

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 15, 2016, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Helgerson and Seiwert were excused on verified illness.

Reps. Anthimides, Kahrs, Kelley, Sutton and Tietze were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord God,
As we begin another week
there are five things I pray for these leaders.
First of all I pray they may have favor with You.
May they listen to You as You give them personal direction, teaching and vision.
Secondly, I pray for favor with man.
This will be difficult because of hard decisions they have to make
that will eventually upset some people.
Give them wisdom, strength and boldness to do the right thing.
Thirdly, I pray for a pure vision—
vision that comes from Your wisdom, not just human wisdom.
Fourthly I pray for their health--
emotionally, physically and spiritually.
Lastly, I pray for their protection.
Please send angels to guard them and their families—
to go before them and do battle in their behalf.
These leaders willingly sacrifice their time, energy,
abilities, family, work and so much more.
Please surround them with Your presence this week.
I pray in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Read.

INTRODUCTION OF GUESTS

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

I would like to introduce you to a dear friend of mine, Lindy Lindquist. I actually met Lindy through her husband, Jack when he served as Executive Director of Kansas Agriculture and Rural Leadership (KARL) and I was a participant. I could see that Lindy was loved by all and was commonly known as “Mother KARL”. As I came to know Lindy, I discovered that, while I appreciate all she has done for the KARL program, she is so much more than Mother KARL. Lindy is here today so that we can honor her lifetime of achievement and success with the Kansas 4-H program.

When Lindy was a young K-State coed, her professors recognized her gifts and passion to help people learn. Subsequently they suggested she consider a career in Extension. It was sound advice for Lindy, as well as the youth and families of Kansas. No matter where the job took her, her goal was to increase the quality and quantity of experiences for youth and volunteers in the county and state. In Chase County, she and a co-worker recruited nearly 40% of eligible youth to the 4-H program. While in Douglas County, Lindy strengthened club programs, increased leadership development, and started outreach programs like school enrichment, project clubs, and day camps. She provided innovative leadership to statewide 4-H programs such as the Kansas 4-H Ambassadors, and Mini 4-H. After moving to the State 4-H office, she had a long list of responsibilities including Discovery Days, State Fair, Global Conference, National 4-H Conference, Collegiate 4-H, and National Judging Contests. When teen 4-H members expressed interest in starting a state 4-H youth council and the Kansas Youth Leadership Forum, she volunteered to assist them in meeting their goal. Perhaps the greatest impact she has made on 4-H is that 15 of her former 4-H members have become Extension agents.

Lindy has a long list of honors for her service, but the most notable came last fall when 4-H announced the names of the 16 individuals to be inducted into the National 4-H Hall of Fame at a special ceremony on October 9 at the National 4-H Youth Conference Center in Chevy Chase, Maryland. This honor was conferred upon my friend, Lindy Richardson Lindquist, for her excellence in citizenship, leadership, character and career accomplishments.

The 4-H program was founded in 1902 and has grown into the premier youth development organization that serves over 6 million youth nationwide. Today, help me recognize Lindy Richardson Lindquist for her induction to the National 4-H Hall of Fame, the 13th Kansan to ever receive that honor.

Rep. Concannon presented Lindy Lindquist with a framed House certificate.

PERSONAL PRIVILEGE

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

Thank you to the body for allowing me to address you today on a point of personal privilege. I stand before you to recognize Justice Antonin Scalia. Very few people in history have the opportunity to have such influence over the people of America. As I

reflected on his life over this past weekend, I saw three specific traits that should be noted as we seek to honor his life.

The first is that we should all honor the role of the Justices. Each of them, and certainly Justice Scalia, digs deep inside and does what he feels is the best interpretation of the law when making a decision. Whether we agree or disagree with those decisions, each of us would do well to quit labeling or name-calling our judges and instead show respect for the Justices decision-making capabilities.

Secondly, Justice Scalia was a man who focused intensely on following the Constitution. As we move forward and listen to all of the political rhetoric, let us remember that foremost in Justice Scalia's legacy was his passion for following the Constitution. In order to honor his memory, we should do the same. The rhetoric that is flowing now about his replacement should focus on what the Constitution says, not what our politics dictate.

Finally, in spite of having notable ideological differences, he and Ruth Bader Ginsburg were able to forge a deep and lengthy friendship. This ability to look beyond agreeing or disagreeing on interpretation of the law and instead discovering the goodness of another human being is something we all would do well to emulate. As I look around this chamber, I see colleagues that I hope will honor the life of Antonin Scalia by reaching out to those who you disagree with frequently, finding the time and/or the words to see beyond our differences, and to work together to effectively run our state.

