

Journal of the House

SEVENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 25, 2017, 10:00 a.m.

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

The roll was called with 123 members present.

Reps. Henderson and Highland were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God of mercy and compassion,
thank You for Your love which is new every morning.
Thank You for the steps forward that are being made
and I ask that You continue to lead our leaders
in the path of wise decisions.

I ask for Your mercy
upon the efforts of our leaders to follow You
in righteousness and humility.

I ask for Your mercy to help the with
self-denial, steadfastness and courage
to make the decisions they must.

Give them a pure heart that they may see You;
a humble heart that they may hear You;
a heart of love that they may serve You and others;
a heart of faith that they may live for You.

Thank You for the opportunity they have to serve.

Guide them in all their ways.

In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Claeys.

PERSONAL PRIVILEGE

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

Good morning body. At this time, I'd like to ask all of our veterans to please come and stand with me. With this being Memorial weekend, I felt it was appropriate that we take a little time this morning to recognize our veterans and honor our country.

"RAGGED OLD FLAG"

I walked through a county court house square
 On a park bench an old man was sitting there
 I said, "Your court house is kinda run down"
 He said "Naw, it'll do for our little town"
 I said, "Your flag pole has leaned a little bit
 And that's a Ragged Old Flag you got hanging on it"
 He said, "Have a seat" and I sat down
 "Is this the first time you've been in our little town?"

I said, "I think it is," he said, "I don't like to brag
 But we're kinda proud of that Ragged Old Flag
 You see, we got a little hole in that flag there
 When Washington took it across the Delaware
 And it got powder burned the night Francis Scott Key
 Sat watchin' it write "Say Can You See"

And it got a bad rip in New Orleans
 With Packinham and Jackson tuggin' at its seams
 And it almost fell at the Alamo
 Beside the Texas flag but she waved on though
 She got cut with a sword at Chancellorsville
 And she got cut again at Shiloh Hill
 There was Robert E. Lee, Beauregard and Bragg
 And the south wind blew hard on that Ragged Old Flag
 On Flanders Field in World War I
 She got a big hole with a Bertha Gun
 She turned blood red in World War II
 She hung limp and low by the time it was through
 She was in Korea and Vietnam
 And later Iraq and Afghanistan.

She went where she was sent by her Uncle Sam
 Native Americans, brown, yellow, and white
 All shed red blood for the Stars and Stripes
 In her own good land here she's been abused
 She's been burned, dishonored, denied, and refused
 And I think it's a crying shame
 When folks won't stand for her at a football game.
 And the government for which she stands
 Has been scandalized throughout the land
 And she's getting threadbare and wearing thin
 But she's in good shape for the shape she's in
 'Cause she's been through the fire before
 And I believe she can take a whole lot more

So we raise her up every morning, take her down every night
 We don't let her touch the ground and fold her up tight
 On second thought I do like to brag
 'Cause I'm mighty proud of the Ragged Old Flag."

The small part that I played while serving, is nothing compared to some of the stories my colleagues could tell you. This time of year, we not only recognize those who served in our armed forces, but we remember the families and the uncertainties in their lives until "Johnny Came Marching Home." I've always wondered how my grandparents endured having three sons and a son-in-law scattered around the world during World War II. I asked my grandmother one time how she coped and she replied "I prayed a lot." I think of my legislative friend Ramon, who came to this country as a young boy, joined the Marines, and served in Vietnam, and upon his return to the United States was awarded his citizenship. Unfortunately, his contact with Agent Orange has made his life more complicated than it should be.

I remember hearing my father-in-law telling about being a flight engineer on a B-29 and going out on a mission called Super Dumbo. He knew it was a reconnaissance mission like no mission he had been on before and upon seeing the mushroom cloud, realized he had been a part of something very real. The mission took 20 hours and upon their return to the base, they found not only the troops but the rest of America well into their celebration.

We all have stories we could tell like this, but I would like to close by reciting the lyrics to a song made popular in the 1980's by Lee Greenwood of not only why I'm proud to be a veteran, a legislator, and most of all why I'm proud to be an American.

