

# Journal of the House

## THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, January 15, 2014, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Peterson was excused on verified illness.

Reps. Kelly and Kiegerl were excused on excused absence by the Speaker.

Present later: Rep. Kiegerl.

Prayer by Chaplain Brubaker:

Father, God,  
 I come before you today and ask  
 for a spirit of cooperation in the eagerness  
 to contribute to the needs of the people of Kansas.  
 I ask that you bless these leaders  
 with integrity, care and cooperative teamwork.  
 Guide them through this session  
 in unity and purpose as they do their part  
 in using their God-given talents and skills  
 to build a better environment for the state of Kansas.  
 In their diversity of philosophy and thought,  
 help them to strive for cooperation and unity,  
 for it is through cooperation, rather than conflict,  
 that the greatest successes will be derived.  
 We thank you for your healing  
 of Representative Peterson  
 who is now out of ICU.  
 This I pray in Your Name, Amen.

The Pledge of Allegiance was led by Rep. Whipple.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2430**, AN ACT concerning the promoting employment across Kansas act; amending K.S.A. 2013 Supp. 74-50,212 and 74-50,213 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2431**, AN ACT concerning regulation of knives; amending K.S.A. 2013 Supp.

12-16,134 and repealing the existing section, by Committee on Federal and State Affairs.

### **CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2056** from the Calendar under the heading General Orders and rereferral to Committee on Taxation.

### **MESSAGE FROM THE GOVERNOR**

January 14, 2014

*Message to the Kansas House of Representatives:*

Enclosed herewith is Executive Order No. 14-02 for your information.

EXECUTIVE ORDER No. 14-02 for Regional Emergencies  
Concerning Conditional and Temporary Relief  
from Motor Carrier Rules and Regulations

SAM BROWBACK  
*Governor*

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

### **COMMUNICATIONS FROM STATE OFFICERS**

From Mark Olson, DVM, Chair, SB 171 Merger Task Force, pursuant to Section 75 of 2013 SB 171, Final Report of the 2013 SB 171 Merger Task Force to the 2014 House Committee on Appropriations and the Senate Committee on Ways and Means.

From Earnest A. Lehman, Chairman, Kansas Electric Transmission Authority, 2013 Annual Report to the Governor and the Legislature.

From Ray Roberts, Secretary, Kansas Department of Corrections, in accordance with K.S.A. 75-52,112, Kansas Community Corrections, Statewide Risk Reduction Initiative, Annual Report, January 13, 2014.

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

### **POINT OF PERSONAL PRIVILEGE**

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

It does not get better than this!

As the Chamber knows, my wife Susan has been battling breast cancer. I am happy to report that she fought like a girl!

I also want to thank the body for all the prayers, cards, telephone calls and E-mails. The love you expressed was beautiful.

On motion of Rep. Vickrey, the House recessed until 6:00 p.m.

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EVENING SESSION

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

It being the hour in accordance with **HCR 5022** to meet in joint session with the Senate to hear the message of the Governor, Reps. Hedke, Shultz and Victors escorted President Wagle and members of the Senate to seats in the House.

Reps. Crum, Johnson and Carlin and Senators Smith and Petty escorted the Supreme Court to seats in the House.

Reps. Schwab, O'Brien and Henry and Senators Emler and Francisco escorted the Lieutenant Governor to a seat in the House.

Reps. Ryckman, Jr., Seiwert and Ballard and Senators Peterson and Hawk escorted the Governor to the rostrum.

**Governor Sam Brownback's Complete Text  
of the State of the State**

Thank you, Mr. Speaker.

Madame President, Members of the Legislature, the Cabinet, the Judiciary.

My Fellow Kansans,

Welcome.

As had been foretold and promised to us: God is in Heaven, the Legislature is back and the crane is gone!

The Capitol, like Kansas itself, is open for business.

So friends, welcome back. Welcome back to the fellowship of this assembly. Welcome back to this special place and welcome back to the work of building a better Kansas.

For there is work to do.

When we gathered here three years ago, we faced two big challenges: the economy and the budget.

Kansas state government was flat broke. We had begun the fiscal year with \$876.05 in the bank. The state couldn't even pay its own bills on time. Everyone from school districts to service vendors was suffering months of delays, because state government had no cash.

