

Journal of the House

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 8, 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. Edmonds and Goico were excused on excused absence by the Speaker.

Prayer by Rabbi Debbie Stiel, Temple Beth Sholom, Topeka, and guest of Rep. Rooker:

I want to take a moment first to draw our attention to today being International Women's Day. How good it is to be in this country and live at this time when a female rabbi gets called by a female legislator to give the opening prayer to this esteemed governing body. May we work to see that similar rights and opportunities for women are established in all countries.

I am so honored today to be here with the Consul General of Israel to the Midwest, Roey Gilad. Israel, like the United States, is a country with very rich and diverse cultural offerings: incredible dance, music, theater, literature. So I want to share with you a poem by the famous Israeli poet Yehuda Amichai. It is called –The Place Where We Are Right.

The Place Where We Are Right
by Yehuda Amichai

From the place where we are right
Flowers will never grow in the spring.

The place where we are right
Is hard and trampled
Like a yard.

But doubts and loves
Dig up the world
Like a mole, a plow.
And a whisper will be heard in the place
Where the ruined
House once stood.

Inspired by those words, here is my prayer for this day:

Dear God,

We throughout Your world call You by many different names, yet we are one humanity. We are created by You – each person intentionally made as someone unique and different but also so alike. Open our hearts to listen to each other, to care about the views we don't share. It is so easy to be firmly rooted in what we know, in how we think. But You have given us a world with multiple truths and many vantage points so that we might learn and grow.

Help us, then, to hear the voice and the view across the aisle, and down the street, and in the next neighborhood or county. May we relish diversity and reach consensus through concern for others.

And as we listen to those who may be different from us – may we remember that once we heard You teach “don't stand idly by while your neighbor bleeds” and “plead for the poor, the widow and the orphan.” May we hearken especially to those who don't have someone here to speak their cause. You remind us that a society is judged by how it treats its least fortunate and its minorities.

We ask your blessing, God, on our state leaders and all gathered here today. Bless them with courage and strength, with insight and with open hearts and minds in order to do Your work and to help make our society great. -Amen

The Pledge of Allegiance was led by Rep. Rooker.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Agriculture and Natural Resources: **HR 6045**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **Sub HB 2292** from the Calendar under the heading General Orders and rereferral to Committee on Education.

Also, the withdrawal of **SB 412** from Committee on Utilities and Telecommunications and referral to Committee on Energy and Environment.

COMMUNICATIONS FROM STATE OFFICERS

From Ken Selzer, CPA, Commissioner of Insurance, 2015 Annual Report of the Kansas Insurance Department, in accordance with provisions of K.S.A. 40-108.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hutton, **HR 6046**, by Reps. Hutton and Hill, as follows, was introduced and adopted:

HR 6046—A RESOLUTION recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.

A RESOLUTION recognizing the Kansas Small Business Development Center's 2016 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training, and the identification of appropriate resources; and

WHEREAS, The Kansas SBDC regional directors and staff selected eight Emerging Business of the Year award recipients, eight Existing Business of the Year award recipients and one Exporting Business of the Year recipient; and

WHEREAS, The Kansas SBDC's Business of the Year awards are designed to recognize Kansas SBDC clients for superior performance; and

WHEREAS, Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on a record of profitability and the Kansas SBDC Economic Impact Tracking spreadsheet and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2016 Kansas SBDC Emerging Businesses of the Year are: Athletic Testing Solutions in Overland Park, Kansas, owned by David Kuluva and Eric Schroeder; Brickhouse Antiques in Topeka, Kansas, owned by Tom and Mary Norskov; Chisholm Trail Outfitters, LLC, in Hillsboro, Kansas, owned by Craig Dodd; Duck Salt in Greensburg, Kansas, owned by Matthew Deighton; Kids Calendar in Lawrence, Kansas, owned by Beth McKeon; Sake2me Sushi Rolls, LLC, in Hays, Kansas, owned by Michael Huskey and Stacie Rupp; Sleep Inn & Suites in Fort Scott, Kansas, owned by Bill Michaud; and Sleepotopia in Wichita, Kansas, owned by Kevin Kunz; and