"GOD BLESS THE USA"

If tomorrow all the things were gone,
 I'd worked for all my life,
 And I had to start again,
 With my children and my wife.
 I'd thank my lucky stars,
 To be livin' here today.
 'Cause the flag still stands for freedom,
 And they can't take that away.
 And I'm proud to be an American,
 Where at least I know I'm free.
 And I won't forget the men who died,
 Who gave that right to me.
 And I gladly stand up,
 Next to you and defend her still today.
 'Cause there ain't no doubt I love this land,
 God bless the USA.
 From the lakes of Minnesota,
 To the hills of Tennessee.
 Across the plains of Texas,
 From sea to shining sea.
 From Detroit down to Houston,

And New York to L.A.
 Well there's pride in every American heart,
 And it's time we stand and say,
 That I'm proud to be an American,
 Where at least I know I'm free.
 And I won't forget the men who died,
 Who gave that right to me.
 And I gladly stand up,
 Next to you and defend her still today,
 'Cause there ain't no doubt I love this land,
 God bless the USA.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2410, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the Kansas school equity and enhancement act; amending K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 72-99a02, as amended by section 87 of this act, 72-99a04, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 46-1133, 72-6482 and 75-2319, as amended by section 46 of Senate Substitute for Substitute for House Bill No. 2052, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 39; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Campbell, Carlin, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., E. Davis, Deere, Delperdang, Dierks, Dietrich, Elliott, Ellis, Eplee, Finch, Francis, Gallagher, Gartner, Good, Hawkins, Hibbard, Hineman, Hoffman, Holscher, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusker, Markley, Mastroni, Murnan, Neighbor, Orr, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Waymaster, Weber, C., Weigel, Wheeler, K. Williams, Wilson, Wolfe Moore.

Nays: Alcalá, Awerkamp, Burroughs, Carmichael, B. Carpenter, Corbet, Curtis, DeGraaf, Dove, Esau, Finney, Frownfelter, Garber, Helgerson, Highberger, Hodge, Houser, Huebert, Humphries, Jacobs, K. Jones, Lusk, Mason, Miller, Ohaebosim, Osterman, Ousley, Parker, R. Powell, Ruiz, Sawyer, Stogsdill, Terrell, Vickrey, Victors, Ward, Whipple, Whitmer, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Highland.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTES

MR. SPEAKER: I vote “No” on Sub HB 2410 because through a full repeal of the 2012 tax “experiment” we could adequately fund our public schools, but this bill fails to suitably provide for the education of our children as required by the Kansas Constitution. I therefore vote “No” on **Sub HB 2410**. – JOHN CARMICHAEL

MR. SPEAKER: I vote NO on **Sub HB 2410**. I look forward to seeing all of you at the special session. – DENNIS “BOOG” HIGHBERGER

MR. SPEAKER: I am voting no on **Sub HB 2410** because I do not believe the funding is sufficient. The policy is good but funding is not even at 2009 levels. I believe this almost assures a special session and I do not think this is fair to taxpayers, schools, parents or students. Our students and teachers deserve schools that have adequate funding. And we have a responsibility to make that happen now. I do not think this bill achieves that. – PATSY TERRELL, NANCY LUSK

MR. SPEAKER: I have commented that funding promised over the two-year period in this bill is woefully inadequate. I stand by that statement. I vote yes on **Sub HB 2410** today because the formula portion of this bill, after amendments, is thought-out and I believe will be found constitutional. The weightings are good and will help public school students statewide. I do believe that the Supreme Court will bring us back to add money into the formula. When that happens, I will work with other pro-education legislators to get the adequate dollars. I want the formula enacted. I will continue to fight for our public schools and students. – STEVEN G. CRUM

MR. SPEAKER: The June 30 deadline looms large with many procedural steps remaining. I share concerns about the funding in this bill, but am more alarmed at the uncertainty we face without a constitutional funding formula. Absent an approved formula, the state will not be allowed to distribute even \$1 on July 1, 2017 placing summer programs immediately at-risk. I believe we have drafted a formula that will meet the constitutional test. Ultimately, none of us can discern what the Supreme Court will rule regarding adequacy but it is high time for both sides to have their day in court. I vote YES on **Sub HB 2410**. – MELISSA ROOKER, PATTY MARKLEY, TOM COX, JAN KESSINGER, LINDA GALLAGHER, SEAN TARWATER, SHELEE BRIM, SUSAN CONCANNON, BRAD RALPH

MR. SPEAKER: I vote yes on **Sub HB 2410**. I do so reluctantly. I acknowledge the positive policy changes made in the formula and that is why I am voting yes. I have concerns that the formula is not adequately funded to satisfy the Court's order, but I do believe **Sub HB 2410** is a step in the right direction. – ELIZABETH BISHOP, DEBBIE DEERE, MONICA MURNAN, ED TRIMMER, KATHY WOLFE MOORE, CINDY NEIGHBOR, ANNIE KUETHER VIRGIL WEIGEL, EBER PHELPS, JIM GARTNER, BARBARA BALLARD

