

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 14, 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. Anthimides, Claeys, Dove, Edmonds and Goico were excused on excused absence by the Speaker.

Prayer by guest chaplain, Everett Schultz, Deacon, First Mennonite Church, Pretty Prairie, and guest of Rep. Seiwert:

Our Father,

We come before Thee this morning thanking You for the many blessings You have bestowed upon our great nation and upon this great state of Kansas. I want to thank You that this great state still opens each session of this House with prayer. Your Word tells us that where two or three are gathered together in Your name, there You are in the midst of them. So I thank You that You are with us in this House right now.

Father, these people struggle with issues that affect all Kansans. I pray that You will give them understanding and comradery to work together to tackle the issues that affect the state and to be fair to all Kansans. They face difficult issues, and they must be dealt with in a fair and objective manner. Please give them wisdom to listen, contemplate and understand each other's position, and help them to work together to achieve the results that is the best for all involved. Please help these good people to not be influenced by the special interest groups that want to influence their vote. Help them Father to openly and honestly serve the people who have elected them to office. May their decisions be the correct ones for the continued well-being of Kansas.

But most importantly, Father, I pray for each one that hears or reads these words. Some may not know You but I know You and ask You to help them to come to know You. To each of you, I want you to know that God knows you and loves you and cares for you. I urge each of you to consider establishing a personal relationship with God. Ask Him to come into your life and be with you. Ask Him to forgive your sins and lead you to eternal life in heaven. I ask these things in Jesus' Name. Amen.

The Pledge of Allegiance was led by Rep. Curtis.

INTRODUCTION OF GUESTS

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

On Feb. 27, 2016, Anna Knapp of rural Seneca, Kansas traveled to our nation's capital to represent the Sunflower state in the Veterans of Foreign Wars National Voice of Democracy Program.

Having already won state honors, high schoolers from across the country gathered in DC seeking to win national recognition.

Anna's essay entitled "My Vision for America" was selected as a winner and she was awarded scholarships of \$1,000 from the Fridley VFW Post 363 and Auxiliary and \$1,000 from the Department of Michigan VFW and Auxiliary (for a total of \$2,000).

Anna plans to pursue a career in nursing. Anna's writing skill is not her only talent as she is an accomplished musician as well.

Anna, on behalf of the Kansas House of Representatives, it is my privilege to present to you this certificate of recognition. Congratulations and may God bless you and your family.

Rep. Garber presented Ms. Knapp with a framed House certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2731, HB 2733.**

Education: **SB 342, SB 388.**

Federal and State Affairs: **SB 379, SB 459, SB 476.**

Health and Human Services: **HB 2732.**

Judiciary: **Sub SB 428.**

Vision 2020: **SB 443.**

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **SB 415** from the Calendar under the heading General Orders and referral to Committee on Calendar and Printing.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Osterman, **HR 6049**, by Reps. Osterman and Goico, as follows, was introduced and adopted:

HR 6049—A RESOLUTION commemorating the 75th Anniversary of Civil Air Patrol.

WHEREAS, Civil Air Patrol (CAP) was founded on December 1, 1941, by a fledgling group of volunteers led by civilian pilots who flew their own planes, at their own expense, to support the Allied Powers' efforts in World War II. After the United States became involved in the war, Civil Air Patrol primarily flew reconnaissance missions near the country's coasts to protect cargo ships, especially vital oil tankers that

were being sunk at such an alarming rate that it would, according to U.S. Army Chief of Staff Gen. George Marshall, "threaten our entire war effort"; and

WHEREAS, So many submarines were spotted by these "subchasers" that a decision was soon made by the military to arm the light aircraft with small bombs and the larger aircraft with 325-pound depth bombs, putting these brave civilians at great risk, as they were often flying 100 miles or more from shore in unpredictable weather; and

WHEREAS, Over the next year and a half, these subchasers played an integral role in the defense of America's home front during World War II, spotting 143 German submarines, attacking 57 while directing shore-based fighting units to their targets and forcing the enemy to move farther offshore; and

WHEREAS, The wartime effort, which included border patrol operations, search and rescue, disaster relief, forest fire patrol, emergency transportation of personnel and critical cargo and towing of practice targets for the U.S. military, also resulted in the loss of 26 coastal patrol members and 90 aircraft in the war's beginning stages, as well as the loss of 150 aircraft and 66 deaths by the war's end; and

