

# Journal of the House

## SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 19, 2016, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Seiwert was excused on verified illness.

Reps. Goico, Kelley and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Joe Cowell, pastor, First Assembly of God, Cheney, and guest of Rep. Whitmer:

Our Heavenly Father, Creator of the Universe, and Lord of our lives,

We come before you today in need of your intervention and assistance.

We acknowledge that you are our Lord, our Light, and our Salvation, Who shall we fear.

We acknowledge that you are the Strength of Our Lives, of whom shall we be afraid.

For I am persuaded that though a great enemy encamp round about me and war break out against me on every side.

In Your Presence and Power WE STAND CONFIDENT.

Give us Strength today O Mighty God to make the decisions that might prove difficult and unpopular to others but are RIGHT AND Just in Your eyes.

Give us Knowledge to choose the path we should take as we prove your Word to be a Lamp unto our feet and a Light unto our path.

Give us Wisdom to know how to lead well the people underneath our care, to govern and administer Justice to all within our territory.

Give us Grace as we are all fallen men and woman void of any righteousness in and of ourselves needing grace to give us Hope in the midst of despair and hopelessness.

Grant us Your protection for our families and loved ones who have sacrificed so much so that we can do the job that we have been appointed to do.

Just as you led the Children of Israel with a Pillar of fire

by night and a Cloud by day, May You guide us O Mighty God in paths of righteousness for Your Name sake.

May our hearts stay tender and broken before you as we humble ourselves before your Awesome Presence in order that you might Lift us up.

Bless the Men and Women of this state legislature. May it be evident to all that God has heard our prayer this day.

Unto Him who is able to do exceedingly, abundantly above all we could ask think or imagine according to the power that works in us. <sup>21</sup> to him be glory in the church and in Christ Jesus throughout all generations, for ever and ever!  
Amen.

The Pledge of Allegiance was led by Rep. Waymaster.

#### **PERSONAL PRIVILEGE**

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

Remarks in recognition of the Revered Dr. Martin L. King, Jr.

The Rev. Dr. Martin L. King, Jr., was in Memphis, Tennessee, to lend his support to the sanitation workers. He delivered his "I've Been to the Mountain Top" speech on April 3, 1968.

"You know, several years ago, I was in New York City autographing the first book that I had written. And while sitting there autographing books, a demented black woman came up. The only question I heard from her was "Are you Martin Luther King?" And I was looking down writing, and I said, "Yes." And the next minute I felt something beating on my chest. Before I knew it I had been stabbed by this demented woman. I was rushed to Harlem Hospital. It was a dark Saturday afternoon. And that blade had gone through, and the X-rays revealed that the tip of the blade was on the edge of my aorta, the main artery. And once that's punctured, your drowned in your own blood—that's the end of you.

It came out in the *New York Times* the next morning, that if I had merely sneezed, I would have died. Well, about four days later, they allowed me, after the operation, after my chest had been opened, and the blade had been taken out, to move around in the wheel chair in the hospital. They allowed me to read some of the mail that came in, and from all over the states and the world, kind letters came in. I read a few, but one of them I will never forget. I had received one from the President and the Vice-President. I've forgotten what those telegrams said. I'd received a visit and a letter from the Governor of New York, but I've forgotten what that letter said. But there was another letter that came from a little girl, a young girl who was a student at the White Plains High School. And I looked at that letter, and I'll never forget it. It said simply,

Dear Dr. King,

I am a ninth-grade student at the White Plains High School.

And she said, While it should not matter, I would like to mention that I'm a white girl. I read in the paper of your misfortune, and of your suffering. And I read that if you had sneezed, you would have died. And I'm simply writing you to say that I'm so happy that you didn't sneeze.

And I want to say tonight—I want to say tonight that I too am happy that I didn't sneeze. Because if I had sneezed, I wouldn't have been around here in 1960 when students all over the South started sitting-in at lunch counters. And I knew that as they were sitting in, they were really standing up for the best in the American dream, and taking the whole nation back to those great wells of democracy which were dug deep by the Founding Fathers in the Declaration of Independence and the Constitution.

If I had sneezed, I wouldn't have been around here in 1961, when we decided to take a ride for freedom and ended segregation in inter-state travel.

If I had sneezed, I wouldn't have been around here in 1962, when Negroes in Albany, Georgia, decided to straighten their backs up. And whenever men and women straighten their backs up, they are going somewhere, because a man can't ride your back unless it is bent.

If I had sneezed—If I had sneezed I wouldn't have been here in 1963, when the black people of Birmingham, Alabama, aroused the conscience of this nation, and brought into being the Civil Rights Bill.

If I had sneezed, I wouldn't have had a chance later that year, in August, to try to tell America about a dream that I had had.

If I had sneezed, I wouldn't have been down in Selma, Alabama, to see the great Movement there.

If I had sneezed, I wouldn't have been in Memphis to see a community rally around those brothers and sisters who are suffering.

I'm so happy that I didn't sneeze.

And they were telling me-- Now, it doesn't matter, now. It really doesn't matter what happens now. I left Atlanta this morning, and as we got started on the plane, there were six of us. The pilot said over the public address system, "We are sorry for the delay, but we have Dr. Martin Luther King on the plane. And to be sure that all of the bags were checked, and to be sure that nothing would be wrong on the plane, we had to check out everything carefully. And we've had the plane protected and guarded all night."

And then I got into Memphis. And some began to say the threats, or talk about the threats that were out.

Well, I don't know what will happen now. We've got some difficult days ahead. But it really doesn't matter with me now, because I've been to the mountaintop.

