

Journal of the House

EIGHTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, June 26, 2017, 10:00 a.m.

The House met pursuant to **HCR 5016** with Speaker Ryckman in the chair.

COMMUNICATIONS FROM STATE OFFICERS

I, KRIS KOBACH, Secretary of State of the State of Kansas, do hereby certify that Jason Probst was appointed by the Governor effective June 26, 2017, for the unexpired term of State Representative for the 102nd Legislative District, to fill the vacancy created by the death of Patsy Terrell, and was administered the following oath of office on June 26, 2017.

State of Kansas
County of Shawnee}SS:

I, Jason Probst, do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of Kansas House of Representatives, District 102, so help me God.

Subscribed and Sworn to, or Affirmed, before me this 26th day of June, 2017.

BRYAN A. CASKEY
Deputy Assistant Secretary of State

The House is now organized with 125 members.

Prayer by guest chaplain, The Rev. Dr. Neil Weatherhogg, pastor emeritus, First Presbyterian Church, Topeka:

“This is the day the Lord has made. Let us rejoice and be glad in it.”
We do rejoice, almighty God, not only in this day but all the days of our lives and the blessings you bestowed thereon. We rejoice that we live in a land of laws, a land of freedoms guaranteed, a land of democracy that honors the voice of the people.

We rejoice in the work that this legislature has accomplished, giving thanks for those who sit at desks, who stand to speak their convictions, who work with colleagues across the aisle, who seek to mold this state to become to all its citizens what it has been to some. And we give you thanks for those who labor behind the scenes, without whom this

legislative body could not function.

We are grateful for this grand State of Kansas in which we live and work and serve; for its expansive prairies and high plains; its farm lands, ranch lands and lowlands; its smoky hills and flint hills; its bustling cities and quiet towns; its people—diverse, dedicated, hard-working, young and old, privileged and poor. Remind us, ever-loving God, of our continued opportunities and responsibilities to be servants of all who inhabit this good land and to walk beside those whose adverse circumstances have dropped life's song into a minor key.

As this body leaves its official duties behind and the slackened pace of summer approaches, we ask that you fill our hearts with laud and laughter; fill our days with joy and gladness; and fill our lives with meaningful work and carefree play. Enable us to be bearers of your grace, harbingers of hope, and purveyors of love that we may welcome each day with anticipation, knowing that you are God of all and Lord over all. Amen.

The Pledge of Allegiance was led by Rep. Weber.

PERSONAL PRIVILEGE

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

At around this time five years ago, my wife and I were weeks away from the arrival of our first son, Parker. We were in the midst of all of the last-minute things all first-time parents do—installing car seats, organizing the nursery, preparing to rush to the hospital at a moment's notice---and kicking off a campaign for State Representative.

Fast forward to last fall. My wife and I welcomed our second child, Henry, to this world. Yet again, I was in the midst of a campaign. I don't have to spend any time explaining to this body how much time and energy it takes to run a successful campaign—even if you're unopposed like me.

In between campaigns, of course, are the Legislative sessions which include early mornings, late nights, and weekends—especially those beautiful Kansas summer weekends that are perfect for going to the pool with your family, taking walks and bike rides, enjoying coffee on the porch, and gathering with friends.

I'm lucky that I can go home every night to be with my family. However, even though I might physically be at home, my attention and energy is divided—fragmented—between my work responsibilities, my legislative responsibilities, and most importantly, my family responsibilities. As a result, I'm not able to excel or go all in on any one of those areas of my life.

That's why this will be my last session representing the people of the 10th district in the Kansas Legislature. This is not a decision that I take lightly. In fact, now is a great time to serve in the Legislature...it's just not a great time for me.

There is a reason there are not a lot of 30 something lawmakers like me in Kansas or around the country. We are starting our families and building our careers. And, let's be honest, how many employers are as generous as mine has been to let me work part-time for five-six months every single year. Not many.

Being a State Representative has been a real honor. Do you know what I'll miss the most? It's not the "garden-level" office? It's not the endless supply of donuts, bit o'honey's, and black coffee. It's not the eye rolls when I speak up in committee or on the floor about making healthy decisions. It's not the seemingly unchecked power of being a Democrat in the Kansas Legislature. Do you know what I'll miss the most and is truly one of the hardest things for me to give up? It's being in a position to model the behaviors I expect to see in our elected officials. Working across the aisle. Putting policy above politics. Assuming good intent. But then I realized that these are qualities that we need outside of the statehouse too.

