

Journal of the House

FIFTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 1, 2019, 11:00 a.m.

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

The roll was called with 125 members present.

Prayer by guest chaplain, Rev. John Menkveld, Senior Pastor, Oakland Church of the Nazarene, Topeka:

Creator and Sustainer,

As we gather here today as representatives of our state, we pray that we are ever mindful of opportunities to render our service to fellow citizens and to our community.

Thus, as we begin these deliberations, we ask Your blessing that Your holy hand may enlighten and firmly guide us as we seek to preserve and promote the dignity and life of all of our people.

May this body of legislators always recognize it is their vocation to assist You in administering Your benevolence, that an atmosphere of true peace and liberty may prevail in the state of Kansas and throughout our great nation.

We pray for Your continued protection over our state and country; and we humbly ask that You grant us wisdom and clarity as we make decisions that impact so many.

We ask this grace, in Your most holy and loving name. Amen.

The Pledge of Allegiance was led by Rep. Owens.

INTRODUCTION OF GUESTS

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

Good morning colleagues!

Today we stand before you to recognize some of the unsung heroes of the Kansas legislature. These are the caregivers – of our young children, of our aging parents – who make it possible for us to serve in Topeka knowing that our loved ones are being well cared for.

The folks here today (and some at home) provide an invaluable service to the state of Kansas. They care for our loved ones while we are here in Topeka, and allow us to work hard for the people of Kansas, assured that our families are safe and sound. Theirs too is

often a thankless job, and they are often the recipients of a strange phone call that goes something like “Hey, yeah, it’s going to be a late night. Can you keep the kids a little longer? I’m not sure how long it will be - but I might be home before midnight?”

We would like to recognize:

- Rep. Rhiley: Diana Rhiley – Caregiver for her parents
- Rep. Bishop: Darryl Bishop – Support for Elizabeth during the session
- Rep. Williams: Hazel Slyter & Joe Williams – Caregivers for the four Williams kids
- Rep. Holscher: Katie Horton, Maggie Horton, and Sarah Chafin – Caregivers for the Holscher brood
- Rep. Clayton: Jennifer Estes and Molly Clayton – Caregivers and chauffeurs for Rep. Clayton’s kids
- Rep. Wasinger: Pam Richey – Caregiver for her mother
- Rep. Warren: Ellen Suddreth and friends – Caregivers and chauffeurs for the Warren kids
- Rep. Whipple: Chelsea Whipple, wife of Rep. Wipple and wrangler of three spirited boys
- Rep. Pittman: Holly Pittman, wife of Rep. Pittman and mom of Sloane, Bella, and Xavier
- Rep. Lynn: Her husband Chad, and her in-laws, Ken and Judy Lynn, caregivers for Kai and Calum and Jovie Lynn; also Stacy Burkhart and Linda Lane, who have been instrumental in transporting her children to and from school
- Rep. Horn: Her husband, Rick Martin, and her mother, Jody Horn, caregiver for sons Leo and Bowie

Also, I’m sure many of you also want to thank the folks that watch your livestock during the session, but if we opened it up to animals, then I would have had to say yes to Rep. Parker’s request to thank his doggie day care providers.

So, please, join us in a round of applause for these fine Kansans, as we thank them for their service to our state.

INTRODUCTION OF GUESTS

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

Today I welcome and recognize Coach Kyle Porter, Coach David Boucher, and the ladies of the Royal Valley High School Basketball team.

Coach Porter and these young ladies won the 2019 3A Girls Basketball State Championship, the first ever in the school’s history.

Their hometown of Hoyt and all of Jackson County are rightfully proud of these young ladies for their achievements and the strength of character they showed on their path to victory.

Having lost in the State Championship game in 2018, they came back this season with the attitude necessary to succeed – a truly Kansas’ attitude - a determination to get back up, and work through difficulties in order to reach the stars.

After a season of ups and downs, they entered the State tournament as a number 6 seed. They faced and defeated the number 2 and 3 seeded teams, and finally faced the number one seeded team in the championship game. Down by 12 points in the 3rd quarter of this final game, these young ladies maintained their focus and came back to win by three in an exciting overtime victory.

In front of you today are:

Coaches: Kyle Porter and David Boucher

Seniors: Mary Broxterman, Menon Irving, Kiikto Thomas, Tope Serna, and Emily Albright

Their teammates joining them in the gallery today are:

Mahpiya Irving, Wakiyan Wi Irving, Emma Poort, Hayley Harman, Maddie Saia, Karlie Albright, and Shanokwe Price.

Please join me in congratulating Coach Porter and these young ladies on their achievements and thank you for your courtesy.

