

Journal of the House

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 23, 2017, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Schwab and Wolfe Moore were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord God in Heaven,
Thank You for a new week –
a fresh new start for the work that lies ahead.
As we face the challenges of the week,
remind us often of Your words that You are
already making it plain how to live, what to do,
what *You* are looking for in each of us.
It's quite simple: do what is fair and just to our neighbor,
be compassionate and loyal in Your love.
Don't take ourselves too seriously—
but take You very seriously.
Help each one to seek Your wisdom and guidance;
act in Your power and strength,
and give of the best of their ability.
Please be with Rep. Wolfe Moore and her family
in the passing of her mother.
Bring comfort and grace to them today
as they lean upon you for strength.
This I ask in Christ's Name,
Amen.
(Micah 6:8, *The Message*)

The Pledge of Allegiance was led by Rep. Murnan.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Hoffman are spread upon the Journal:

Rahel Mogo joins us today from Ethiopia. Rahel is on a reverse trade mission to Kansas, learning about sorghum use in food grade products, food safety protocol and milling functions and qualities. She represents a food company called EthioGreen.

During her time in Kansas, Rahel has spent time with Nu-Life Market in Scott City, Heartland Mill and Country Oven Bakery in Marienthal, the Kansas Department of Agriculture, Kansas State University Sorghum and Millet Innovation Lab, AIB International (American Institute of Baking), and the Kansas Wheat Innovation Center.

The Kansas Department of Agriculture was the first state department of agriculture to visit Ethiopia and the outlook for increased exports from Kansas to Ethiopia is very promising.

We welcome Rahel to Kansas on a reverse trade mission and we look forward to future agriculture trade with Rahel and her home country of Ethiopia.

Ms. Mogo presented Ethiopian coffee to Rep. Hoffman.

PERSONAL PRIVILEGE

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

I rise to call our attention to the 44th Anniversary of Roe versus Wade, the United States Supreme Court decision of January 23, 1973, which removed all legal protections from pre-born children and has resulted in the loss of an estimated 59 million lives here in the U.S.

Constitutional law professors across the country have voiced the opinion that Roe was a serious Constitutional mistake, and that an all-male court invented a right to abortion that is hard to justify based on the Constitution's text, specifically the Due Process Clause of the 14th Amendment.

That is the attorney in me speaking. But the woman in me goes to a deeper place. We all heard much this weekend about the Women's March on Washington . . . and this portion of their mission statement resonates deeply with me: "We stand together, recognizing that defending the most marginalized among us is defending all of us." Who is the most marginalized? The most vulnerable? Certainly women are in a hard place as they experience an unwanted pregnancy—we need to care for those women. And the women in their mother's womb—the unwanted, the unborn, the voiceless—are in a hard place. The most vulnerable place.

Science has advanced our understanding of life in the womb in these last 45 years. The millennial generation has become the most pro-life generation. Millions of women (and men) deal with post-abortive difficulties and we need to care for them with deep compassion.

We in this chamber believe in human dignity and worth, and work diligently to that end. Therefore, there is much we can agree on. As we heard so eloquently last week, Martin Luther King Jr.'s message and the civil rights movement in the U.S. reverberated all over the world. May our care and concern for human dignity and worth also

reverberate across the globe as we defend the marginalized and the victims of *Roe v. Wade*.

Please join me and other Kansans on the south steps of the capitol at 12:45 to give voice to the voiceless and to defend those in hard places.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2122, AN ACT concerning commerce; relating to certain equipment; creating the fair repair act, by Committee on Federal and State Affairs.

HB 2123, AN ACT concerning the Kansas act against discrimination and acts supplemental thereto; relating to sexual orientation and gender identity; amending K.S.A. 12-16,107, 44-1001, 44-1004, 44-1009, 44-1015, 44-1016, 44-1017, 44-1027 and 44-1030 and K.S.A. 2016 Supp. 44-1002, 44-1005 and 44-1006 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2124, AN ACT concerning medical student and resident loan assistance; relating to medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; amending K.S.A. 76-387 and K.S.A. 2016 Supp. 76-381, 76-383 and 76-384 and repealing the existing sections, by Committee on Health and Human Services.

HB 2125, AN ACT concerning public benefit corporations; relating to the Kansas general corporation code; business entity standard treatment act; amending K.S.A. 2016 Supp. 17-6014, 17-6712, 17-7903 and 17-7919 and repealing the existing sections, by Committee on Judiciary.

HB 2126, AN ACT concerning trust instruments; relating to mediation or arbitration of disputes, by Committee on Judiciary.

HB 2127, AN ACT concerning the Kansas probate code; relating to transfer-on-death deeds; lapsing or vesting of ownership in grantee beneficiary; amending K.S.A. 2016 Supp. 59-3504 and repealing the existing section, by Committee on Judiciary.

HB 2128, AN ACT concerning the Kansas open meetings act; relating to closed or executive meetings; governor's domestic violence fatality review board; amending K.S.A. 2016 Supp. 75-4319 and repealing the existing section, by Committee on Judiciary.

