

Journal of the House

THIRTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 7, 2016, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Edmonds, Gallagher, Goico, Kelley and Lusk were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Roger Dennis, pastor, St. John Lutheran Church, Russell, and guest of Rep. Waymaster:

In a time where there are no easy answers to the challenges confronting this body, I pray. May people truly listen to each other, converse with each other, and cooperate with each other. Help all to realize it is not about them, but the people they serve.

May this body meet the heavy responsibilities inherent with governance. Provide all with insightful and just deliberation marked with both good stewardship of resources and compassion. May these leaders recall Andrew Carnegie's counsel and I paraphrase, "strong leaders know when to compromise and that all principles can be compromised for a greater principle." Amen.

The Pledge of Allegiance was led by Rep. Tietze.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6045**—

By Representative Schwartz

A RESOLUTION urging the federal government to require the use of sound science in evaluating crop protection chemistries and nutrients.

WHEREAS, Agriculture is crucial to the continued production of food, feed, fiber and energy to meet both domestic and global demand; and

WHEREAS, In the United States, the agriculture and value-added industries and

businesses utilize precision farming equipment, crop protection chemistries, genetic engineering or enhancement, agricultural nutrients and other modern technologies. Such advanced practices protect the safety of the public and reduce environmental and natural resource impacts, while increasing yields, improving profitability and ensuring an abundant, affordable and wholesome food supply; and

WHEREAS, Agricultural pests and diseases present significant dangers to the industry and to global supplies of products they attack. While advances in agricultural technologies that protect crops and livestock pose severe environmental risks, excessive regulation may discourage or prevent the use of agricultural chemicals, which could otherwise improve human and animal welfare; and

WHEREAS, Agricultural production systems and crop protection are among the most studied and highly regulated of all industries, at both the state and federal levels. The use of sound science should be the bedrock of our nation's regulatory scheme for the agriculture and food production industries, as these industries are critical to the economic vitality of Kansas and the United States; Now, therefore:

Be it resolved by the House of Representatives of the State of Kansas: That we support the use of sound science to study and regulate modern agricultural technologies such as crop protection chemistries and genetically engineered or enhanced traits and nutrients; and

Be it further resolved: That we oppose legislative or regulatory action at any level that may result in unnecessary restrictions on the use of modern agricultural technologies; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the United States Congress; and to all the members of the Kansas delegation to Congress, with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

CONSENT CALENDAR

No objection was made to **SB 423** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2134, AN ACT concerning consumer credit; relating to security freezes on protected consumer reports; amending K.S.A. 2015 Supp. 50-702 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly,

Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Edmonds, Gallagher, Goico, Kelley, Lusk.

The bill passed, as amended.

HCR 5024, A CONCURRENT RESOLUTION urging the President of the United States to obey the Constitution and abandon the threatened transfer of terrorist detainees to Fort Leavenworth, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 16; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Frownfelter, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wolfe Moore.

Nays: Ballard, Carlin, Carmichael, Curtis, Finney, Henderson, Highberger, Houston, Kuether, Ousley, Ruiz, Scott, Tietze, Ward, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Edmonds, Gallagher, Goico, Kelley, Lusk.

The resolution was adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: No Kansan supports terrorism. Everyone deplores these despicable acts against humanity.

I strongly oppose the placement of Guantanamo Bay detainees in USP Leavenworth, but vote no on **HCR 5024** as it defames our President. How can we expect him to acknowledge our resolution when we allege he demonstrated a willingness to violate American law and weakens our standing in the world? I want the President to take our concerns seriously, to recognize we have legitimate misgivings about housing detainees. As written, the resolution fails this. I've drafted a less inflammatory letter to the President regarding transfer of these detainees to Kansas and am sending it today. — JIM WARD, RODERICK HOUSTON, GAIL FINNEY, ANNIE TIETZE, SYDNEY CARLIN, BRODERICK HENDERSON, PAM CURTIS, BARBARA BALLARD, BEN SCOTT, JARROD OUSLEY

MR. SPEAKER: I vote No on **HCR 5024**. It is clear from the language of the resolution that it is not a good faith effort to protect the safety of Kansans but instead is an act of political theater. Its purpose is not to deter acts of terror but to provide the basis for political attack postcards. It unnecessarily insults the President of the United States and makes judgments regarding constitutional law that are beyond the authority and competence of this body. I support every reasonable effort to protect Kansans from acts of terror but this resolution does no such thing. – DENNIS “BOOG” HIGHBERGER, JOHN WILSON

MR. SPEAKER: KanCare, education, foster care, mental health, the budget deficit – these are all issues of grave importance that we are not addressing.

Sending a message regarding terrorism to President Obama will not make any difference and is not the right way to spend taxpayers' money. They expect more. I vote no on **HCR 5024**. – ANNIE KUETHER

MR. SPEAKER: Kansans have always served their country in time of war, be it prisoner of war camps in World War II, Titan II missile silos surrounding Wichita throughout the Cold War, or the thousands of Kansans who made the ultimate sacrifice for their country. This resolution, motivated by fear, does nothing to protect us from terrorists, but instead tells the world Kansans are no longer willing to do their part in the War on Terror. I therefore vote No on **HCR 5024**. – JOHN CARMICHAEL

MR. SPEAKER: I vote yes on **HCR 5024**. The National Defense Authorization Act of 2012 (NDAA) bans the President from transferring Guantanamo detainees to American soil.

Congress has specifically prohibited funds from being used to transfer or release detainees into the U.S., or to assist in the transfer or release of detainees into the country.

On behalf of Leavenworth, our State and Gold Star families who have lost a son or daughter during the Iraq and Afghan war, who are horrified at the thought of terrorist detainees being housed in proximity of where their loved ones have been laid to rest: thank you. – TONY BARTON

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **SB 325** be amended on page 1, in line 24, by striking "commissioner of juvenile justice" and inserting "secretary of corrections"; in line 25, by striking "commissioner" and inserting "secretary of corrections";

On page 2, in line 11, by striking "commissioner of juvenile justice" and inserting "secretary of corrections"; in line 12, by striking "commissioner" and inserting "secretary of corrections"; in line 14, after "parties" by inserting "or interested parties"; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SB 55** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 55," as follows:

"House Substitute for SENATE BILL NO. 55

By Committee on Insurance and Financial Institutions

"AN ACT concerning health care facilities; relating to correction orders; civil penalties; amending K.S.A. 2015 Supp. 39-945 and 39-946 and repealing the existing sections.";

And the substitute bill be passed.

(**H Sub for SB 55** was thereupon introduced and read by title.)

REPORT ON ENROLLED RESOLUTIONS

HCR 5025 reported correctly enrolled and properly signed on March 7, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, March 8, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