Rep. Awerkamp presented the team with a framed House certificate in honor of their championship.

INTRODUCTION OF GUESTS

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

Thank you, body for allowing me a few minutes to recognize Goodwill of Eastern Missouri & Western Kansas as they celebrate 125 years of service in Kansas. With us today from Goodwill is Ed Lada, Trent Wunstel and Kristin Wood.

In 1894, The Helping Hand Institute was founded in Kansas City, MO to provide food, shelter, and a work relief program for those who were homeless and without resources. The Helping Hand later became a part of Goodwill Industries which was founded in Boston, MA in 1902.

Early Goodwill Industries collected used goods and trained employees with disabilities or disadvantages to repair items for resale to support its programs, adopting the philosophy of offering “a hand up, not a hand out.”

Goodwill Industries, over the years, expanded its focus to become a training center for job seekers, adding services such as employment skills training and vocational rehabilitation for persons with disabilities.

Today Goodwill of Western Missouri and Eastern Kansas has a significant presence in Kansas City and its surrounding communities, operating fourteen retail stores, an outlet store, and three donation centers, annually diverting more than 15 million pounds of material from area landfills.

Goodwill continues to be a nonprofit leader providing resources and services to individuals who have barriers to employment.

Please join me in commending Goodwill of Western Missouri and Eastern Kansas on their 125th anniversary.

Rep. Curtis presented her guests with a framed House certificate in honor of their accomplishments.

INTRODUCTION OF GUESTS

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

Leavenworth High school founded one of the first Jr. ROTC programs. For those unfamiliar, ROTC or Reserve Officer Training Corps, trains young adults in military.

Let me start with just a few bits of history. In 1897, Captain Huston founded the Leavenworth High JROTC program, one of the first in the nation. When started, students were trained using broomsticks for guns, and drills were conducted in an old courthouse. Times have certainly changed.

Today the program is approaching 400 active cadets in a school of about 1200 students and regularly sends an average of 2-3 and often more students to our esteemed military academies. Note that it wasn't until 1995 that the first woman entered The Citadel. In 1903, the first female corps was founded in Leavenworth High.

In 1961, Leavenworth High School established the first Ranger unit in the nation. This platoon, modeled after the elite Ranger units perform missions with tactical objectives and seeks to train the most dedicated and elite cadets to do their best. The unit still exists today, called the Raiders, participating in many challenging activities. In 1976, females were permitted to join the Raider program.

I have with me today one of those young women. I am joined by Cadet Captain Kanya Halle. She has proven that she can go faster, farther and harder than all other female Raiders in the United States. Holding an excellent GPA, a military brat, and Commander of the female team, does track and is aiming for a West Point appointment. If that does work out, she plans to join US Military special forces. Having torn her ACL in her freshman year, she had been chomping at the bit to compete in the National Raider competition. She became the top.

She is one of the big reasons that the Leavenworth High Raider team have been the national champion runners up for two years in a row. As First Sergeant Codgil, who is also here with me, as well as the female coach Ms. Mary Schwarz, has told me "Her drive is unbelievable."

Where the Ranger Creed contains the statement "I accept the fact that as a Ranger my country expects me to move further, faster and fight harder than any other Soldier," Cadet Captain Halle has proven she has more than what it takes to be a National Champion. Please join me in congratulating her on this massive accomplishment.

Rep. Pittman presented Kanya with a framed House certificate in recognition of her achievements.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Calendar and Printing: **HCR 5012.**

Federal and State Affairs: **HCR 5013.**

Taxation: **HB 2418.**

MESSAGES FROM THE GOVERNOR

April 9, 2019

Message to the Kansas House of Representatives

Enclosed is Executive Order No. 19-06 for your information.

EXECUTIVE ORDER NO. 19-06

Governor's Reward for Information Regarding the Murder of James McFarland

LAURA KELLY
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE GOVERNOR**HB 2188** approved on April 9, 2019**HB 2101, HB 2125, HB 2191** approved on April 10, 2019**HB 2178** approved on April 11, 2019**HB 2215** approved on April 12, 2019**HB 2167** approved on April 15, 2019**HB 2070, HB 2084, HB 2085, HB 2144** approved on April 16, 2019**HB 2365** approved on April 17, 2019

HB 2007, HB 2031, HB 2038, HB 2039, HB 2087, HB 2103, HB 2119, HB 2126, HB 2177, HB 2214, HB 2225 approved on April 18, 2019

The following message from the Governor regarding **HB 2209**, which will become law without the governor's signature, was received and read.