I might be finished with my term as a legislator, but I am not finished with public service and working to do the best for Kansas kids.

John Wilson
10th District

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hineman, **HR 6037**, by Reps. Ryckman, Hineman and Ward, as follows, was introduced and adopted:

HOUSE RESOLUTION NO. **HR 6037**—

HR 6037— A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2017 regular session of the legislature shall occupy the same seats assigned pursuant to 2017 House Resolution No. 6036 with the following exception: Probst seat No. 71.

MESSAGES FROM THE GOVERNOR

HB 2079, Sub HB 2230 approved on June 15, 2017.

HB 2409 approved on June 16, 2017.

HB 2212, HB 2407, HB 2426 approved on June 22, 2017.

The following message from the Governor regarding **S Sub HB 2278**, which will become law without the Governor's signature, was received and read.

MESSAGE FROM THE GOVERNOR REGARDING SENATE SUBSTITUTE FOR HOUSE BILL 2278

The right to bear arms is essential towards preserving our freedoms and maintaining self-government. As Governor, that is why I have signed numerous pieces of legislation defending this inherent right of Kansans. I also share a common goal with every member of the Kansas Legislature—to keep the people of Kansas safe and ensure their constitutional rights are protected.

In effort to preserve these protections while balancing concerns from state mental health hospitals and various medical organizations, I assembled stakeholders to negotiate a compromise. An idea was put forward that preserved the constitutional rights of our citizens while accounting for the logistical and safety concerns of state

mental health hospitals. I endorsed this compromise. Ultimately, however, this compromise was rejected by health care representatives.

This bill as passed allows for a restriction on the second amendment rights of Kansans without ensuring adequate safety measures are taken to protect those who visit or work in our public hospitals. Kansans should not be forced to subject themselves to greater risk while giving up their right to protect themselves. Second amendment rights do not disappear when walking through the doors of a hospital or medical facility. Those facilities, owned or operated by the state or local government, have a heightened responsibility to ensure the safety of patients, visitors, and employees alike.

Nevertheless, this bill does address the safety concerns at state mental health hospitals, appropriately restricting the ability to conceal carry in state mental health hospitals—a measure that has wide and bipartisan support. Because I support the effort to provide state mental health hospitals authority to restrict concealed carry in certain facilities, I will not exercise my constitutional authority to veto this bill.

I remain committed to ensuring the right of Kansans to bear arms throughout our state, and I encourage the legislature to continue its efforts to find a better balance between the safety concerns raised by some hospitals and the legitimate concerns of citizens preferring the ability to protect themselves or avail themselves of the adequate security measures taken by our public health facilities.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I will allow Senate Substitute for House Bill 2278 to become law without my signature.

Dated: June 15, 2017

SAM BROWNBACK
Governor of Kansas

The following message with the Governor's objection to **HB 2313**, AN ACT concerning gaming; dealing with lottery ticket vending machines and revenues derived therefrom; dealing with instant bingo vending machines; concerning certain debt setoff agreements; amending K.S.A. 74-8719 and K.S.A. 2016 Supp. 74-8702, 74-8723, 75-5173, 75-6202, 75-6204 and 74-8711 and repealing the existing sections.; was received and read.

**MESSAGE FROM THE GOVERNOR
REGARDING VETO OF HOUSE BILL 2313**

The people who operate the Kansas Lottery do an outstanding job. I cannot, however, support this expansion of the lottery.

The Kansas Lottery has a disproportionately negative effect on low income Kansans. Rather than investing limited resources in games of chance, our goal is to help low income Kansans find a path to self-reliance and independence through education, work, and savings.

Given that the state is the only entity allowed to operate a lottery in Kansas, we have a higher standard of care concerning the management and implementation of the lottery. The state should not encourage behavior that undermines our efforts to encourage upward economic mobility and long term financial security and thrift.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto House Bill 2313.

Dated: June 15, 2017

SAM BROWNBACK
Governor of Kansas

The following message with the Governor's objection to **S Sub for HB 2002**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing and directing payment of certain claims against the state; 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. 2-223, 12-1775a, 12-5256, 55-193, 68-2320, 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections., was received and read.

**MESSAGE FROM THE GOVERNOR
REGARDING SENATE SUBSTITUTE FOR HOUSE BILL 2002**

This budget, passed on the 113th day of the legislative session, unnecessarily increases government spending in several areas and fails to adopt common sense cost saving measures identified by the legislature's own efficiency study. However, I am signing the budget, despite my concerns about excessive spending, to avoid a break in core functions of government and to provide state workers with well-deserved pay increases."

