

SPECIAL SESSION

Journal of the House

SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, June 24, 2016, 9:00 a.m.

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

The roll was called with 123 members present.

Reps. Goico and Suellentrop were excused on excused absence by the Speaker.

Excused later: Rep. Rahjes.

Prayer by Chaplain Brubaker:

O Lord, my God,
Today I exalt You and thank You for Your faithfulness
and for the many blessings and miracles
You have provided for these our leaders.
You have promised to keep in perfect peace
those whose minds are steadfast and trust in You.
I pray for this today.

You have said that in repentance and rest is our salvation,
in quietness and trust is our strength.
I pray for this today.

You instruct us that the fruit of righteousness will be peace;
the effect of righteousness will be quietness and confidence forever.
I pray for this today.

You have promised to be the sure foundation for our times,
a rich store of salvation and wisdom and knowledge.
I pray for this today,

And You have promised that those who hope in You
will renew their strength. They will soar on wings like eagles;
they will run and not grow weary, they will walk and not be faint.
I pray for this today.

In Your Son's Name I pray, Amen.
(Isaiah 25:1; 26:3; 30:15; 32:17; 33:6; 40:31 – NIV)

The Pledge of Allegiance was led by Rep. Hutton.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2003**.

Judiciary: **HB 2002; HCR 5001**.

On motion of Rep. Vickrey, the House recessed until 11:00 a.m.

LATE MORNING

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

On motion of Rep. Vickrey, the House recessed until 1:00 p.m.

EARLY AFTERNOON

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

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2001** from the Calendar under the heading General Orders and rereferral to Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker Merrick announced the appointment of Rep. Johnson to replace Rep. Suellentrop on Committee on Appropriations for June 24.

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

AFTERNOON

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

On motion of Rep. Vickrey, the House recessed until 5:30 p.m.

LATE AFTERNOON

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

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2001** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2001," as follows:

"Substitute for HOUSE BILL NO. 2001

By Committee on Appropriations

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing.";

And the substitute bill be passed.

(**Sub HB 2001** was thereupon introduced and read by title.)

On motion of Rep. Vickrey, the House recessed until 7:00 p.m.

EARLY EVENING

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, to suspend House Rule 3905, requiring the printing and distribution of appropriation bills 24 hours before consideration, the motion prevailed and the rule was suspended for the purpose of considering **Sub HB 2001**.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Vickrey, pursuant to House Rule 2311, **Sub HB 2001** was advanced to Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

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

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Ruiz, Jr. Ryckman, Sr. Ryckman, Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, Smith, Sutton, Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: D. Jones, K. Jones, Rubin.

Present but not voting: None.

Absent or not voting: Goico, Moxley, Rahjes, Suellentrop.

Having received the required 2/3 majority, the motion prevailed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Ryckman, **Sub HB 2001** was amended on page 3, in line 31, by striking "\$13,000,000" and inserting "\$8,000,000";

Sub HB 2001, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, rep_gartner_james_1, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, Kahrs, Kelley, Kelly, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Read, Rhoades, Rooker, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Sutton, S. Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Houser, D. Jones, K. Jones, Kiegerl, McPherson, Rubin.

Present but not voting: None.

Absent or not voting: Goico, Rahjes, Suellentrop.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: Although the judges said there would be winners and losers, my home town of Pretty Prairie and Haven were losers today. I supported this bill as I have tried for several years to protect our rural schools. I vote yes on **Sub HB 2001**. – JOE SEIWERT

MR. SPEAKER: Today I vote Yes on **Sub HB 2001** in order to assure that our schools remain open despite the threatening actions of the Kansas Supreme Court. My disappointment in passing this bill is that it returns us to the same old flawed equity formula that time and again has failed rural districts, treating many of them as rich and wealthier urban districts as poor. – KYLE HOFFMAN

