, Annual Report on Exceptions to the Minimum Admission Standards at State Universities.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6034**—

By Representative Hineman

HR 6034—A RESOLUTION recognizing February 5, 2016, as National Wear Red Day.

A RESOLUTION recognizing February 5, 2016, as National Wear Red Day.

WHEREAS, Heart disease and stroke kill one in three women in the U.S., yet 80% of cardiac events may be prevented; and

WHEREAS, Cardiovascular diseases and stroke kill one woman every 80 seconds in the U.S.; and

WHEREAS, An estimated 44 million women in the U.S. are affected by cardiovascular diseases; and

WHEREAS, Only one in five American women believe that heart disease is her greatest health threat, yet 90% of women have one or more risk factors for developing heart disease; and

WHEREAS, Women comprise only 24% of participants in all heart-related studies; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

WHEREAS, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women; and

WHEREAS, Women involved with the American Heart Association's Go Red For Women movement live healthier lives, and nearly 90% have made at least one healthy behavior change; and

WHEREAS, Go Red For Women encourages women to take charge of their health and schedule a well-woman visit to learn about their health status and risk for diseases: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize February 5, 2016, as National Wear Red Day to raise awareness of the importance of the ongoing fight against heart disease and stroke by wearing the color red and urge all citizens to show their support for women by commemorating this day; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Hineman.

CONSENT CALENDAR

No objection was made to **HB 2485** appearing on the Consent Calendar for the second day.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Schwab, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HCR 5005** be adopted.

Roll call was demanded on motion to recommend **HCR 5005** favorably for passage.

On roll call, the vote was: Yeas 69; Nays 53; Present but not voting: 1; Absent or not voting: 2.

Yeas: Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Dove, Edmonds, Esau, Estes, Ewy, Garber, Goico, Grosserode, Hawkins, Hedke, Hemsley, Henry, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kiegerl, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Pauls, Peck, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schwab, Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcala, Alford, Ballard, Becker, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Dierks, Doll, Finch, Finney, Francis, Frownfelter, Gallagher, Helgerson, Henderson, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Kelly, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, F. Patton, Phillips,

Proehl, Rooker, Ruiz, Sawyer, Schroeder, Scott, Sloan, S. Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: R. Powell.

Absent or not voting: Gonzalez, Seiwert.

The motion prevailed and **HCR 5005** be adopted as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2512** be amended on page 1, in line 25, by striking all after the period; by striking all in lines 26 through 28; in line 29, by striking all before the period and inserting "Final official transcripts and any document verifying completion of such education requirements must be received by the board or the examination service within 120 days after the applicant has taken the first section of the examination"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2468** be amended on page 1, in line 26, by striking all after "(d)"; by striking all in lines 27 through 29; in line 30, by striking "(e)";

On page 3, in line 5, after "gas" by inserting ", and which is of 0.18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5008** be amended on page 1, in line 16, after "to" by inserting "reasonable"; and the resolution be adopted as amended.

Committee on **Judiciary** recommends **SB 17**, as amended by Senate Committee, be amended on page 1, in line 16, by striking all after the period; in line 17, by striking "legislature" and inserting:

"(b) The judge of the court of appeals member and the district judge members";

Also on page 1, in line 18, by striking "shall have been" and inserting "is"; in line 19, after the period by inserting "The resident lawyer members shall be appointed by the governor for a term of four years and until a successor is appointed and qualified."; in line 22, by striking all after the period; in line 23, by striking all before "shall" and inserting "Vacancies of the judge members"; in line 24, after the period by inserting "Vacancies of the resident lawyer members shall be filled by appointment by the governor for the unexpired term.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2612, AN ACT concerning refugees; enacting the refugee absorptive capacity act, by Committee on Federal and State Affairs.

HB 2613, AN ACT concerning municipalities; concerning townships; relating to the

costs of municipal audits; amending K.S.A. 2015 Supp. 75-1122 and repealing the existing section, by Committee on Federal and State Affairs.

REPORT ON ENROLLED BILLS

HB 2449 reported correctly enrolled, properly signed and presented to the Governor on February 2, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 4, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