Message from the Governor

House Bill 2209 makes sweeping changes to healthcare policy in Kansas. After long and careful deliberation – including in-depth discussions with both opponents and proponents -- I continue to harbor serious reservations about this legislation. I believe it is fundamentally wrong to deny health coverage to anyone because they have a pre-existing condition. It troubles me that only two other states in the nation have implemented a model similar to this bill, making the long-term impact uncertain. And I am disappointed that the Kansas Insurance Department chose not to engage with the Legislature to ensure the final product included basic consumer protections and regulatory safeguards. Therefore, as a matter of principle, I cannot sign House Bill 2209.

I also fundamentally believe that governing demands a relentless pursuit of common ground. Proponents of House Bill 2209 brought this legislation forward because healthcare costs far too much. Our rural communities need help. Kansas farmers and ranchers face historic challenges in the wake of declining farm income, severe weather, and a global trade war. They openly acknowledge that this bill will not solve all the complex problems plaguing our healthcare system. In their opinion, an “all of the above” approach stands the best chance of helping the greatest number of Kansans. On

these points, I wholeheartedly agree.

With that larger vision and shared goal in mind, I will allow House Bill 2209 to become law without my signature. New ideas always carry a certain level of risk. I believe the potential risks of this legislation can be mitigated if they are coupled with a stable, secure, proven healthcare option: Medicaid Expansion.

In the last decade, Medicaid Expansion has been thoroughly vetted from every imaginable angle, with over 300 studies confirming its effectiveness and necessity. We know with certainty that it will strengthen our economy, save taxpayer dollars, and provide healthcare to roughly 150,000 Kansans. A majority of the Kansas Legislature already voted for my proposal in 2017 or publicly promised to support Expansion in their 2018 campaigns. Over 70 percent of states – with both Republican and Democratic governors – have expanded Medicaid. And 77 percent of Kansans want us to do the same.

Unfortunately, leaders in the Kansas Senate continue to prioritize their own political ambitions over the health and security of Kansas families and hospitals. Despite the will of both their chamber and their state, these three Senate leaders remain devoutly committed to partisan obstructionism.

I will never govern in this manner. My priority will always be the people of Kansas, and I allow House Bill 2209 to become law as a demonstration of my genuine commitment to compromise. I challenge legislators to join me in this good-faith effort, meet me halfway, and enact Medicaid Expansion before the 2019 legislative session adjourns.

Signed:

Laura Kelly,
Governor

MESSAGES FROM THE GOVERNOR

April 23, 2019

Message to the Kansas House of Representatives

Enclosed is Executive Order No. 19-07 for your information.

EXECUTIVE ORDER NO. 19-07
Establishing the Kansas Complete Count Committee

LAURA KELLY
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on SB 22: AN ACT concerning taxation; relating to income tax, addition and subtraction

modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums, Kansas itemized deduction, election; sales and compensating use tax, imposition of tax, nexus, remote sellers, marketplace facilitators, food and food ingredients, rates; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120, 79-32,138, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 79-3221o.

MESSAGE FROM THE GOVERNOR REGARDING VETO OF SENATE BILL 22

Just two short years ago, the State of Kansas found itself on the brink of financial disaster. Even after depleting state savings and enduring multiple rounds of devastating budget cuts, unsustainable tax policy continued to perpetuate fiscal crisis. We saw schools close and class sizes grow. We saw an overwhelmed child welfare system let children fall through the cracks. And despite promises of immediate prosperity, Kansas routinely ranked among the nation's worst in multiple economic indicators.

As the budget hole continued to grow, the legislature passed two sales tax increases, swept more than \$2 billion from the state highway fund, delayed numerous payments to the state pension system, accumulated historic levels of debt, and raided every critical investment from early childhood education to public safety. But in the end, none of these short-term band aids could stem the bleeding caused by reckless tax policy. In November of 2016, Kansans called for change.

The very next year, the state hit "reset" in a historic act of bipartisanship with the passage of comprehensive tax reform. Our credit score improved within a week. The number of Kansans participating in the labor force increased for the first time since 2014. And we've finally begun to heal from the unprecedented devastation found in state agencies and state programs.

However, we have only just started the rebuilding process. Our recovery is tenuous; our budget is fragile. The State of Kansas cannot afford to make a U-turn.

Unfortunately, Senate Bill 22 would absolutely dismantle all the progress we've made. It would throw our state once again into a self-inflicted budget crisis, diminishing all the investments we've worked so hard to rebuild and restore. It would put our future at risk once again in order to give significant tax breaks to entities who need them the least, while continuing to leave working families behind.

Additionally, as noted by the Senate President during the floor debate, Senate Bill 22 will put Kansas out of compliance with the Streamlined Sales and Use Tax Agreement. This would potentially cost Kansas up to \$18 million in lost revenue — on top of the bill's already unaffordable \$200 million price tag in the next fiscal year.