WHEREAS, Civil Air Patrol's work on the coast was heralded as a great success, prompting President Harry S. Truman to sign Public Law 476 in 1946, which chartered CAP as a benevolent, nonprofit organization, and nearly two years later, in 1948, the Congress of the United States passed Public Law 557, permanently establishing CAP as the official auxiliary of the U.S. Air Force with the three primary missions of Emergency Services, Cadet Programs and Aerospace Education; and

WHEREAS, Since that auspicious beginning, a modern day Civil Air Patrol has emerged to become one of the nation's premier humanitarian service organizations, saving lives, finding those who are lost, helping fellow citizens in times of disaster, working to keep America safe, preparing future leaders, offering aerospace education to inspire our nation's youth and honoring our military; and

WHEREAS, Civil Air Patrol, forged by a late-century revolution in search and rescue technology, became known worldwide for its unique emergency services operations and for performing vital search and rescue, disaster relief and other important emergency missions for what now numbers more than 1,400 communities across the United States, the District of Columbia and Puerto Rico; and

WHEREAS, Civil Air Patrol, supported by the world's largest fleet of single-engine aircraft equipped with high-technology tools like full-motion video, infrared cameras and glass cockpit instrumentation, has established itself among the nation's search and rescue elite, now participating in up to 90% of the Air Force's inland search and rescue missions; and

WHEREAS, Civil Air Patrol has more than 8,000 air crew members and 30,000 emergency responders trained to Federal Emergency Management Agency standards; has contributed free services valued at \$164 million in 2015 by serving the disaster relief and emergency service needs of communities in the United States, the District of Columbia and Puerto Rico; has saved thousands of lives in its 75-year history; and has a fleet of more than 950 emergency services vehicles for training and mission support; and

WHEREAS, A top resource for disaster relief, Civil Air Patrol is often first on the scene, providing aerial photography and damage assessment to help emergency officials pinpoint critical infrastructure needs in real time as well as ground team support, often providing door-to-door services, which include water, food and supply delivery, and

sometimes even laundry services, for victims; and

WHEREAS, Recent high-visibility Civil Air Patrol missions have included responses to tornadoes that have ravaged communities across America, forest fires in numerous states, tsunamis on the Hawaiian and Pacific coasts, hurricanes Katrina and Sandy, wildfires in the Southwest, floods in the Midwest, the September 11th terrorist attacks and counterdrug missions across the nation that have helped remove over \$1 billion in illegal drugs from our communities; and

WHEREAS, The aircraft of Civil Air Patrol were the only nonmilitary planes allowed in the skies over the U.S. in the immediate aftermath of the September 11th terrorist attacks, and CAP has since performed admirably in other homeland security missions, including responding to the Deepwater Horizon oil spill in the Gulf of Mexico, a continuous 118-day effort, by taking the tens of thousands of aerial photographs necessary for assessing environmental damage, deploying containment assets and successfully working side by side with numerous state and federal agencies, all the while saving the federal government an estimated \$22 to \$38 million for these services; and

WHEREAS, Civil Air Patrol sets the world standard for volunteer aviation emergency services, prompting other nations, like Denmark and the United Kingdom, to use the CAP model to establish or improve their own similar volunteer programs; and

WHEREAS, Civil Air Patrol's youth program currently includes more than 24,000 cadets who benefit from a curriculum that trains them to be leaders; offers them opportunities for flight, including pilot training; and teaches emergency services techniques, including lifesaving; and

WHEREAS, Civil Air Patrol reaches tens of thousands of the country's school-aged children and their teachers through a comprehensive selection of academic programs that stress the STEM subjects of science, technology, engineering and math, in addition to programs that encourage a drug-free lifestyle; and

WHEREAS, Civil Air Patrol's membership includes more than 475 chaplains who fulfill critical needs for deployed U.S. military chaplains and provide counseling services for soldiers and their families, as well as disaster victims; and

WHEREAS, In its partnership with Wreaths Across America, Civil Air Patrol annually honors military veterans by helping sponsor and place tens of thousands of wreaths at the graves of fallen soldiers at U.S. cemeteries nationwide and overseas; and

WHEREAS, Civil Air Patrol is celebrating 75 years of performing these "Missions for America": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commend and celebrate the 75th Anniversary of Civil Air Patrol and honor the men and women who have served, and those who continue to serve, their fellow citizens through Civil Air Patrol, a noble and patriotic organization; and

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

INTRODUCTION OF GUESTS

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

Today it is with pleasure that we honor the Civil Air Patrol for everything that they have done over the years.