MR. SPEAKER: I vote no on **Sub HB 2410**. The Kansas Supreme Court was very clear in the ruling on the Gannon case. The Court required two things: a fair finance formula, and adequate funding. The funding is woefully inadequate, and I fear we will be back for a special session to remedy this. I cannot vote for a bill that does not constitutionally fund our schools. – JARROD OUSLEY, JERRY W. STOGSDILL, PONKA-WE VICTORS, JOHN ALCALA, BRETT PARKER, PAM CURTIS, TIM HODGE, LOUIS RUIZ

MR. SPEAKER: I vote Aye. The Kansas Supreme Court has ordered us to reduce “the numbers of all students failing to reach proficiency in core subjects.” I helped design **Sub HB 2410** specifically to accomplish that goal. **Sub HB 2410** establishes at-risk weighting at its highest ever level, an amount calculated through extensive research by Legislative Post-Audit. It embraces studies on early childhood education by fully funding all-day kindergarten and increasing pre-K expenditures. **Sub HB 2410** guarantees all districts at least 10% funding for underperforming students. It adds millions of dollars annually to base funding and indexes future spending to address future needs for all kids, especially under-performing ones. – JIM KARLESKINT

MR. SPEAKER: **Sub HB 2410** targets funds to maximize student success under the *Rose* standards. It ends the use of at-risk dollars for general expenses, requiring such funds to be used for “at-risk educational programs approved by the state board.” **Sub HB 2410** empowers the state board, closely tying school finance to the Board's Kansas CAN student success effort. **Sub HB 2410** links the Board's accreditation, research on improving student outcomes and accounting of district expenditures to ensure that schools use these new dollars and Board-vetted best practices to promote real growth for under-performing students. I vote yes on **Sub HB 2410**. – FRED PATTON

MR. SPEAKER: I cast my vote in favor of **Sub HB 2410**, a bill that will repeal the previous unconstitutional system, and replace it with a stable formula. We did not complete the job today, but this is a good beginning. A beginning is a delicate time. Know then, that the legislature must continue to commit to funding education through strong support of a comprehensive taxation system. I hope that my colleagues will continue their commitment to funding schools in their future votes, and understand that this bill only gets us so far. – STEPHANIE CLAYTON, DIANA DIERKS, MARY MARTHA GOOD, JOY KOESTEN, BRENDA DIETRICH

MR. SPEAKER: The Kansas Supreme Court told us that “actual costs remain a valid factor” and that, unlike in *Montoy*, “funds from all available resources...should be considered.” This includes LOB money. I examined all funds and actual costs (as calculated by Legislative Post-Audit) in helping to design **Sub HB 2410**. Post Audit's 2006 actual cost study excluded LOB. Adjusting that cost study for inflation and including LOB, Post Audit confirmed (through a memorandum on which the committee relied) that **Sub HB 2410** exceeds the overall K-12 funding level recommended by its cost study. I trust Post-Audit's reasonable calculation of K-12 funding needs and vote aye on **Sub HB 2410**. – CLAY AURAND, BRENDA K. LANDWEHR, CHUCK WEBER

MR. SPEAKER: As chair of the K-12 Education Budget Committee, my focus has been to “reasonably calculate” K-12 funding to best help students meet or exceed the *Rose* standards. The committee's extended expert testimony showed me the wisdom of a “successful schools” funding approach. We identified overachieving districts (the ones who have most exceeded state board expectations of student achievement), provided their funding levels to all districts, and indexed this amount to inflation. **Sub HB 2410** took this amount, calculated by experts, and added hundreds of millions in additional K-12 funding. I vote aye because **Sub HB 2410** is reasonably calculated to promote student success. – LARRY CAMPBELL

MR. SPEAKER: While I like the policy pieces in this bill and commend the committee for their good work in writing the school finance formula, the funding is woefully inadequate. \$279 million over two years is far short of \$894 million, the minimum amount the State Board of Education says is needed. Since we passed the school finance formula in 1992, we have cut taxes 15 times, the most recent being the 2012 tax plan that cut income tax revenue \$1 billion annually. We have no excuse for not adequately funding schools. I vote no on **Sub HB 2410**. – TOM SAWYER