MR. SPEAKER: Article 2, Sections 1 and 24 of the Kansas Constitution grant the sole and exclusive right and authority to appropriate funds to the Kansas Legislature. The Kansas Supreme Court's decision in *Gannon v. State*, issued on May 27, 2016,

effectively directing the Kansas Legislature to appropriate additional funds for Kansas schools, flagrantly violates these constitutional provisions, and as such, abrogates the sacred separation of powers enshrined in the Kansas Constitution. It renders the Kansas Legislature a second class branch of government subservient to the Court. As such, I must vote no on **Sub HB 2001**. – JOHN J. RUBIN

MR. SPEAKER: I am one of the handful of members who were here in 2005, and for the first 8 hours today, it seemed much the same. Second verse same as the first. That said, I vote yes with much frustration. We will be back here within 10 years doing this again. The day will come when this body is going to have to decide if it wants to recover its authority on school finance. We will someday need to decide if we want political pressure to come from across the street or from our constituency at home. I vote yes on **Sub HB 2001**. – SCOTT SCHWAB

MR. SPEAKER: I vote yes on **Sub HB 2001** to keep schools open and give property tax relief to my county. The root problem remains unaddressed however. I hope the voters join me in voting to not retain the unlawful, unconstitutional justices who use our children as pawns in their political games. Though barred statutorily from closing schools – over less than 1% of funding – their ruling has more to do with thuggery and power than children. This court again showed us why they are one of the most overturned supreme courts in the nation and must not be retained. – JOSEPH SCAPA, JOHN BRADFORD, LESLIE OSTERMAN, WILL CARPENTER, JOHN WHITMER, CHUCK WEBER, JAN PAULS, TONY BARTON, PETE DEGRAAF

PERSONAL PRIVILEGE

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

What a blessing it has been to share with you all the opportunity to come to work in this wonderful place and to serve our great state of Kansas!

It has always been my personal goal to be in a growth mode and one of my favorite sayings is “The only world we have is the world we know.” Serving in the legislature absolutely forces each of us to grow, and the fulfillment which results in meeting new people, making new friends, learning new information and gaining a broader perspective will obviously be something that each of us will take away from our experience in Kansas House of Representatives.

If I have had any measure of success here (and that is arguable) it may be because of lessons I learned early in my career from some wonderful mentors. With your indulgence I will share just a couple of those lessons. It was almost exactly 30 years ago that I sat with my Leadership Kansas classmates just across the rotunda in the Senate chambers and the dean of Kansas lobbyists at the time shared her two simple keys to success in the Capitol. Don’t lie and don’t get mad. I hope we will all succeed heeding that advice.

A second observation came from one of my early mentors, Health Committee Chairman, Dr. Jim Morrison. In my very first committee meeting after being elected Chairman Morrison shared with our committee. “You know, issues we face in the legislature are like pancakes – never so thin that they don’t have two sides.” More great advice! May we always seek to understand all sides of an issue.

And finally, another mentor and former Speaker admonished me that we should always focus on policy first. I have said at this well before and I will say again with emphasis – I have never seen good policy passed on a party line vote. Good policy is good politics and I wish for this body and the state of Kansas that the trends toward hyper-partisanship and polarization can be dialed back.

I leave this place with a treasure of experiences, with many life-long friends and a heart full of gratitude. Thank you all for sharing and putting up with me! Shalom.

On motion of Rep. Vickrey, the House recessed until 8:30 p.m.

EVENING

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

MESSAGES FROM THE SENATE

Announcing adoption of **SCR 1604**.

Announcing passage of **Substitute for HB 2001**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Burroughs, **SCR 1604**, a concurrent resolution relating to the 2016 special session of the legislature and providing for the adjournment thereof, was thereupon introduced and adopted.

REPORT ON ENROLLED RESOLUTIONS

HR 6001, HR 6002 reported correctly enrolled and properly signed on June 24, 2016.

The hour for final adjournment having arrived, Speaker Merrick announced, “By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2016 special session, I do now declare the House adjourned sine die.”

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*.

SUSAN W. KANNARR, *Chief Clerk*.

REPORT ON ENROLLED BILLS

Sub HB 2001 Special Session reported correctly enrolled, properly signed and presented to the Governor on June 27, 2016.

MESSAGES FROM THE GOVERNOR

Sub HB 2001 approved on June 27, 2016.

