

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 14, 2017, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Alcalá was excused on verified illness.

Rep. Winn was excused on legislative business.

Rep. Mastroni was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Loving God in Heaven,
on this Valentine's Day,
I want to thank You for the
great gift of love you have given to all of us.
Thank You for blessing each one of us
every day with Your love
which gives us power and strength.
Without this love,
we cannot be...we cannot function...we cannot even breathe,
because we need Your love to sustain us.
Help us all to express Your love
and share it with others.
Sometimes that is hard—
some are harder to love than others.
But when we see through Your eyes,
hear through Your ears,
and feel through Your heart,
it is easy to love as You love.
For this love – this mercy – which is new every morning,
I thank You and praise You.
Amen.

The Pledge of Allegiance was recited by the members of the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were introduced and read by title:

HB 2366, AN ACT concerning alcoholic beverages; relating to the beer and cereal malt beverage keg registration act; including hard cider in the provisions thereof; amending K.S.A. 2016 Supp. 41-311, 41-2703, 41-2708, 41-2901, 41-2902, 41-2903, 41-2904, 41-2905 and 41-2906 and repealing the existing sections, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. HCR 5010—

By Committee on Health and Human Services

A CONCURRENT RESOLUTION opposing physician-assisted suicide.

WHEREAS, Kansas has an unqualified interest in the preservation of human life, and this state's prohibition on assisting suicide, like all homicide laws, both reflects and advances its commitment to this; and

WHEREAS, Neither this state's constitution nor the United States' Constitution contains a right to assisted suicide and, thus, no individual has the right to authorize another to kill oneself in violation of federal and state criminal laws; and

WHEREAS, Suicide is not a typical reaction to an acute problem or life circumstance and many individuals who contemplate suicide, including the terminally ill, suffer from treatable mental disorders, most commonly clinical depression, that frequently goes undiagnosed and untreated by physicians; and

WHEREAS, In Oregon, 46% of patients seeking assisted suicide changed their minds when their physicians intervened and appropriately addressed suicidal ideations by treating their pain, depression and other medical problems, if any; and

WHEREAS, Palliative care continues to improve and is nearly always successful in relieving pain and allowing a person to die naturally, comfortably and in a dignified manner without a change in the law; and

WHEREAS, The experiences in Oregon and the Netherlands explicitly demonstrate that palliative care options deteriorate with the legalization of physician-assisted suicide; and

WHEREAS, Kansas rejects abuses of palliative care through "futility care" protocols and the use of "terminal sedation" without life-sustaining care; and

WHEREAS, A physician's recommendation for assisted suicide relies on the physician's judgment— to include prejudices and negative perceptions— that a patient's life is not worth living, ultimately contributing to the use of "futility care" protocols and euthanasia; and

WHEREAS, Kansas rejects the "sliding-scale approach" which claims certain "qualities of life" are not worthy of equal legal protections; and

WHEREAS, The legalization of assisted suicide sends a message that suicide is a socially acceptable response to aging, terminal illnesses, disabilities and depression and subsequently imposes a "duty to die"; and

WHEREAS, The medical profession as a whole opposes physician-assisted suicide because it is contrary to the medical profession's role as healer and undermines the physician-patient relationship; and

WHEREAS, Assisted suicide is significantly less expensive than other care options, and Oregon's experience demonstrates that cost constraints can create financial

incentives to limit care and offer assisted suicide; and

WHEREAS, As evidenced in Oregon, the private nature of end-of-life decisions makes it virtually impossible to police a physician's behavior to prevent abuses, making any number of safeguards insufficient; and

WHEREAS, A prohibition on assisted suicide, specifically physician-assisted suicide, is the only way to protect vulnerable citizens from coerced suicide and euthanasia: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature strongly opposes and condemns physician-assisted suicide because the legislature has an unqualified interest in the preservation of human life; and

Be it further resolved: That the legislature strongly opposes and condemns physician-assisted suicide because anything less than a prohibition leads to foreseeable abuses and eventually to euthanasia by devaluing human life, particularly the lives of the terminally ill, elderly, disabled and depressed whose lives are of no less value or quality than any other citizen of this state; and

Be it further resolved: That the legislature strongly opposes and condemns physician-assisted suicide even for terminally ill, mentally competent adults because assisted suicide eviscerates efforts to prevent the self-destructive act of suicide and hinders progress in effective physician interventions, including diagnosing and treating depression, managing pain and providing palliative and hospice care; and

Be it further resolved: That the legislature strongly opposes and condemns physician-assisted suicide because assisted suicide undermines the integrity and ethics of the medical profession, subverts a physician's role as healer and compromises the physician-patient relationship; and

Be it further resolved: That the Secretary of State transmit a copy of this resolution to the Governor of the State of Kansas, the Kansas Secretary of Health and Environment and the Kansas Medical Society.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2360, HB 2361, HB 2362, HB 2363, HB 2364, HB 2365.**

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2351** from Committee on Financial Institutions and Pensions and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2034, HB 2239, HB 2306** from Committee on Judiciary and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2277** from Committee on Local Government and referral to Committee on Appropriations.