At this time, I would ask for a moment of silence to remember Antonin Scalia.

Thank you good and faithful servant.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2702, AN ACT establishing an independent home and community-based services ombudsman, by Committee on Federal and State Affairs.

HB 2703, AN ACT concerning the authority of state agencies to enter into indebtedness on behalf of the state; relating to the issuance of bonds by the Kansas development finance authority; monthly reports by the authority; amending K.S.A. 74-8913 and K.S.A. 2015 Supp. 74-8905 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2694**.

Education: **HB 2698**.

Energy and Environment: **HB 2693**.

Federal and State Affairs: **Sub SB 65**.

Health and Human Services: **HB 2691**.

Insurance and Financial Institutions: **HB 2690, HB 2695**.

Judiciary: **HB 2689, HB 2696, HB 2697, HB 2699**.

Pensions and Benefits: **HB 2700**.

Taxation: **HB 2701**.

Utilities and Telecommunications: **SB 318**.

Veterans, Military and Homeland Security: **HB 2692**.

CHANGE OF REFERENCE

Speaker pro tem Mast announced the withdrawal of **HB 2646** from Committee on Appropriations and referral to Committee on Health and Human Services.

Also, the withdrawal of **HB 2665** from Committee on Local Government and referral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **SB 318** from Committee on Utilities and Telecommunications and referral to Committee on Energy and Environment.

COMMUNICATIONS FROM STATE OFFICERS

From Laura Jurgensen, Kansas State Department of Education, according to Kansas School Safety and Security Act, K.S.A. 72-89b01 to 89b05, Information Relating to School Safety and Security.

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **H Sub for SB 161**.

Speaker pro tem Mast thereupon appointed Reps. Ryckman, Schwartz and Henry as conferees on the part of the House.

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 248**.

Speaker pro tem Mast thereupon appointed Reps. Ryckman, Schwartz and Henry as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **HB 2547** appearing on the Consent Calendar for the first day.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwartz to concur in Senate amendments to **S Sub for HB 2365**, Rep. Ryckman offered a substitute motion to nonconcur in Senate amendments to **S Sub for HB 2365** and that a conference committee be appointed. The substitute motion prevailed.

Speaker pro tem Mast thereupon appointed Reps. Ryckman, Schwartz and Henry as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2513** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2513," as follows:

"Substitute for HOUSE BILL NO. 2513

By Committee on Appropriations

"AN ACT concerning the legislature; relating to the length of regular sessions.";

And the substitute bill be passed.

(**Sub HB 2513** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **SB 241** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 75-3739 is hereby amended to read as follows: 75-3739. In the manner as provided in this act and rules and regulations established thereunder:

(a) All contracts for construction and repairs, and all purchases of and contracts for supplies, materials, equipment and contractual services to be acquired for state agencies shall be based on competitive bids, except that competitive bids need not be required in the following instances:

(1) For contractual services, supplies, materials, or equipment when, in the judgment of the director of purchases, no competition exists;

(2) when, in the judgment of the director of purchases, chemicals and other material or equipment for use in laboratories or experimental studies by state agencies are best purchased without competition, or where rates are fixed by law or ordinance;

(3) when, in the judgment of the director of purchases, an agency emergency requires immediate delivery of supplies, materials or equipment, or immediate performance of services;

(4) when any statute authorizes another procedure or provides an exemption from the provisions of this section;

(5) when compatibility with existing contractual services, supplies, materials or equipment is the overriding consideration;

(6) when repairs to a vehicle are required and it is impracticable to take the vehicle to multiple vendors to determine what is necessary to effectuate the repairs and the cost of such repairs;

(7) when a used item becomes available and is subject to immediate sale; or

~~(7)-(8)~~ when, in the judgment of the director of purchases and the head of the acquiring state agency, not seeking competitive bids is in the best interest of the state.

When the director of purchases approves a purchase of or contract for supplies, materials, equipment, or contractual services in any instance specified in this subsection, the director may delegate authority to make the purchase or enter the contract under conditions and procedures prescribed by the director. Except for purchases or contracts entered into without a competitive bid under subsection (a)(3), (a)(4), (a)(6) or subsection (h), no purchase or contract entered into without a competitive bid for an amount in excess of \$100,000 shall be entered into by the head of any state agency or approved by the director of purchases unless the director of purchases first posts an on-line notice of the proposed purchase or contract at least seven days before the purchase or contract is awarded. The director of purchases shall

provide notice thereof to members of the legislature at the beginning of each calendar year that such information will be posted and the director of the division of purchases shall provide the uniform resource locator (URL) and the number of times such information shall be available. In the event a written protest of the awarding of such a contract occurs during the seven-day notice period, the director of purchases shall request from the protestor the contact information, including name and mailing address, of the person or entity that has expressed an interest in supplying the goods or services and provide a copy of the specification to the person or entity that has expressed an interest in supplying the goods or services and verify that such person or entity is interested and capable of supplying such goods or services.