HB 2129, AN ACT concerning the department of administration; relating to energy audits; requirements; amending K.S.A. 2016 Supp. 75-37,128 and repealing the existing section, by Committee on General Government Budget.

HB 2130, AN ACT concerning the department of administration; relating to certain state contracts; amending K.S.A. 75-3743 and 75-3744 and repealing the existing sections, by Committee on General Government Budget.

HB 2131, AN ACT concerning sales taxation; relating to exemptions, food and food ingredients; amending K.S.A. 2016 Supp. 79-3602 and 79-3606 and repealing the existing sections, by Representative Miller.

HB 2132, AN ACT concerning the Kansas commission on veterans affairs office; relating to drug screening programs; safety sensitive positions; amending K.S.A. 2016 Supp. 75-4362 and repealing the existing section, by Committee on Veterans and Military.

HB 2133, AN ACT concerning the joint estimate of revenue; amending K.S.A. 2016 Supp. 75-6701 and repealing the existing section, by Committee on Appropriations.

HB 2134, AN ACT concerning agriculture; relating to the Kansas department of agriculture; certain fees; amending K.S.A. 2016 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-2464a, 2-2469, 2-3304, 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the existing sections, by Committee on Agriculture.

HB 2135, AN ACT concerning agriculture; relating to fees for milk, cream and dairy businesses; authorizing the Kansas secretary of agriculture to collect a fee for processing paper documents; amending K.S.A. 74-576 and K.S.A. 2016 Supp. 65-778 and 65-781 and repealing the existing sections, by Committee on Agriculture.

HB 2136, AN ACT concerning weights and measures; relating to service companies; technical representatives; amending K.S.A. 2016 Supp. 83-402 and repealing the existing section, by Committee on Agriculture.

HOUSE CONCURRENT RESOLUTION No. **HCR 5005**—

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government.

WHEREAS, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, The federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, The federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, It is the solemn duty of the states to protect the liberty of our people — particularly for the generations to come — by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power: Now, therefore,

Be it resolved by the Legislature of the state of Kansas, two-thirds of the members elected (or appointed) to the House of Representatives and two-thirds of the members elected (or appointed) to the Senate concurring therein: The legislature of the state of Kansas hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and

Be it further resolved: This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made application on the same subject; and

Be it further resolved: That the Secretary of State shall send an enrolled copy of this resolution to the President and Secretary of the United States Senate and the Speaker and the Clerk of the United States House of Representatives, to the members of the United States Senate and the United States House of Representatives from this state and to the presiding officers of each of the legislative chambers in the several states.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Elections: **HB 2117.**

Health and Human Services: **HB 2119, HB 2120, HB 2121.**

Insurance: **HB 2118.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6005**—

By Representatives Aurand, Dierks, Arnberger, Ballard, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Carpenter, Concannon, Cox, Crum, Curtis, Davis, DeGraaf, Dietrich, Dove, Elliott, Finch, Finney, Gallagher, Garber, Gartner, Good, Helgerson, Highberger, Hodge, Hoffiman, Holscher, Jennings, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Murnan, Neighbor, Ohaebosim, Osterman, Ousley, Parker, Patton, Phelps, Pittman, Proehl, Rahjes, Ralph, Rooker, Sawyer, Schreiber, Stogsdill, Sutton, Tarwater, Terrell, Trimmer, Vickrey, Victors, Ward, Weber, Whitmer, Williams, Wilson, Winn and Wolfe Moore

A RESOLUTION congratulating and commending the members of the 2017 Kansas Teacher of the Year team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program, which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two teachers — one elementary and one secondary — in each of the state's four United States congressional districts were selected as finalists for recognition as the Kansas Teacher of the Year, with the winner being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship, which enables the person selected to devote significant time during the second semester to activities supporting the mission of the program. The 2017 Kansas Teacher of the Year and the finalists were honored at an awards banquet on November 19, 2016. All members received a cash award as well as mementos of the event; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers, presented by Voya Financial; and

WHEREAS, The 2017 Kansas Teacher of the Year is Jason Sickel, Blue Valley USD 229; and the regional finalists are Kristine A. Bruce, Auburn-Washburn USD 437; Jennifer M. Farr, Geary County USD 475; Jonathan Ferrell, Shawnee Mission USD 512; Crystal May, Maize USD 266; Maret Schrader, Seaman USD 345; Lori J. Stratton, Wamego USD 320; and Brent M. Wolf, USD 260: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the members of the 2017 Kansas Teacher of the Year team and wish Mr. Sickel success in the national competition; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2017 Kansas Teacher of the Year team.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Ward to replace Rep. Wolfe Moore on Committee on Appropriations for January 24, 25 and 26.

Also, Rep. Frownfelter is appointed to replace Rep. Wolfe Moore on Committee on Taxation for January 24, 25 and 26.

REPORT ON ENGROSSED BILLS

HB 2017 reported correctly engrossed January 18, 2017.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5002 reported correctly engrossed January 18, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, January 24, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

