

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 9, 2017, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Ballard, Kuether, Neighbor and Thimesch were excused on verified illness.

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

Prayer by guest chaplain, the Rev. Jeffrey W. Gannon, Senior Pastor, Chapel Hill United Methodist Church, Wichita, and guest of Rep. Elliott:

Almighty God, we give you thanks and praise for the gift of this new day and pray you will help us to rejoice and be glad in it.

O God, we pray Your blessing upon the leaders of our State, that we may be a people at peace among ourselves and a blessing to others with whom we live and work.

Gracious God, keep our State under your care.

We pray your blessing, O God, on our Governor, Sam Brownback, and to all in administrative authority, grant wisdom and grace in the exercise of their duties.

Give grace to your servants, O God.

We pray your blessing, O God, on our State Senators and Representatives, and those who make our laws in counties, cities, and towns, give them courage and wisdom, O God, so they may lead with diligence and serve with humility.

Give grace to your servants, O God.

To the Judges and officers of our Courts give spiritual understanding and moral integrity, that human rights may be safeguarded and liberty and justice be protected for all.

Give grace to your servants, O God.

And finally, O God, help us to trust You for our needs as Kansans, as we seek to be faithful to Your call to serve the common good. Help us to rely on You for wisdom and guidance for the decisions before us, that we may serve You faithfully in our generation and honor Your holy Name in all we say and do. *For yours is the kingdom, O Lord, and you are exalted as head above all. Amen.*

The Pledge of Allegiance was led by Rep. Parker.

INTRODUCTION OF GUESTS

There being no Objection, the following remarks of Rep. Wheeler are spread upon the Journal:

The Kansas Humanitarian Commission works to empower Kansas citizens and businesses to serve their communities, meet local and global humanitarian needs, and promote a spirit of service through dialogue, acts and commerce. A special emphasis is to encourage young Kansans to live a life where service to our neighbors is second nature. The Commission was created by Lt. Governor Dr. Jeff Colyer and is made up of community leaders throughout the state. The first Kansas Annual Humanitarian of the Year Award for the year 2016 is our own native son, Dr. Luther Fry from Garden City, Kansas.

Born in Montezuma, Kansas, Dr. Fry attained his Eagle Scout in 1956. He is the founder of Fry Eye Associates. His specialty is cataract extraction and intraocular lens implantation.

Dr. Fry served in the U.S. Army as the Battalion Surgeon in the First Cavalry Division in Vietnam. He is a fellow of the American College of Eye Surgeons and a diplomat of the American Board of Ophthalmology. Dr. Fry sits on the boards of the International Intraocular Implant Club and KU Advisory. He was a founding member and the 1988 Capital Campaign for the High Plains Public Radio, starting their endowment fund.

Dr. Fry lectures world-wide and holds a appointment as a KU volunteer faculty member. Dr. Fry has provided over 400 scholarships for young students to attend Garden City Community College. He has also donated money to purchase a much needed Atheresis machine to St. Catherine's Hospital in Garden City, Kansas.

Some other non-profits that Dr. Fry has touched are as follows:

Benincase House (housing for families needing medical treatment)

Emmaus House (housing for homeless)

Sante Fe Trail Council, BSA (rebuilding the council camp after a forest fire)

Finney County Zoo and Museum (Capital Campaign)

Smokey Hills Public Television Station (lead giver for the Capital Campaign)

Big Brothers and Big Sisters (program expansion)

I think it is important in understanding the true nature of Dr. Fry to give you some of the quotes from the person who nominated him for this award, Janie Welsh.

"Thanks to Dr. Fry no patient has ever been denied care because of his or her inability to pay. In fact, in just one year alone, 185 patients received over \$160,000 in free or reduced cost of care."

"Dr. Fry has a true humanitarian vision, not only for the rural areas but also for the city, county, for the State, for our Nation and globally."

"He not only gives his money. He also gives of himself. Dr. Fry has touched and continues to touch so many people."

"When you look at him, you don't see someone dripping in jewels or fancy clothes. You see a humble man. You see a gentleman who has been, and still is, as generous to others as the good Lord has been to him."

"Governor Sam Brownback has said, 'Our states greatest resource is her people.' I believe that Dr. Fry personifies Kansas traits such as hard work and service to others. I believe there is no better humanitarian for the first Kansas Annual Humanitarian Year

Award for 2016 than our own native son, Dr. Luther Fry."

I feel I must also note that of all the multi-thousand surgeries performed by Dr. Fry, his wife, Artis Fry, has attended at his side as his nurse.

Rep. Wheeler presented a House certificate to Dr. Fry.

PERSONAL PRIVILEGE

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

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

Two years ago 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 woman. 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 400 people are awaiting a lifesaving transplant. Nationally more than 119,000 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.

Members of Donate Life Kansas Team participating in Blue & Green Day at the Capitol today are in the House Gallery. They include: Midwest Transplant Network, Saving Sight, Kansas Eye Bank and Cornea Research Center, National Kidney Foundation, Kansas Kidney Coalition, Kansas Department of Revenue - Division of Vehicles, The Center for Transplantation at The University of Kansas Hospital and Hein Governmental Consulting.