By January, the state budget was illegally in deficit. Even more daunting, we faced a \$500 million pending shortfall, and that was AFTER taxes had been raised.

And even this dire situation understated the full scope of our challenge. After decades of neglect, Kansas had the second most underfunded pension system in America.

A decade of higher taxes, more spending and bigger government failed to deliver prosperity. In January 2011, fewer Kansans were working in the private sector than had been in January 2001.

All across Kansas, family budgets were hurting. No government can be more prosperous than its people for long.

The Government was not serving the people. Unfortunately, it was the other way around.

So we had two big challenges---get people working again and restore fiscal discipline.

We took action, breaking from the failed policies of the past.

In consultation with some of the best minds in America, we developed an action plan.

We streamlined regulations, reformed workers' compensation and went from the second highest tax burden in our region to the second lowest.

When we took office, we promised Kansans tax relief. Tax rates for all working men and women in Kansas just went down again at the beginning of 2014. Congratulations are in order.

We stopped counting on government to create prosperity and put our faith in the people of Kansas.

And three years in, we are in a much better position.

Since December 2010, Kansas has added on average, more than a thousand private sector jobs every month and our unemployment rate has gone from 6.9 percent to 5.1 percent tied for the tenth lowest rate in the United States.

We've put cash in the bank, we're paying our bills on time and we've balanced three budgets in a row.

And we've reversed a decades-long trend, as finally, the personal income of Kansas families is rising faster than government spending.

Simply put...the government is back in its proper place – serving the people.

Not only is Kansas Top 10 in employment, we are listed among the Top 10 best states in which to make a living and Top 10 for the lowest cost of living.

According to the most recent National Assessment of Educational Progress, Kansas fourth graders are in one of the 10 best states for reading proficiency.

Mr. Speaker, it is for these reasons and more that I can report to you that the State of our State is strong and getting much stronger!

That's good work...that's very good work...but a state is more than its balance sheet.

The 2.9 million souls that call Kansas home cherish a way of life that honors family, values education and embraces positive change.

In fact, by the end of this decade, for the first time in our history, Kansas' population will surpass three million people.

When that three millionth Kansan is born, what kind of state will we have built for her?

It has been my privilege to serve the people of Kansas as a Secretary, Congressman, Senator and Governor.

I have seen the majesty of this state and the wonder of its people.

They are amazing; infinite in their diversity and yet sharing basic values.

Kansans are decent. Kansans are honest. Kansans care about their fellow man, and they like it here.

If you ask them what kind of state they want to build for our three millionth Kansan, they'll tell you.

One of the key pieces is education.

We Kansans love our schools and they are great schools.

Start with K-12.

Kansas ranks fourth among all states in the percentage of our budget committed to education...more than 50 percent.

When we look at funding from all government sources, Kansas schools receive more than \$12,500 per student.

For every classroom of 20 students, that's a quarter million dollars in taxpayer spending.

A state that cares enough to make that kind of annual commitment also cares enough to see that that money is spent wisely, and the best decisions are usually made by those closest to the students.

So it's worth noting that school districts across Kansas have made a priority of all-day Kindergarten, even while the state has funded only half.

It seems strange to me that the state counts all of the 12 and only half of the K.

Recently, the State Board of Education came forward with a bipartisan idea to achieve this goal---proposing an increase in the student count for kindergarten age students every year for the next five years.

This proposal is targeted. It is reasonable. It will benefit Kansas school kids.

And again, thanks to the growing economy and the work of this Legislature, it is affordable.

For the first time, we can ensure that every Kansas child has access to all-day kindergarten and we should do it now.

For districts who have already taken this step, increased student count will free up resources which can in turn be dedicated to other priorities that they have.

More money, more flexibility, more learning---all paid for out of a growing economy.

But that's just the beginning.

In the past two years, we have implemented programs to increase the reading abilities of our children, a vital skill for success in school and in life.

The first programs were in southeast Kansas where young at-risk students were given extra reading training after school and during the summer. More than half of the students had significant improvement in their reading abilities.

Based on that success, we now have a Reading Roadmap Initiative for more than 40 schools across the state and are working with non-profit organizations that specialize in education and family engagement.

