

# Journal of the House

## THIRTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 30, 2014, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.

The roll was called with 121 members present.

Reps. Jennings, Kiegerl and Peterson were excused on verified illness.

Rep. Hutton was excused on excused absence by the Speaker.

Prayer by guest chaplain, Kenneth J. Harder, Senior Pastor, Emmanuel Mennonite Church, Meade, and guest of Rep. Ryckman, Sr.:

Dear Father in Heaven, You have instructed us to do justice, love mercy, and walk humbly. I pray that you would cause that to be true of those of us gathered here on this floor. We have been duly appointed as leaders and servants of yours to this great state called Kansas, so cause us to do so with integrity, humility and honor. You said that if any lacks wisdom we should ask you for it and you would provide it, so I ask for divine wisdom for the decisions that lie before this house. Help us to be good stewards of the resources you have entrusted to us keep us from waste, greed and overindulgence, instead let us be innovative and generous. Let your truth be known to us so that it might guide our thoughts and ethics toward righteous action. I ask you to keep blessing America.

In the Name of our Savior (Jesus Christ) AMEN!

The Pledge of Allegiance was led by Rep. Sloop.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2535**, AN ACT dealing with campaign finance; dealing with certain solicitations of donations; amending K.S.A. 2013 Supp. 25-4153a and repealing the existing section, by Committee on Elections.

**HB 2536**, AN ACT concerning campaign finance; authorize city party committees; amending K.S.A. 2013 Supp. 25-4143 and 25-4153 and repealing the existing sections, by Committee on Elections.

**HB 2537**, AN ACT concerning insurance; relating to disclosure statements contained in policy documents and explanatory materials printed in any language other than English; amending K.S.A. 2013 Supp. 40-216 and repealing the existing section, by Committee on Insurance.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Appropriations: **HB 2528, HB 2529.**

Corrections and Juvenile Justice: **HB 2526, HB 2532.**

Financial Institutions: **HB 2525.**

Health and Human Services: **HB 2524.**

Insurance: **HB 2531.**

Judiciary: **HB 2523, HB 2530.**

Local Government: **HB 2534.**

Pensions and Benefits: **HB 2533.**

Veterans, Military and Homeland Security: **HB 2527.**

**CHANGE OF REFERENCE**

Speaker pro tem Mast announced the withdrawal of **SB 2, SB 141; H Sub for SB 167** from the Calendar under the heading General Orders and referral to Committee on Calendar and Printing.

**COMMUNICATIONS FROM STATE OFFICERS**

From Nadira Patrick, Manager, Job Creation Fund Program, Kansas Department of Commerce, as required by KSA 74-50,224, annual report of the JCF (Job Creation Fund Program).

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

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Crum, **HCR 5025**, A concurrent resolution commending the recipients of the Peter John Loux Award, was adopted.

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

It's a pleasure to acknowledge the 25<sup>th</sup> anniversary of the Peter John Loux Award through this Concurrent Resolution.

This award recognized Kansans who have demonstrated exceptional desire and dedication in overcoming the difficulties presented to them by congenital or acquired physical or neurological disabilities.

This morning I would like to recognize Patrick Terick, Director of Governmental Affairs for the Cerebral Palsy Research Foundation and the chairman of the selection committee for the Peter Jon Loux Award. Joining Patrick are Judy Turner, Pete Loux's daughter, and Jessica Gainer, Pete Loux's granddaughter who serve on the selection committee. Also, with Patrick are the 2013 winners of the award.

Don Wistuba is no stranger to anyone in this body. Don has owned and operated the Kansas Capitol Snack Shop for 37 years.

Don is very appreciative of the wonderful education that he received at the Kansas School for the Blind.

I was not aware until recently that Don participated in track and cross country while in school and to this day speed-walks two to three miles nearly every morning.

Don is an inspiration to all in the capitol building. His warm smile and friendly greeting have endeared him to everyone who serves here. Don shines as a beacon of light to us all.

Mark Greene of Shawnee was born with spina bifida.

Mark graduated from Shawnee Mission North in 1987 and the University of Kansas in 1994 with a Bachelor of Fine Arts degree.

Mark has a long history of public service and commitment to his city, county, and state.

Most importantly, Mark has been a strong advocate for the disabled in Kansas and Washington, D.C. His Facebook page named: "Disabled: speak up and be heard: get involved" gives people with disabilities a forum.

Despite his personal challenges, Mark has consistently found the time to give back to his community.

Carmen Thomas of Olathe was born with Bilateral Amelia, a disease that left her without arms and shorter legs.