I look forward to working with the Kansas Legislature in the future to achieve our common goal of a reduced food sales tax. However, as I explained repeatedly — both as a candidate for governor and after I took office — we cannot responsibly enact a food sales tax cut until our state's fiscal health stabilizes. This is not the time.

I share Kansas lawmakers' desire to keep the state tax burden as low as possible and that will continue to be my priority. In January, I presented a structurally balanced budget to the Kansas Legislature that funded our schools and roads, reduced state debt, left Kansas with the largest ending balance in 20 years, and did so all without a tax increase.

The people of Kansas elected me to rebuild our state. They elected me to bring fiscally conservative and responsible principles back to our government. We must be patient, thoughtful, and prudent as we evaluate tax policy. And, when we move forward with commonsense tax relief, we must ensure that it benefits the Kansans who need it the most.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 22.

Dated: March 25, 2019

By the Governor: Laura Kelly, *Governor*

There being no motion to reconsider **SB 22**, the veto was sustained.

CONSENT CALENDAR

No objection was made to **SB 155** appearing on the Consent Calendar for the first day.

CHANGE OF CONFEREES

Reps. Waymaster, Hoffman, and Wolfe Moore are appointed to replace Reps. Kelly, Orr, and Finney as members of the conference committee on **HB 2203**.

Reps. Patton, Ralph, and Carmichael are appointed to replace Reps. Proehl, Thimesch, and Helgerson as members of the conference committee on **HB 2248**.

Reps. Patton, Ralph, and Carmichael are appointed to replace Reps. Vickrey, Cox, and Neighbor as members of the conference committee on **SB 28**.

MESSAGES FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 67**: AN ACT concerning abortion; relating to medication abortions; notification requirements.

MESSAGE FROM THE GOVERNOR REGARDING VETO OF SENATE BILL 67

Senate Bill 67 will interfere with the relationship between patients and their physicians. This unwarranted legislation would create confusion, could be harmful to women's health, and would subject health professionals to criminal penalties for failing to follow a government mandate that is not adequately supported by medical science.

By the Governor: Laura Kelly, *Governor*

Dated: April 22, 2019

A motion was made that **SB 67** be passed notwithstanding the Governor's veto. By a vote of 27 Yeas and 13 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion prevailed and the bill passed.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Rep. Landwehr, the House proceeded to reconsider **SB 67** AN ACT concerning abortion; relating to medication abortions; notification requirements.

The Governor's objection to **SB 67** having been read (see HJ Page 842) the question being shall the bill be passed notwithstanding the Governor's veto?

Call of the House was demanded.

On roll call, the vote was: Yeas 82; Nays 43; Present but not voting: 0; Absent or not voting: 0.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Straub, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcala, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, B. Carpenter, Clayton, Curtis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kessinger, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: None.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote to sustain the governor's veto of **Senate Bill 67**. This would mandate that doctors provide patients with unproven and unscientific information. The FDA has not approved either the safety or efficacy of this procedure. Therefore, I cannot support it. – STAN FROWNFELETER

MR. SPEAKER: Today, I voted No on **SB 67** to keep the bill alive. We were just one vote shy of the 84 required votes and we were unable to continue a Call of the House because all of the members were present. I decided to switch my vote from a Yes to a No so that within a 24-hour period I could make the motion to reconsider our action with the hope that we will pass the bill. This 24-hour period will give representatives time to hear from their constituents about this very important life issue. – BLAKE CARPENTER

CHANGE OF CONFEREES

Reps. Johnson, Mason, and Gartner are appointed to replace Reps. Kelly, Orr, and Finney as members of the conference committee on **HB 2140**.

REPORT ON ENGROSSED BILLS

HB 2038, HB 2039, HB 2177, S. Sub for HB 2214 reported correctly engrossed April 7, 2019.

HB 2119 reported correctly re-engrossed April 7, 2019.

HB 2167 reported correctly re-engrossed April 8, 2019.

REPORT ON ENROLLED BILLS

HB 2070, HB 2084, HB 2085, HB 2103, HB 2144, HB 2365 reported correctly enrolled, properly signed and presented to the Governor on April 8, 2019.

HB 2007, HB 2031, HB 2038, HB 2039, HB 2087, HB 2119, HB 2126, HB 2167, HB 2177, HB 2209, HB 2214, HB 2225 reported correctly enrolled, properly signed and presented to the Governor on April 9, 2019.

On motion of Rep. Jennings, the House adjourned until 10:00 a.m., Thursday, May 2, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