And I don't mind.

Like anybody, I would like to live a long life. Longevity has its place. But I'm not concerned about that now. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And I've seen the Promised Land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the promised land!"

The Rev. Dr. Martin Luther King was killed on April 4, 1968.

Famous quotes from the Rev. Dr. Martin Luther King---

"The time is always right to do what is right"

“Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.”

“Injustice anywhere is a threat to justice everywhere.”

“Our lives begin to end the day we become silent about things that matter.”

“The ultimate measure of a man or woman is not where he/she stands in moments of comfort and convenience, but where she/he stands at times of challenge and controversy.”

As we celebrate the 87<sup>th</sup> birthday of Rev. Dr. Martin Luther King, we are reminded of what he called life’s persistent and urgent question-- What are you doing for others?

In that spirit, I hope we are doing everything we can to make a difference in the lives of Kansans. They believe in us. They trust us. We were given the honor and privilege to represent them.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2470**, AN ACT regulating traffic; concerning overtaking and passing school buses, cameras, penalties; amending K.S.A. 2015 Supp. 8-1556, 8-2106 and 8-2118 and repealing the existing sections, by Committee on Education.

**HB 2471**, AN ACT concerning the Kansas board of barbering; disciplinary authority; amending K.S.A. 65-1810, 65-1812, 65-1819 and 65-1820a and K.S.A. 2015 Supp. 65-1824 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2472**, AN ACT concerning the state board of tax appeals; relating to orders; judicial review; amending K.S.A. 2015 Supp. 74-2426 and 77-618 and repealing the existing sections, by Committee on Judiciary.

**HB 2473**, AN ACT concerning motor vehicles; relating to license plates, providing for the Alzheimer’s disease awareness license plate, by Committee on Transportation.

**HB 2474**, AN ACT concerning taxation; providing for the extinguishment of tax liens for unpaid personal property taxes under certain circumstances; amending K.S.A. 2015 Supp. 79-2026 and repealing the existing section, by Committee on Taxation.

**HB 2475**, AN ACT concerning property taxation; relating to redevelopment districts, capital outlay levy; amending K.S.A. 72-8803 and K.S.A. 2015 Supp. 12-1770a and 72-8801 and repealing the existing sections, by Committee on Taxation.

**HB 2476**, AN ACT concerning property taxation; relating to collection; delinquent real property tax, claims against the county; amending K.S.A. 79-2011 and repealing the existing section, by Committee on Taxation.

**HB 2477**, AN ACT concerning motor vehicles; relating to registration, proof of payment of real and personal property taxes; amending K.S.A. 2015 Supp. 8-173 and repealing the existing section, by Committee on Taxation.

**HB 2478**, AN ACT concerning telecommunications; relating to prepaid wireless devices; creating the public safety prepaid wireless communications device committee, by Representative Sloan.

**HB 2479**, AN ACT concerning agriculture; relating to noxious weeds; amending K.S.A. 2-1314b, 2-1320, 2-1323, 2-1330 and 2-1332 and K.S.A. 2015 Supp. 2-1314, 2-1315, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322 and 2-1331 and repealing the existing sections; also repealing K.S.A. 2-1316a, 2-1325, 2-1326, 2-1328 and 2-1329 and K.S.A. 2015 Supp. 2-1327 and 2-1334, by Committee on Agriculture and Natural Resources.

**HB 2480**, AN ACT concerning livestock; relating to marks and brands; amending K.S.A. 47-418, 47-421 and 47-426 and K.S.A. 2015 Supp. 47-414, 47-414a, 47-416, 47-417, 47-417a, 47-420, 47-422, 47-428, 47-446 and 47-1011a and repealing the existing sections; also repealing K.S.A. 47-423, 47-436, 47-438, 47-439, 47-440, 47-445 and 47-447 and K.S.A. 2015 Supp. 47-418a, 47-432, 47-433, 47-434, 47-435, 47-437, 47-441, 47-442 and 47-448, by Committee on Agriculture and Natural Resources.

**HB 2481**, AN ACT concerning water; relating to multi-year flex accounts; amending K.S.A. 2015 Supp. 82a-708c and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2482**, AN ACT concerning the nurse educator service scholarship; relating to the definition of school of nursing; amending K.S.A. 2015 Supp. 74-32,220 and repealing the existing section, by Committee on Appropriations.

**HB 2483**, AN ACT concerning postsecondary education; relating to postsecondary career technical education performance-based funding; amending K.S.A. 2015 Supp. 72-4490 and repealing the existing section, by Committee on Appropriations.

#### COMMUNICATIONS FROM STATE OFFICERS

From State of Kansas, Board of Indigents' Defense Services, Annual Report Fiscal Year 2015.

From Kansas Department of Wildlife, Parks and Tourism, Division of Tourism, Annual Report FY15.

From Martha K. Gabehart, Executive Director, Kansas Commission on Disability Concerns, KCDC FY 2015 Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub HB 2151**, AN ACT concerning grand juries; summoning; jury instructions; witnesses; amending K.S.A. 2014 Supp. 22-3001 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 101; Nays 20; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Campbell, Carlin, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henry, Hibbard, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwartz, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson.

Nays: Alcala, Ballard, Burroughs, Carmichael, Clayton, Finney, Helgerson, Henderson, Highberger, Houston, Kuether, Lusk, Ousley, Ruiz, Scott, Tietze, Todd,

Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Goico, Kelley, Schwab, Seiwert.

The substitute bill passed.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HCR 5020, HCR 5021; HR 6031** reported correctly enrolled and properly signed on January 19, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, January 20, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