Upon satisfaction of the director of purchases regarding the validity of the protest and the existence of competition, the director of purchases shall proceed with a competitive procurement. A competitive procurement shall not be required when, in the judgment of the director of purchases, the validity of the protest cannot be determined or competition for such goods or services cannot be verified by the director of purchases.

The director of purchases shall prepare a detailed report at least once in each calendar quarter of all contracts over ~~\$5,000~~ \$10,000 entered into without competitive bids under subsection (a)(1), (2), (3), (5), (6) ~~or~~ (7) or (8). The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(b) (1) If the amount of the purchase is estimated to exceed \$50,000, sealed bids shall be solicited by notice published once in the Kansas register not less than 10 days before the date stated in the notice for the opening of the bids. The director of purchases may waive this publication of notice requirement when the director determines that a more timely procurement is in the best interest of the state. The director of purchases also may designate a trade journal for the publication. The director of purchases also shall solicit such bids by sending notices by mail to prospective bidders and by posting the notice on a public bulletin board for at least 10 business days before the date stated in the notice for the opening of the bids unless otherwise provided by law. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

(2) The director of purchases shall prepare a detailed report at least once in each calendar quarter of all instances in which the director waived publication of the notice of bid solicitations in the Kansas register as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(c) All purchases estimated to exceed approximately \$25,000 but not more than \$50,000, shall be made after receipt of sealed bids following at least three days' notice posted on a public bulletin board.

(d) All purchases estimated to be more than ~~\$5,000~~ \$10,000, but less than \$25,000, may be made after the receipt of three or more bid solicitations by telephone, telephone facsimile or sealed bid, following at least three days' notice posted on a public bulletin board. Such bids shall be recorded as provided in ~~subsection (f) of~~ K.S.A. 75-3740(f), and amendments thereto. Any purchase that is estimated to be ~~less than \$5,000~~ \$10,000 or less may be purchased under conditions and procedures prescribed by the director of purchases. Purchases made in compliance with such conditions and procedures shall be

exempt from other provisions of this section.

(e) With the approval of the secretary of administration, the director of purchases may delegate authority to any state agency to make purchases of ~~less than \$25,000~~ \$50,000 or less under certain prescribed conditions and procedures. The director of purchases shall prepare a report at least once in each calendar quarter of all current and existing delegations of authority to state agencies as provided in this subsection. The director shall submit the report to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of representatives.

(f) Subject to the provisions of subsection (e), contracts and purchases shall be based on specifications approved by the director of purchases. When deemed applicable and feasible by the director of purchases, such specifications shall include either energy efficiency standards or appropriate life cycle cost formulas, or both, for all supplies, materials, equipment and contractual services to be purchased by the state. The director of purchases may reject a contract or purchase on the basis that a product is manufactured or assembled outside the United States. No such specifications shall be fixed in a manner to effectively exclude any responsible bidder offering comparable supplies, materials, equipment or contractual services.

(g) Notwithstanding anything herein to the contrary, all contracts with independent construction concerns for the construction, improvement, reconstruction and maintenance of the state highway system and the acquisition of rights-of-way for state highway purposes shall be advertised and let as now or hereafter provided by law.

(h) The director of purchases may authorize state agencies to contract for services and materials with other state agencies, or with federal agencies, political subdivisions of Kansas, agencies of other states or subdivisions thereof, or private nonprofit educational institutions, without competitive bids.

(i) The director of purchases may participate in, sponsor, conduct, or administer a cooperative purchasing agreement or consortium for purchases of supplies, materials, equipment, and contractual services with federal agencies or agencies of other states or local units of government. Cooperative purchasing agreements entered into under this subsection shall not be subject to K.S.A. 75-3739 through 75-3740a, and amendments thereto.

(j) The director of purchases may delegate authority to any state agency to make purchases under certain prescribed conditions and procedures when the acquisition is funded, in whole or in part, from a grant. Except as otherwise provided in subsection (k) of this section, purchases made in compliance with such conditions and procedures shall be exempt from other provisions of this section. As used in this subsection the term "grant" means a disbursement made from federal or private funds, or a combination of these sources, to a state agency. Nothing in this subsection shall allow federal grant moneys to be handled differently from any other moneys of the state unless the requirements of the applicable federal grant specifically require such federal moneys to be handled differently.