MR. SPEAKER: I vote yes on **Sub HB 2410**, which addresses the needs of Kansas school children in a constitutional manner. The bill provides significant additional funding, and while we may debate the amount, this much is certain: we must be willing to live up to our obligation and actually provide the funding we promise. We have yet to find the will to increase revenues to support higher funding levels. We cannot deceive the people with an illusion of future funding which is never delivered. The courts do not like deception, and the children of Kansas deserve better than broken promises. – DON HINEMAN, LEO DELPERDANG

MR. SPEAKER: I vote No on **Sub HB 2410**. While **Sub HB 2410** exceeds the requirements of our Constitution to make suitable provision for finance of Kansas' educational interests, it includes too many weightings – many of which are in conflict (like having both a high and low enrollment weighting) or cannot be predetermined for appropriations. **Sub HB 2410** doesn't make it clear that appropriations are only determined by the legislature and thus puts Kansas in the same cycle of being sued instead of requiring schools to make their petitions before the legislature. The legislature alone should determine adequate school funding and **Sub HB 2410** does not make that responsibility clear. – KEITH ESAU

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 5 through 36;

On page 2, by striking all in lines 1 through 5; following line 5, by inserting:

"Section 1. K.S.A. 2016 Supp. 65-6709 is hereby amended to read as follows: 65-6709. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(a) At least 24 hours before the abortion the physician who is to perform the abortion or the referring physician has informed the woman in writing, which shall be provided on white paper in a printed format in black ink with 12-point times new roman font of:

(1) ~~The name of following information concerning~~ the physician who will perform the abortion;

(A) The name of such physician;

- (B) the year in which such physician received a medical doctor's degree;
- (C) the date on which such physician's employment commenced at the facility where the abortion is to be performed;
- (D) whether any disciplinary action has been taken against such physician by the state board of healing arts by marking either a box indicating "yes" or a box indicating "no" and if the box indicating "yes" is marked, then provide the website addresses to the board documentation for each disciplinary action;
- (E) whether such physician has malpractice insurance by marking either a box indicating "yes" or a box indicating "no";
- (F) whether such physician has clinical privileges at any hospital located within 30 miles of the facility where the abortion is to be performed by marking either a box indicating "yes" or a box indicating "no" and if the box indicating "yes" is marked, then provide the name of each such hospital and the date such privileges were issued;
- (G) the name of any hospital where such physician has lost clinical privileges; and
- (H) whether such physician is a resident of this state by marking either a box indicating "yes" or a box indicating "no";
- (2) a description of the proposed abortion method;
- (3) a description of risks related to the proposed abortion method, including risk of premature birth in future pregnancies, risk of breast cancer and risks to the woman's reproductive health and alternatives to the abortion that a reasonable patient would consider material to the decision of whether or not to undergo the abortion;
- (4) the probable gestational age of the unborn child at the time the abortion is to be performed and that Kansas law requires the following: "No person shall perform or induce an abortion when the unborn child is viable unless such person is a physician and has a documented referral from another physician not financially associated with the physician performing or inducing the abortion and both physicians determine that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible physical impairment of a major bodily function of the pregnant woman." If the child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child;
- (5) the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;
- (6) the contact information for counseling assistance for medically challenging pregnancies, the contact information for perinatal hospice services and a listing of websites for national perinatal assistance, including information regarding which entities provide such services free of charge;
- (7) the medical risks associated with carrying an unborn child to term; and
- (8) any need for anti-Rh immune globulin therapy, if she is Rh negative, the likely consequences of refusing such therapy and the cost of the therapy.
- (b) At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician or a qualified person has informed the woman in writing that:
- (1) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in K.S.A. 65-6710, and amendments thereto;

(2) the informational materials in K.S.A. 65-6710, and amendments thereto, are available in printed form and online, and describe the unborn child, list agencies which offer alternatives to abortion with a special section listing adoption services and list providers of free ultrasound services;

(3) the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion except that in the case of rape this information may be omitted;

(4) the woman is free to withhold or withdraw her consent to the abortion at any time prior to invasion of the uterus without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled;

(5) the abortion will terminate the life of a whole, separate, unique, living human being; and

(6) by no later than 20 weeks from fertilization, the unborn child has the physical structures necessary to experience pain. There is evidence that by 20 weeks from fertilization unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are 20 weeks from fertilization or older who undergo prenatal surgery.