During WWII they were responsible for watching the borders of the United States. Our maritime ships were being sunk by enemy submarines. It was their duty to locate and sink them or chase them off before they could do damage to our vessels coming in and going out of port.

Since that time they have been an asset to the various states. In 1993, they were tasked to help during the massive flooding we had in Illinois, Missouri, Iowa and Kansas. They provided damage assessments and transported patients. They also flew in medical supplies that were needed.

In January 2002, freezing rain poured over south central and northeast Kansas. They were asked by the Red Cross to help hand out supplies to the affected people. They also aided the Mount Carmel Medical Center in transporting patients.

The latest task was the tornado that hit Greensburg in 2007. More than fifty Civil Air Patrol members coordinated with the National Guard and emergency rescue responders to provide hundreds of hours of air and ground support.

These men and women supply their own aircraft and donate their time in times of disaster.

Please help me in honoring Capt. Timothy Thornton and the rest of the unit that is in the balcony with a round of applause and a thank you for what they do.

CONSENT CALENDAR

No objection was made to **Sub for SB 103** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, 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, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, 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, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, 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: Anthimides, Claeys, Dove, Edmonds, Goico.

The bill passed, as amended.

HB 2617, AN ACT concerning workers compensation; relating to the medical administrator; electronic filing for administrative hearings; amending K.S.A. 44-534 and 44-536a and K.S.A. 2015 Supp. 44-510i and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 5; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Ballard, Barker, Barton, Becker, Billinger, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, 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, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Lusk, 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, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: Boldra, Kuether, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Anthimides, Claeys, Dove, Edmonds, Goico.

The bill passed, as amended.

HB 2662, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 47; Present but not voting: 1; Absent or not voting: 5.

Yeas: Alcalá, Alford, Ballard, Becker, Billinger, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Concannon, Curtis, Dierks, Doll, Estes, Ewy, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Hedke, Helgerson, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Huebert, Jennings, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lusk, Lusker, Osterman, Ousley, Phillips, Proehl, Rahjes, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Schroeder, Schwartz, Scott, Sloan, C. Smith, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, K. Williams, Wilson, Winn, Wolfe

Moore.

Nays: Barker, Barton, Boldra, B. Carpenter, W. Carpenter, Clark, Clayton, Corbet, E. Davis, DeGraaf, Esau, Finch, Garber, Grosserode, Hawkins, Hemsley, Highland, Hildabrand, Hoffman, Houser, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, F. Patton, Pauls, Peck, R. Powell, Read, Rhoades, Rooker, Scapa, Schwab, Seiwert, Suellentrop, Sutton, Whitmer.

Present but not voting: Moxley.

Absent or not voting: Anthimides, Claeys, Dove, Edmonds, Goico.

The bill passed, as amended.

SB 325, AN ACT concerning the revised Kansas code for care of children; relating to child in need of care files; prosecutor access; amending K.S.A. 2015 Supp. 38-2211 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, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, 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, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, 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: Anthimides, Claeys, Dove, Edmonds, Goico.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 376**, **SB 334** be passed.

Committee report recommending a substitute bill to **H Sub for SB 337** be adopted; and the substitute bill be passed.

Sub HB 2543 be passed over and retain a place on the calendar.

Committee reports to **HB 2660** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 329**, **SB 330** as amended by Senate Committee, be passed.

Committee on **Energy and Environment** recommends **SB 412** 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 bill was introduced and read by title:

HB 2734, AN ACT concerning state finances; creating a budget stabilization fund; relating to state general fund revenue and expenditures; review of risk-based practices by the legislative budget committee; amending K.S.A. 75-3722 and 75-6704 and K.S.A. 2015 Supp. 75-3721 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2573 reported correctly engrossed March 10, 2016.

HB 2607, **HB 2617**, **HB 2662** reported correctly engrossed March 11, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Tuesday, March 15, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