Please be sure to stop by their booths on the 1st Floor, south wing for more information or to hear heartwarming stories about saving lives through donation.

Please join me in recognizing these vital organizations.

INTRODUCTION OF GUESTS

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

I want to welcome the senior government class of 2017 from Fairfield High School to the Capitol. They are here to shadow legislators in the House and Senate today. Members of the House of Representatives and their students are: Rep. Barbara Ballard/Kayley Geesling, Rep. Sydney Carlin/Katie Deal, Rep. John Carmichael/Nick McReynolds, Rep. Gail Finney/Jaismon Travelbee, Rep. Kyle Hoffman/Sierra Davis, Rep. Joe Seiwert/Maria Stirbul and Rep. Kathy Wolf Moore/Summer Brennan. I want to thank their instructor, Jody Lubbers for making this happen each year as well as the parents who chaperoned.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2383, AN ACT relating to public employees; providing for annual pay increases, by Committee on Appropriations.

HB 2384, AN ACT concerning the Kansas retailers' sales tax act; relating to the imposition of tax upon certain services; amending K.S.A. 2016 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

HB 2385, AN ACT concerning income taxation; relating to rates and determination of Kansas adjusted gross income; amending K.S.A. 2016 Supp. 79-32,110 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Taxation.

HB 2386, AN ACT concerning port authorities; relating to the sale of property; amending K.S.A. 2016 Supp. 12-3412 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Federal and State Affairs: **HR 6016**.

Taxation: **HB 2380**, **HB 2381**, **HB 2382**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Wilson, **HR 6017**, A RESOLUTION recognizing after-school programs in Kansas and the increased exposure to Science, Technology, Engineering and Math (STEM) they provide to K-12 youth., was adopted.

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

I would like to recognize these students from Quincy Elementary Visual Arts Learning Academy afterschool program, French Middle School STEAM afterschool program, and Olathe Northwest High School First Robotics team as well as the Kansas

Regional Afterschool Ambassadors.

Since 80 percent of youth's time is spent outside of the regular school day, afterschool, before-school and summer learning opportunities help keep Kansas youth safe, inspire them to learn and support working families. These programs provide a broad array of additional services designed to reinforce and complement the regular academic studies such as: hands-on experiments that excite students about science, technology, engineering, and math, access to physical activity, drug and violence prevention programs, formal and informal mentoring, counseling programs, art, music, health and wellness activities, and technology education programs.

Specifically, the students participating in afterschool programs that focus on science, technology, engineering, and math also known as STEM report an increase interest in science careers and gains in important 21st century skills such as critical thinking and perseverance—skills in high demand for today's workforce. Most recently, some of the Kansas afterschool programs participated in the Afterschool & STEM System Building Evaluation 2016, which found that 70 percent of students across all the states reported positive gains in areas of science interest, science identity, science career interest and career knowledge, and 21st century skills.

According to the labor market data, STEM jobs are among the fastest-growing and highest paying jobs in the country. Millions of STEM jobs are projected to go unfilled due to the gap between the skills employers need and the skills workers have. It's not only jobs directly in STEM occupations: by some estimates, nearly 80% of all new jobs created nationwide over the next decade will require STEM skills such as critical thinking, problem solving, creativity, perseverance, and experimentation. Additionally, 67% of Kansas jobs will require some level of postsecondary education or credential, by 2018. Afterschool programs have significant potential to help young people find their spark and prepare for success in school today and jobs tomorrow.

More than 70,000 students in Kansas participate in afterschool programs, yet 132,000 would participate in a program if one were available. For every 1 student enrolled in a program, 2 are waiting to get in. This increases in rural areas: for every 1 student enrolled, 3 are waiting to get into a program. Just by attending an afterschool program, students like these today, are improving their grades, school attendance and behavior. The Kansas Regional Ambassadors are working hard to create and sustain these wonderful out of school opportunities for youth in their communities. I encourage you to reach out to learn more.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 43, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3504, as amended by section 2 of 2017 House Bill No. 2017 and 25-3507, as amended by section 3 of 2017 House Bill No. 2017 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, 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, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Houser, Kuether, Neighbor, Thimesch.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **SB 17** be passed.

Committee on **Insurance** recommends **SB 16**, as amended by Senate Committee, be amended on page 4, following line 42, by inserting:

"(j) This section shall be a part of and supplemental to the insurance holding company act."; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 19** be amended on page 13, in line 4, after "(9)" by inserting "Credit for reinsurance ceded to a certified reinsurer is limited to reinsurance contracts entered or renewed on or after the effective date of the certification of the assuming insurer by the commissioner.

(10) ";

Also on page 13, in line 30, by striking "(10)" and inserting "(11)"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Frownfelter to replace Rep. Neighbor on Committee on Agriculture on March 9, 2017.

Also, the appointment of Rep. Ward to replace Rep. Kuether on Committee on Corrections and Juvenile Justice on March 9, 2017.

INTRODUCTION OF GUESTS

Rep. Schroeder introduced 2016 Miss Kansas Outstanding Teen, Paige Kauffman, of Hesston.

On motion of Rep. Hineman, the House adjourned until 8:00 a.m., Friday, March 10, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

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