WHEREAS, The 2016 Kansas SBDC Existing Businesses of the Year are: B&P, Inc., in Holton, Kansas, owned by Brett and Carly Fletcher; Colby Glass & Sign Co., Inc., in Colby, Kansas, owned by Rod Rodenbeck; CTe Learning in Olathe, Kansas, owned by Steve Waddell; DV Enterprises, LLC, in Liberal, Kansas, owned by Don and Vicky Brunkhardt; Eric Fisher Academy, Inc., in Wichita, Kansas, owned by Eric and Mary Fisher; Medicine Shoppe Pharmacy in Emporia, Kansas, owned by Amber Haag; Progressive Products, Inc., in Pittsburg, Kansas, owned by Todd Allison; and The Gun Guys in Ottawa, Kansas, owned by Tim VanLeiden; and

WHEREAS, The 2016 Kansas SBDC Exporting Business of the Year is Custom Storefronts, Inc., in Olathe, Kansas, owned by Jon Roberts; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2016 Emerging, Existing and Exporting Businesses of the Year and wish all of them and the Kansas SBDC continued success in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 20 enrolled copies of this resolution to Representative Hutton.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Reps. Hutton and Hill are spread upon the Journal:

Today we honor the small businesses and their contribution to the Kansas economy. The men and women standing before you today represent the best of the entrepreneurial spirit, the economic backbone of this state.

Small businesses contribute to over 70% of the job growth in our country. They are many times not only the economic driver of local economies but the incubator of new ideas, leading the way towards new horizons of efficiencies, services, and products. More than a company that sells a product or service, these are the men and women that we see supporting the local cause at a town hall meeting, cheering on the high school football team, and attending church with us. After that, they go back to work to begin what I used to call the “2nd shift”.

Working long hours many times for less pay than they would get in normal job they are driven to success by their commitment to their family, employees, and community. Their hard work elevates us all and many times goes unnoticed.

So it is today Mr. Speaker that I move HR 6046 be passed in recognition of the best of the best small business men and women that Kansas has to offer and I request that this body join me in saluting their accomplishments and honoring their commitment to our communities, by rising in appreciation for all they do for the great state of Kansas.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. S. Swanson, **HCR 5026**, A CONCURRENT RESOLUTION recognizing the following celebrations and observances in support of organ, eye, tissue, bone marrow, stem cell and cord blood donation and transplantation, and to express gratitude for those who have already given the gift of life. In March, Kansans observe National Eye Donor Month and National Kidney Month. In April, Kansans observe Donate Life Month and on April 15, Kansas will join the rest of the nation to celebrate National Donate Life Blue and Green Day, where the public will be asked to wear their best blue and green outfits in support of giving the gift of life and sight, was adopted.

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

Representative Davis and I are honored to offer this resolution recognizing the wonderful work of the many organizations who support this life giving opportunity.

Last year Representative Davis and I shared our stories of life giving donations. Representative Davis donated stem cells to a young boy and I donated a kidney to a middle aged women. We are living proof that you don't have to die to donate!

However, the typical organ donation occurs at the time of death. By simply signing the back of your drivers license, you can affect the lives of so many people as a deceased donor.

- You can save up to eight lives through organ donation.
- You can improve up to 50 lives through tissue donation.
- You can renew vision for up to two people through cornea donation.
- You can change the lives of potentially millions through disease research and therapy.

If you are a little more adventuresome, you can be a live donor. By offering a kidney, lobe of a lung, portion of the liver, pancreas, intestine, or stem cells, living donors offer their loved one or friend an alternative to waiting on the national transplant waiting list for an organ from a deceased donor.

Currently in Kansas, nearly 1,000 people are awaiting a lifesaving transplant. Nationally more than 123,000 men, women, and children are on the waiting list. Every 10 minutes a name is added to the waiting list and an average of 22 people a day die while awaiting a transplant.

The Midwest Transplant Network has served Kansas and western Missouri with the mission of honoring the gift of donation with dignity and compassion. They are making great strides in educating our communities about the serious need for organ and tissue donors.

Those participating in Blue & Green Day at the Capitol today are in the House Gallery.