Our technical education programs are soaring since the State committed to paying for all tech ed courses taken by high school students.

We have seen a 75 percent increase in enrollment in just two years.

With these skills our students will find a path to progress through education and good jobs with good wages. They will form the foundation for their families and the Kansas economy.

The Jobs for America's Graduates program reaches out to high school students at risk of falling through the cracks. It helps them build the skills to make the best of their lives.

A Wichita JAG student who has spent most of his life in foster care, describes the program by saying: "JAG is not a program or a class. JAG is family."

I have witnessed the impact of the JAG program first hand. One of our JAG leaders is Mike Munoz, who is working with students at Highland Park High School here in Topeka.

He has joined us this evening. Mike is an inspiration to all his students and proof that one man can make a big difference in many lives.

Would you join me in thanking Mike for his great work?

Our Kansas universities are critical. We have been making strategic investments in areas of unique excellence and importance to the Kansas economy – and more are included in my budget proposal.

In fact, one of these investments is bearing fruit already.

Years of hard, bipartisan work at both the State and Federal level have paid off, and there is now no doubt that NBAF will be built, and Kansas will be the center of the global animal health industry for generations to come.

In my budget proposal, I will continue to support our universities, community and technical colleges and I am confident they will produce the next generation of Kansas leaders.

A growing economy, a responsible state government, a world class education---these are wonderful legacies for our three millionth Kansan.

But for all the good happening in our state, too many of our fellow Kansans are still struggling.

As we continue our climb from the troughs of the Great Recession, there are still too many Kansans actively looking for work who can't find it, and others are working harder than ever and just can't seem to get ahead.

Our challenge is to take this restored growth and fiscal responsibility and make its benefits real for families across our state---to build a state and an economy that works for everyone.

We know the path is through education, employment and family stability.

All we have done – and will continue to do – is done with the goal of building a broad prosperity for all Kansans.

Now if you'll indulge a farm kid just a little bit, I hope our three millionth Kansan gets to grow up in rural Kansas like I did.

And there are reasons for optimism that she will.

Our Rural Opportunity Zones program is flourishing in a majority of our counties and there will be proposals this year to expand it to even more.

In fact, we now have a housing shortage in many of our rural communities.

In the budget, I will propose an additional \$2 Million to address this shortage, focused on moderate income housing.

In addition to housing, rural communities need access to medical care. My budget will include money for the Rural Bridging Program to bring doctors to rural Kansas.

Cutting edge opportunities in agriculture and animal health are being complimented by an energy Renaissance where every sector from oil to wind and biofuels approaches historic production levels.

But all of these industries, all of our lives, depend on our most precious natural resource---clean water.

If the three millionth Kansan is to stay and build a life here then we must leave her a state with access to our lifeblood, water. And we are expending the liquid capital of our state.

Fortunately, strong bipartisan majorities of this Legislature took steps to extend the life of the Ogallala Aquifer and encourage best practices towards water usage statewide.

As many of you came into this building tonight, you saw the words of our greatest Kansan, Dwight Eisenhower.

Ike said, "The opportunist thinks of me and today. The statesman thinks of us and tomorrow."

It's no coincidence that much of the water infrastructure we're spending through today was built in Ike's time. The fact is that from our reservoirs to our aquifers, we are relying on wise decisions made generations ago.

Those who come after us deserve that same statesmanship.

Throughout this year, people from across our state will gather to develop a comprehensive water strategy---a strategy to secure our water future for the next 50 years.

Without water...there is no future. Please, as Legislators and citizens, involve yourself in this process.

Next, we owe our three millionth Kansan a safe state.

Last September, the Legislature came together in a bipartisan fashion---strengthening penalties for the most serious crimes in a historically efficient Special Session.

Mr. Speaker...Madam President...Leader Hensley...Leader Davis.... Well done.

This cooperation can serve as a model going forward as we complete the work on Hard 50 sentencing early in this session.

Now if you go just a little bit farther on your journey into this building, you'll see another quote on the wall.

One from our Kansas Constitution, the one to which all public officers of this state swear an oath.

It reads,

"All political power is inherent in the people."

"All political power is inherent in the people."

That is a distinctly American idea.