CONSENT CALENDAR

No objection was made to **HB 2126, HB 2164, HB 2212, HB 2213** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2030, AN ACT concerning public health; relating to pharmacists and certain other individuals; pertaining to the administration of vaccines; amending K.S.A. 2016 Supp. 65-1635a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Kiegerl, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: Awerkamp, Jacobs.

Present but not voting: None.

Absent or not voting: Alcalá, Mastroni, Winn.

The bill passed, as amended.

HB 2048, AN ACT concerning school districts; relating to teacher training and student instruction; addressing child sexual abuse, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 34; Present but not voting: 0; Absent or not voting: 3.

Yeas: Arnberger, Aurand, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Delperdang, Dierks, Dietrich, Elliott, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Stogsdill, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wilson, Wolfe Moore.

Nays: Alford, Awerkamp, Barker, Blex, B. Carpenter, Corbet, E. Davis, DeGraaf, Dove, Ellis, Esau, Garber, Good, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Kiegerl, Mason, R. Powell, Rahjes, Ryckman, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Thimesch, Vickrey, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Alcalá, Mastroni, Winn.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2048** implements certain teacher training standards. I support this. **HB 2048** asks for the review and consideration of standards to widen the scope of sex-ed in schools. Historical parental concerns regarding sex-ed, promotion of objectively immoral activity in sex-ed, existing sex-ed curriculum that already educates and arguably excessively and inappropriately exposes children to sexuality, and sexual activity and abstinence being presented to youth equally, make it imprudent to promote the increase of sexual related curriculum in schools. Problems addressed by **HB 2048** can, or are already addressed as schools see fit. This issue is best handled locally. I vote no on **HB 2048**. — RONALD L. HIGHLAND, KEN CORBET, FRANCIS AWERKAMP, RANDY GARBER, CHUCK WEBER, SUSAN HUMPHRIES, WILLIE DOVE, TREVOR JACOBS

HB 2096, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2016 Supp. 75-5091 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Wolfe Moore.

Nays: DeGraaf, Delperdang, Kiegerl, Schwab, Tarwater, Thimesch, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Alcalá, Mastroni, Winn.

The bill passed.

HB 2192, AN ACT renaming Lake Scott state park; amending K.S.A. 2016 Supp. 32-837 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly,

Kessinger, Kiegerl, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Alcalá, Mastroni, Winn.

The bill passed.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Kiegerl in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2071** be passed.

HCR 5003 be adopted.

HB 2086 be passed over and retain a place on the calendar.

Committee report to **HB 2110** be adopted; and the bill be passed as amended.

Committee report to **HB 2085** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2136** be passed.

Committee on **Appropriations** recommends **HB 2052** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2052," as follows:

"Substitute for HOUSE BILL NO. 2052

By Committee on Appropriations

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 74-4914d, 74-4920, 75-2319 and 75-6706 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d."; and the substitute bill be passed.

(Sub **HB 2052** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2161** be amended on page 6, in line 28, by striking "June 30, 2018,"; in line 30, by striking "\$45,300,000" and inserting "\$52,850,000"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2219** be passed.

Committee on **Insurance** recommends **SB 22**, as amended by Senate Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2142**, **HB 2143**, **HB 2242**, **HB 2270**, **HB 2324**, **HB 2344**, **HB 2346**, **HB 2347** from Committee on K-12 Education Budget and referral to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6012**—

By Representative Kuether

HR 6012—A RESOLUTION congratulating and commending Washburn University men's basketball head coach, Bob Chipman, on a successful career.

WHEREAS, Washburn University's Bob Chipman has spent 41 years as a basketball coach, including the last 38 as the head coach of the Ichabods; and

WHEREAS, On January 14, 2017, Bob Chipman became the 17th head coach in National Collegiate Athletic Association (NCAA) history and the third head coach in NCAA Division II history to win at least 800 games; and

WHEREAS, Bob Chipman will finish his career as the all-time wins leader in the Mid-America Intercollegiate Athletic Association (MIAA); and

WHEREAS, The Ichabods, led by Bob Chipman, were the 1987 National Association of Intercollegiate Athletics (NAIA) National Champions, the 2001 NCAA Runner-up, won 12 MIAA regular season titles and five MIAA Postseason Tournament championships, which is an MIAA coaching record; and

WHEREAS, Bob Chipman coached 15 NCAA and NAIA All-American selections, along with 14 first-team All-MIAA and 10 MIAA Most Valuable Players; and

WHEREAS, Bob Chipman's wife, Carol, father, Bob Chipman, Sr., and children, Kelsey and Bobby, have traveled this long journey by his side every step of the way: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Washburn University men's basketball head coach Bob Chipman on a successful career; and

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

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Ward to replace Rep. Winn on Committee on Education for February 14, 2017.

Also, Rep. Frownfelter is appointed to replace Rep. Alcalá on Committee on Local Government on February 14, 2017.

Also, Rep. Ward is appointed to replace Rep. Wilson on the Robert Bethell Joint Committee on Home and Community Based Services and KanCare Oversight for the first meeting on February 24, 2017.

REPORT ON ENGROSSED BILLS

HB 2030, HB 2048 reported correctly engrossed February 13, 2017.

On motion of Rep. Phillips, the House adjourned until 11:00 a.m., Wednesday, February 15, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*
SUSAN W. KANNARR, *Chief Clerk.*