Pursuant to Article 2, Section 14(b) of the Constitution of the State of Kansas, I hereby return 2017 Senate Substitute for House Bill 2002 with my signature approving the bill, except for the items enumerated below.

Home and Community Based Services Integration Proviso

Section 174 is vetoed in its entirety.

There appear to be two specific reasons for legislative intent regarding insertion of this proviso into the budget. The first is the desire for Legislative approval prior to any integration or consolidation of the Home and Community Based Services (HCBS) waivers. The second is to require Legislative approval prior to any changes being made in the intake, assessment or referral services for the Intellectually and Developmentally Disabled (I/DD) waiver. Mindful of the long-term impact that policy changes have on Kansans served through the HCBS waivers, my administration will not integrate or consolidate the Medicaid HCBS waivers, nor will we make substantive changes to the intake/assessment/referral system for the HCBS I/DD waiver, without meaningful engagement with stakeholders and approval from the Legislature. This proviso is being vetoed because of concerns over the broad nature of the proviso language and its

potential to limit changes to non-HCBS programs at the Kansas Department for Aging and Disability Services (KDADS). The proviso language encompasses all KDADS programs in addition to HCBS services and includes medical services, behavioral health services, transportation, nursing facility and other long-term care services. The proviso could impact any policy change that might be defined as altering a structure, which is the case for most policy changes. For example, a policy change that could provide better mental health services could be viewed as a structural change and limit the state's ability to implement the change without legislative approval.

Kansas Department for Aging and Disability Services

Clubhouse Rehabilitation Services

Section 99-(q) and Section 100-(o) are vetoed in their entirety.

House Bill 2313, which I vetoed, authorized moneys in the Lottery Operating Fund to be used for transfers to the Clubhouse Model Program Fund of the Kansas Department for Aging and Disability Services. This budget established a Special Revenue Fund to receive the transfer of these funds and directed KDADS to provide Medicaid reimbursement for Clubhouse Rehabilitation Services and to enter into contracts with certified Clubhouse Providers for such services. Since there will not be a transfer made from the Lottery Operating Fund to the Clubhouse Model Program Fund, the State General Fund would incur all costs associated with this new program and this was not included in the budget. I have directed KDADS to work with the Community Mental Health Centers to establish a pilot with Clubhouse Model Program providers in fiscal year 2018 in order to expand the scope of this program.

Dated: June 24, 2017

SAM BROWNBACK
Governor of Kansas

CONSIDERATION OF VETO

The Governor's objection to **HB 2313** having been read, the time arrived for reconsideration of **HB 2313**, AN ACT concerning gaming; dealing with lottery ticket vending machines and revenues derived therefrom; dealing with instant bingo vending machines; concerning certain debt setoff agreements; amending K.S.A. 74-8719 and K.S.A. 2016 Supp. 74-8702, 74-8723, 75-5173, 75-6202, 75-6204 and 74-8711 and repealing the existing sections.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

CONSIDERATION OF VETO

The Governor's line item objections to **S Sub for HB 2002** having been read, the time arrived for reconsideration of **S Sub for HB 2002**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies;

authorizing and directing payment of certain claims against the state; 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. 2-223, 12-1775a, 12-5256, 55-193, 68-2320, 74-4920, as amended by section 43 of 2017 Senate Substitute for Substitute for House Bill No. 2052, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.

There was no motion to reconsider the line items. The Chair ruled the line items had been reconsidered and the veto sustained.

COMMUNICATIONS FROM STATE OFFICERS

From Randy Peterson, Chair, and Michael Randol, Director of DHCF, Kansas Department of Health and Environment, Report of the Health Care Access Improvement Panel, Annual Report.

From Ruth Glover, Executive Director, Kansas Human Rights Commission, pursuant to K.S.A. 44-1004(13); Annual Report Fiscal Year 2016.

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

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5016**.

REPORT ON ENGROSSED BILLS

S Sub for HB 2002 reported correctly engrossed June 12, 2017.

REPORT ON ENROLLED BILLS

S Sub for HB 2002, HB 2212, HB 2407, HB 2426 reported correctly enrolled, properly signed and presented to the Governor on June 15, 2017.

REPORT ON ENROLLED RESOLUTIONS

HCR 5016, HR 6037 reported correctly enrolled and properly signed on June 26, 2017.

The hour for final adjournment having arrived, Speaker Ryckman announced, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2017 session, I do now declare the House adjourned sine die."

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

SUSAN W. KANNARR, *Chief Clerk.*