In America there would be no kings and queens, no titles of nobility. Ours is a system of self-government of, by and for the people.

Here, for the first time, a person's station in life wouldn't be principally a product of the station of their birth.

In Kansas, you could go as far as your talents, hard work and the good Lord took you.

That freedom, that sovereignty, is also part of what we owe our three millionth Kansan and all who come after her.

One of the ironies, though, of our age is that government has become omnipresent, yet the people have never felt more distant from it.

Too many decisions are made by unaccountable, opaque institutions.

Elected officials are sometimes complicit in this transference of power, because it removes them from accountability.

So let's be clear.

On the number one item in the state budget – education – the Constitution empowers

the Legislature---the people's representatives---to fund our schools.

This is the people's business, done by the people's house through the wonderfully untidy-- but open for all to see -- business of appropriations.

Let us resolve that our schools remain open and are not closed by the courts or anyone else.

Prosperity, responsibility.

Education, opportunity.

Safety, natural bounty.

Freedom, sovereignty.

Reconciliation.

These are fine things to leave our three millionth Kansan.

But as I conclude tonight, please allow me to add one more.

We owe her our example.

We have with us tonight some wonderful examples of what it means to be a Kansan.

Kansas has a long and distinguished relationship with our nation's military.

Tonight we recognize – and thank – two brave Ft. Riley soldiers wounded in service to our nation: Please welcome Captain Adam Cowan and Captain Casey Wolfe.

In Kansas we honor our veterans. We remember their service with gratitude and are humbled by their commitment to this great nation.

Honored by their commitment and sacrifice, inspired by this place, let us dedicate ourselves anew to doing the people's business.

And let us do so with a return to the virtues and character that allowed God to bless our founders.

Our state motto promises that the Kansas path is a difficult one.

We have been called to blaze the trail for America out of the wilderness on several occasions, with a willingness to stand for what is good, to oppose what is not, and acknowledge when we have been wrong.

Kansas marked the bloody trail out of slavery when the Nation was divided and undecided on whether to do so.

The chains of bondage of our brothers rubbed our skin and our hearts raw until we could stand it no more and erupted into "Bleeding Kansas."

The Summer of Mercy sprung forth in Kansas as we could no longer tolerate the death of innocent children.

Last year, I traveled with descendants of the survivors of the Pottawatomie Trail of Death to near Mound City to remember, acknowledge and apologize for the barbarous treatment of Native Americans moved to Kansas.

I was at the graveyard at Haskell where Native children, including infants, are buried. Children taken from Native families to be raised as Caucasians under the theme "Kill the Indian. Save the Man."

I was at the Monroe School here in Topeka where the doctrine of "separate but equal" was once the law of the land.

As Governor, I acknowledge and accept responsibility on behalf of the people of Kansas and I ask forgiveness for these wrongs we have done.



Today, the nation dithers while the path forward seems uncharted. America can't decide which way to go.

Yet, the path forward is clear. Kansas is leading an American Renaissance – a return to the virtue and character that built this state and a great nation in the first place.

The path is NOT uncharted. We know the way.

We must re-drill the wells that gave us life the first time. They will refresh and renew us again!

Today, we are growing and moving forward, but not for the sake of growth alone.

We grow because it helps everyone realize their God-given potential.

We rebuild our families so that our three millionth Kansan and all those like her can know the value of a family---none of which is perfect.

Yet we all aspire in them to be better, virtuous, just and righteous...that we might be blessed and a blessing.

Our dependence is not on Big Government but on a Big God that loves us and lives within us.

Our future is bright. Our renaissance is assured IF we move from dithering to action... IF we listen to our own better Angels and the still, small voice that calls us onward

Yet listen carefully we must to the voice of hope and not to the noise of decline.

Which way to choose? We know the way. God wrote it in our hearts.

"Do the right thing, seek the truth, defend the weak, live courageous lives."

Thank you my fellow Kansans.

Thank you for all you do in service to our state.

May God bless you and may He continue to bless the great people of Kansas.

## REPORT ON ENGROSSED RESOLUTIONS

**HCR 5021, HCR 5022; HR 6038, HR 6039, HR 6040** reported correctly engrossed January 14, 2014.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, January 16, 2014.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