(k) The director of purchases shall prepare a detailed report at least once each calendar quarter of all contracts over \$5,000 for services, supplies, materials or equipment entered into pursuant to subsection (h), (i) or (j) and submit it to the legislative coordinating council, the chairperson of the committee on ways and means of the senate and the chairperson of the committee on appropriations of the house of

representatives.

(l) Except as otherwise specifically provided by law, no state agency shall enter into any lease of real property without the prior approval of the secretary of administration. A state agency shall submit to the secretary of administration such information relating to any proposed lease of real property as the secretary may require. The secretary of administration shall either approve, modify and approve or reject any such proposed lease.

(m) The director of purchases shall require all bidders on state contracts to disclose all substantial interests held by the bidder in the state.

(n) As used in article 37 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, and other statutory provisions concerning state procurement, "sealed bids," "bulletin boards" and "mail" shall include electronic bids, electronic bulletin boards and electronic mail when such items are utilized in accordance with procedures prescribed by the director of purchases.";

Also on page 1, in line 29, after "75-3744" by inserting "and K.S.A. 2015 Supp. 75-3739";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 2, after the semicolon by inserting "concerning competitive bidding:"; also in line 2, after "75-3744" by inserting "and K.S.A. 2015 Supp. 75-3739"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2550** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2015 Supp. 74-5605 is hereby amended to read as follows: 74-5605. (a) Every applicant for certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; a manager or employee of the horsethief reservoir benefit district pursuant to K.S.A. 2015 Supp. 82a-2212, and amendments thereto; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 72-8222, and amendments thereto.

(b) Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant's appointing authority or agency head shall furnish to the director of police training and to the commission a statement certifying that the applicant has been found to meet the minimum requirements of certification established by this subsection. The commission may rely upon the statement of the appointing authority or agency head as evidence that the applicant meets the minimum requirements for certification to issue a provisional certification. Each applicant for certification shall meet the following minimum requirements:

- (1) Be a United States citizen;
- (2) have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;
- (3) not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;

(4) have graduated from a high school accredited by the Kansas state board of education or the appropriate accrediting agency of another state jurisdiction or have obtained the equivalent of a high school education as defined by rules and regulations of the commission;

(5) be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;

(6) have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;

(7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment; and

(8) be at least 21 years of age.

(c) The commission may deny a provisional or other certification upon a finding that the applicant has engaged in conduct for which a certificate may be revoked, suspended or otherwise disciplined as provided in K.S.A. 74-5616, and amendments thereto. When it appears that grounds for denial of a certification exist under this subsection, after a conditional offer of employment has been made to an applicant seeking appointment as a police officer or law enforcement officer, the applicant's appointing authority or agency head may request an order from the commission to determine whether a provisional certification will be issued to that applicant.

(d) As used in this section, "conviction" includes rendering of judgment by a military court martial pursuant to the uniform code of military justice, by a court of the United States or by a court of competent jurisdiction in any state, whether or not expunged; and any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence or misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission and any diversion or deferred judgment agreement entered into on or after July 1, 1995, for a felony.";

On page 2, in line 34, after "Supp." by inserting "74-5605 and"; also in line 34, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "qualifications of applicants for certification,"; in line 2, after "Supp." by inserting "74-5605 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Mast announced the appointment of Rep. Ousley to replace Rep. Alcalá on Committee on Elections on February 15.

Also, Rep. Burroughs to replace Rep. Tietze on Committee on Commerce, Labor and Economic Development for February 15, 16.

Also, Rep. Alcalá to replace Rep. Ousley on Committee on Education on February 15.

Also, Rep. Scott to replace Rep. Lusk on Committee on Education on February 15.

Also, Rep. Lusk will replace Rep. Helgerson on Committee on Transportation on February 15.

Also, Rep. Ruiz to replace Rep. Houston on Committee on Veterans, Military & Homeland Security on February 16.

Also, Rep. Ruiz to replace Rep. Houston on Committee on Insurance and Financial Institutions on February 16, 17.

Also, Rep. Sawyer to replace Rep. Houston on Committee on Health & Human Services on February 16.

Also, Rep. Scott to replace Rep. Houston on Committee on Health and Human Services on February 17.

Also, Rep. Alcala to replace Rep. Tietze on Committee on Federal and State Affairs on February 16.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, February 16, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