(c) At least 30 minutes prior to the abortion procedure, prior to physical preparation for the abortion and prior to the administration of medication for the abortion, the woman shall meet privately with the physician who is to perform the abortion and such person's staff to ensure that she has an adequate opportunity to ask questions of and obtain information from the physician concerning the abortion.

(d) At least 24 hours before the abortion, the woman is given a copy of the informational materials described in K.S.A. 65-6710, and amendments thereto. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

(e) The woman certifies in writing on a form provided by the department, prior to the abortion, that the information required to be provided under subsections (a), (b) and (d) has been provided and that she has met with the physician who is to perform the abortion on an individual basis as provided under subsection (c). All physicians who perform abortions shall report the total number of certifications received monthly to the department. The total number of certifications shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto. The department shall make the number of certifications received available on an annual basis.

(f) Prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by subsection (e) of this section.

(g) The woman is not required to pay any amount for the abortion procedure until the 24-hour waiting period has expired.

(h) A physician who will use ultrasound equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to view the ultrasound image of her unborn child, at no additional expense to her;

(2) informs the woman that she has the right to receive a physical picture of the ultrasound image, at no additional expense to her;

(3) offers the woman the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image;

(4) certifies in writing that the woman was offered the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image at least 30 minutes prior to the performance of the abortion; and

(5) obtains the woman's signed acceptance or rejection of the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image.

If the woman accepts the offer and requests to view the ultrasound image, receive a physical picture of the ultrasound image or both, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image was offered.

(i) A physician who will use heart monitor equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to listen to the heartbeat of her unborn child, at no additional expense to her;

(2) offers the woman the opportunity to listen to the heartbeat of her unborn child;

(3) certifies in writing that the woman was offered the opportunity to listen to the heartbeat of her unborn child at least 30 minutes prior to the performance of the abortion; and

(4) obtains the woman's signed acceptance or rejection of the opportunity to listen to the heartbeat of her unborn child.

If the woman accepts the offer and requests to listen to the heartbeat of her unborn child, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to listen to the heartbeat of her unborn child was offered.

(j) The physician's certification required by subsections (h) and (i) together with the pregnant woman's signed acceptance or rejection of such offer shall be placed in the woman's medical file in the physician's office and kept for 10 years. However, in the case of a minor, the physician shall keep a copy of the certification and the signed acceptance or rejection in the minor's medical file for five years past the minor's majority, but in no event less than 10 years.

(k) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed shall conspicuously post a sign in a location so as to be clearly visible to patients. The sign required pursuant to this subsection shall be printed with lettering that is legible and shall be at least three quarters of an inch boldfaced type. The sign shall include the address for the pregnancy resources website published and maintained by the department of health and environment, and the following text:

Notice: It is against the law for anyone, regardless of their relationship to you, to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse

or violence. You have the right to change your mind at any time prior to the actual abortion and request that the abortion procedure cease. It is unlawful for anyone to make you have an abortion against your will, even if you are a minor. The father of your child must provide support for the child, even if he has offered to pay for an abortion. If you decide not to have an abortion, you may qualify for financial help for pregnancy, childbirth and newborn care. If you qualify, medicaid will pay or help pay the cost of doctor, clinic, hospital and other related medical expenses, including childbirth delivery services and care for your newborn baby. Many agencies are willing to provide assistance so that you may carry your child to term, and to assist you after your child's birth.

The provisions of this subsection shall not apply to any private office, freestanding surgical outpatient clinic or other facility or clinic which performs abortions only when necessary to prevent the death of the pregnant woman.

(l) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed that has a website shall publish an easily identifiable link on the homepage of such website that directly links to the department of health and environment's website that provides informed consent materials under the woman's-right-to-know act. Such link shall read: "The Kansas Department of Health and Environment maintains a website containing information about the development of the unborn child, as well as video of sonogram images of the unborn child at various stages of development. The Kansas Department of Health and Environment's website can be reached by clicking here."

(m) For purposes of this section:

(1) The term "human being" means an individual living member of the species of homo sapiens, including the unborn human being during the entire embryonic and fetal ages from fertilization to full gestation.

(2) The term "medically challenging pregnancy" means a pregnancy where the unborn child is diagnosed as having: (A) A severe anomaly; or (B) an illness, disease or defect which is invariably fatal.