They are:

Midwest Transplant Network
 Saving Site
 Kansas Eye Bank & Cornea Research Center
 National Kidney Foundation
 National Kidney Coalition
 University of Kansas Hospital, Center for Transplantation

Please join me in recognizing these vital organizations.

CONSENT CALENDAR

No objection was made to **SB 423** 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. Hedke in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Hedke, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2582** be passed.

INTRODUCTION OF GUESTS

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

I would like to introduce our special guest today, the Consul General of Israel to the Midwest, Roey Gilad. As Israel's highest ranking official in the Midwest, he is responsible for 11 states in this region, including the great state of Kansas.

Both the United States and Kansas have much in common with Israel, and I know from your response to our invitation, many in this room understand that special relationship.

The modern country of Israel was established and recognized in 1948. Israel's pioneers included a mix of Holocaust survivors, Jews exiled from Arab countries and people who had lived in Israel for many generations.

The people of Israel created a vibrant democracy in the Middle East. They have resisted attacks from their neighbors over the years, and have had to strongly defend their right to exist.

Innovation was the key to success in Israel, as the landscape is arid and not readily conducive to agriculture. The Israelis developed drip irrigation to take full advantage of their limited water supply and provide resources to her population. Today, high-tech Israeli innovation benefits Americans in agriculture, medicine, education, military expertise, and even cell-phone technology.

Soon after arriving in Chicago about 4 years ago, Consul General Gilad came to Topeka to meet with Governor Brownback, to foster a meaningful relationship between Kansas and Israel. Since then, Consul General Gilad has arranged for experts from Israel to visit Kansas to discuss sustainability, water technology, and agriculture.

Consul General Gilad accompanied the Israeli Ambassador to the United States to Kansas State University, where the Ambassador presented the Landon Lecture, and later met with the Governor and K-State officials. They also visited The United States Army Command and General Staff College in Leavenworth.

During his 25+ year tenure with Israel's Ministry of Foreign Affairs, Consul General Gilad has served in various positions outside of Israel including postings in Kenya, The Hashemite Kingdom of Jordan, the UK, and of course the United States.

He served as a Staff Sergeant in the artillery forces in the Israel Defense Force, has a Master's Degree in National Security at Haifa University; a Master's Degree in Middle Eastern Studies from Hebrew University in Jerusalem and a Bachelor's Degree in Middle Eastern Studies from Tel Aviv University. In addition to his mother tongue, Hebrew, the Consul General is fluent in English and Arabic and is knowledgeable in French.

The Israeli Consul General's visit has been arranged by the Jewish Community Relations Bureau/American Jewish Committee – which serves Kansas and western Missouri. The mission of the JCRB is to advocate and educate, on behalf of the Jewish community, to eliminate injustice and discrimination at home and abroad by building bridges with other faith communities and minority groups, ethnic communities, government officials, law enforcement, educators, the media and the civic community. They can be a resource for each of you – please let me know if you would like their contact information.

Consul General Gilad will make some brief remarks in the Old Supreme Court room

at noon today and you will find an invitation in your email to a speech he is making tonight at Temple Beth Sholom here in Topeka. The public is welcome.

Mr. Speaker and colleagues, I invite you to join me now in honoring the Consul General of Israel to the Midwest, Roey Gilad.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Hedke, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **H Sub for SB 128** be adopted;

On motion of Rep. Carmichael, **H Sub for SB 128** be amended, on page 1, in line 17, after the period by inserting "The chairperson shall make the name of each person whose nomination is accepted available to the public whenever the commission stops accepting nominations for such appointment, but not less than 10 days prior to submitting the names of nominees to the governor.";

On page 2, in line 5, after "(b)" by inserting "(1) All proceedings of the commission relating to accepting nominations, conducting interviews and submitting the names of nominees to the governor shall be open to the public in accordance with and subject to the provisions of the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

(2) Except as provided further, the commission shall not recess for a closed or executive meeting for any purpose. The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting only for the purpose of discussing sensitive financial information contained within the personal financial records or official background check of a candidate for judicial nomination.

(c)"
and the substitute bill be passed as amended.