New Sec. 2. If any of the provisions of article 67 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, are temporarily or permanently enjoined or otherwise restricted and not given their full force and effect by judicial order, all other provisions of article 67 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, not so enjoined or otherwise restricted shall be enforced as though such enjoined or otherwise restricted provisions had not been enacted, provided, that if any such temporary or permanent injunction or other judicial order is stayed, lifted, dissolved or otherwise ceases to have effect, then such provisions shall have full force and effect.";

Also on page 2, in line 6, by striking "55-1807" and inserting "2016 Supp. 65-6709"; in line 8, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the Kansas propane safety and licensing act" and inserting "abortion; relating to the woman's-right-to-know act; relating to certain physician information to be disclosed"; in line 2, by striking "55-1807" and inserting "2016 Supp. 65-6709";

And your committee on conference recommends the adoption of this report.

JOHN E. BARKER
RONALD L. HIGHLAND
Conferees on part of House

BUD ESTES
ROB OLSON
Conferees on part of Senate

On motion of Rep. Humphries, the conference committee report on **SB 83** was adopted.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Blex, Brim, Campbell, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Garber, Good, Hawkins, Hibbard, Hineman, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Lakin, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Orr, Osterman, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Nays: Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Deere, Finney, Frownfelter, Gallagher, Gartner, Helgerson, Highberger, Holscher, Kessinger, Koesten, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Rooker, Ruiz, Sawyer, Sloan, Stogsdill, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Crum, S., Henderson, Highland.

EXPLANATION OF VOTE

MR. SPEAKER: The vote today on **SB 83** is a political vote. It is a postcard vote. The most important issue is that it is likely unconstitutional based on past cases that have come before the Kansas Supreme Court. Kansas taxpayers have already spent more than \$1 million defending abortion laws. At a time when the Legislature is considering further cuts to core services and building a new plan for school funding, we should not be passing policies we know contain language that's already been struck down in court. We vote no on **SB 83**. – CINDY NEIGHBOR, ANNIE KUETHER, JIM GARTNER, SYDNEY CARLIN, ELIZABETH BISHOP, BRETT PARKER, JOHN CARMICHAEL, JOHN WILSON, MONICA MURNAN, JERRY W. STOGSDILL, DENNIS “BOOG” HIGHBERGER, BARBARA W. BALLARD

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 201** submits the following report:

The House recesses from all of its amendments to the bill.

And your committee on conference recommends the adoption of this report.

JOHN E. BARKER
 RONALD L. HIGHLAND
 LOUIS E. RUIZ
Conferees on part of House

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

On motion of Rep. Barker, the conference committee report on **SB 201** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, 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, Hibbard, Highberger, 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, Mastroni, Miller, Murnan, Neighbor, 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, Thimesch, 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: Henderson, Highland.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Karleskint, the House concurred in Senate amendments to **S Sub for HB 2132**, AN ACT concerning port authorities; relating to the sale of property; amending K.S.A. 2016 Supp. 12-3412 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, 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, Hibbard, Highberger, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr,

Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Raffie, Rahjes, Ralph, Resman, 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, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: B. Carpenter, Jacobs, K. Jones, Whitmer.

Present but not voting: None.

Absent or not voting: Henderson, Highland, R. Powell.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 102, by Representative Deere, commending a group of dedicated young women from Lansing and Leavenworth KS on the March 2017 founding of “Sunflower Chapter” of the National Scoliosis Foundation;

Request No. 103, by Representative Good, congratulating Doug Chance, Butler Grizzlies Softball Head Coach for being Back-2-Back National Champions;

Request No. 104, by Representative Williams, congratulating Jake Becker, Augusta High School, for being 4A KSHSAA Golf State Champion;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

Upon unanimous consent, the House referred back to the order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Hineman, **HCR 5015**, by Representatives Ryckman, Hineman and Ward, as follows, was introduced and adopted.

HCR 5015 – A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2017 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on May 25, 2017, and shall reconvene on May 30, 2017, pursuant to adjournment of the daily session convened on May 25, 2017; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day during this period of adjournment; and

Be it further resolved: That members of the legislature attending a legislative meeting

of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during this period of adjournment shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On motion of Rep. Hineman, the House recessed until 4:00 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5015**.

Announcing passage of **Sub HB 2230**, as amended.

REPORT ON ENGROSSED BILLS

Sub HB 2410 reported correctly engrossed May 24, 2017.

On motion of Rep. Hineman, in accordance with **HCR 5015**, the House adjourned until 10:00 a.m., Tuesday, May 30, 2017.

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

SUSAN W. KANNARR, *Chief Clerk*.