Committee report to **HB 2605** be adopted; on motion of Rep. Lusker, **HB 2605** be amended, as amended by House Committee, on page 1, in line 19, before "refuse" by inserting "require payment of any tolls, penalties, fees or costs due and owing to the county treasurer at the time of registration or renewal of registration or otherwise to";

On page 2, following line 3, by inserting:

"(d) The turnpike authority may adopt any rules and regulations necessary to carry out the provisions of this section.";

On page 3, in line 21, after "thereto" by inserting ", unless the owner or registered owner makes payment to the county treasurer at the time of registration or renewal of registration. Of such moneys collected, 15% shall be retained by the county treasurer and the remainder shall be remitted to the Kansas turnpike authority"

Also, on motion of Rep. DeGraaf to re-refer **HB 2605** to Committee on Transportation, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2549** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 44** be adopted;

and the substitute bill be passed.

Committee report to **SB 319** be adopted; and the bill be passed as amended.

Committee report to **SB 321** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 337**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 337," as follows:

"House Substitute for SENATE BILL NO. 337

By Committee on Agriculture and Natural Resources

"AN ACT concerning water; relating to the water appropriation act; annual water use report; amending K.S.A. 2015 Supp. 82a-732 and repealing the existing section.";

And the substitute bill be passed.

(**H Sub for SB 337** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2573** be amended on page 1, in line 13, after "services" by inserting "that the director and the board of the information network of Kansas, inc., have agreed upon and"; in line 14, after the period by inserting "The provisions of this section shall be implemented within existing resources."; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2662** be amended on page 2, by striking all in lines 2 through 4; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2617** be amended on page 1, in line 11, by striking ", if appointed,"; in line 13, before "in" by inserting "a person licensed to practice medicine and surgery in this state and, if appointed, shall be"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2380** be amended on page 1, in line 6, by striking "2014" and inserting "2015"; in line 9, before "board" by inserting "state librarian, subject to approval by the"; in line 10, by striking all after the second "of"; in line 11, by striking "system" and inserting "the county of residence of such appointee,"; in line 34, before the second "board" by inserting "state librarian, subject to approval by the"; in line 35, by striking "each county which is part of the regional system" and inserting "the county of residence of such appointee,";

On page 2, in line 33, by striking "2014" and inserting "2015";

On page 1, in the title, in line 2, by striking "2014" and inserting "2015"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2455**, **HB 2471**, **HB 2599**, **HB 2645** be passed.

Committee on **Insurance and Financial Institutions** recommends **HB 2453**; **SB 369** be passed.

Committee on **Insurance and Financial Institutions** recommends **SB 370** be passed

and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance and Financial Institutions** recommends **SB 390**, as amended by Senate Committee, be passed.

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 2719, AN ACT concerning local government; relating to certain taxing jurisdictions, approval of bonds, tax levies by electors or elected bodies; amending K.S.A. 3-114, 12-1220, 12-1234, 12-1267, 12-1270, 12-1276, 12-1688, 13-13a18, 13-13a23, 19-3557, 19-3617, 19-3622, 27-322, 27-333, 80-1520 and 80-1548 and K.S.A. 2015 Supp. 12-1288, 12-1927, 12-1928, 12-1936, 27-323 and 75-2551 and repealing the existing sections, by Committee on Taxation.

HB 2720, AN ACT concerning healthcare and health insurance; relating to health benefit plan coverage; prescription medication; restricting the use of step therapy protocols, by Committee on Federal and State Affairs.

HB 2721, AN ACT concerning Kansas government; relating to boards, commissions, councils, authorities and other governmental entities; creating committees to study shared resources, labor capacities and mission alignment, by Committee on Appropriations.

HB 2722, AN ACT designating a portion of K-148 as the SGT Lavern W Tegtmeier memorial highway, by Committee on Appropriations.

HB 2723, AN ACT concerning the secretary of commerce; relating to implementing administrative cost recovery fees for community finance, tax incentive and grant programs; amending K.S.A. 74-5060 and K.S.A. 2015 Supp. 12-17,164, 74-50,150 and 76-7,141 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2134 reported correctly engrossed March 7, 2016.

REPORT ON ENROLLED RESOLUTIONS

HR 6044 reported correctly enrolled and properly signed on March 8, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, March 9, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