Carmen has never allowed personal challenges and hardships to stop her from pursuing her dreams. She graduated from the University of Kansas in May of 2012 with a Bachelor of Arts with emphasis in early childhood autism intervention.

Following graduation Carmen accepted a job as a para- professional with the Olathe school district working with children who exhibit autism.

For six years Carmen has volunteered at Camp Barnabas, a summer camp for children with special needs.

Northwest High School teacher, Loretta Shull, indicates that witnessing Carmen's spirit and determination makes it difficult to adequately describe her power.

Carmen wrote a poem that is shared here:

Carmen Thomas  
February 19, 2007

#### All That Matters

I was born into this world  
Looking different than the average girl  
Though I am missing some body parts  
I still have a big heart  
And that's all that matters

From the beginning, doctors said I could not  
But my family always fought  
All they ever wanted was for me to fit in  
And to belong within  
And that's all that matters

My family raised me to try my hardest  
Because they knew I could go the farthest

I try not to stand out  
And I never pout  
Because of my disability  
I know I have the capability  
To set myself free  
And to always be me  
And that's all that matters

I taught myself to do  
The things that come easy to you  
Most people have been amazed  
By all of my successful days  
Once I solve something  
I never have to rethink  
Or question what I did  
I'm just glad to have it fixed  
And that's all that matters

I enter school on week days  
Always with a smile on my face  
I never let my stress  
Form to be a test  
Of whom I really am  
Because I am how I am  
And that's all that matters

My life has always revolved  
Around problems that need solved  
I have help finding conclusions  
And I always have solutions  
And that's all that matters

Without my loved ones by my side  
I would not have made it this far in life  
Throughout the good and the bad  
I never really had  
To be all alone  
With everyone gone  
And that's all that matters

My hands are in heaven  
I learned this when I was seven  
They're waiting up there for me  
For whenever I am ready  
To leave my surroundings  
And discover new boundaries  
And see many new faces  
And overlook different places  
And that's all that matters

My life does not revolve around my looks  
 I did not learn this from any books  
 But from those who love me  
 And always make me happy  
 And that's all that matters

They've always believed in me  
 And taught me to be  
 Myself

Only then would I receive  
 The courage to believe  
 That I can do many things  
 And mostly, I can be anything  
 And that's all that matters

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to House Rule 2307, the following bills were stricken from the calendar:

**HB 2103, HB 2111, HB 2137, HB 2285, HB 2369, HB 2379, HB 2384, HB 2386.**

### REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2514** be passed.

Committee on **Insurance** recommends **HB 2516** be amended on page 3, in line 25, before "a" by inserting "a health maintenance organization issued a certificate of authority by the commissioner of insurance, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy,";

On page 34, in line 11, by striking "supersedas" and inserting "supersedas"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2538**, AN ACT concerning wildlife; relating to deer antlers; amending K.S.A. 32-703 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2539**, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; providing a cost-of-living adjustment for certain retirants, by Committee on Pensions and Benefits.

**HB 2540**, AN ACT concerning the secretary of corrections; relating to juvenile offenders; facilities; cost study; services and programming; performance measures; payment methodologies, by Committee on Corrections and Juvenile Justice.

**HB 2541**, AN ACT repealing K.S.A. 65-3425; dealing with labeling on plastic bottles and containers, by Committee on Local Government.

**HB 2542**, AN ACT concerning property taxation; relating to exemptions; amateur-

built aircraft; amending K.S.A. 79-220 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2543**, AN ACT concerning the Kansas turnpike; relating to tolls; motorcycles; amending K.S.A. 2013 Supp. 68-2009 and repealing the existing section, by Committee on Federal and State Affairs.

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6043**—

By Committee on Energy and Environment

A RESOLUTION urging the United States Congress to oppose the assumptions and implementation of the President's climate action plan.

WHEREAS, On June 25, 2013, President Barack Obama issued "The President's Climate Action Plan," which has been followed by proposed actions to be taken by the United States Environmental Protection Agency in support of this Plan; and

WHEREAS, The Plan suggests that the activities of mankind are such that carbon pollution occurs as a result of the emission of the compound known as carbon dioxide, CO<sub>2</sub>, which is fundamentally and chemically distinct from elemental carbon; and

WHEREAS, The Environmental Protection Agency believes the agency has just cause to execute the Plan, and in so doing promulgate dozens, if not hundreds of regulations related to the agency's believed responsibility to mitigate modeled weather and climatic events; and

WHEREAS, The core of the Plan is focused on climate management, believed to be necessary due to the emissions of carbon dioxide from various point and non-point sources largely related to the combustion of fossil fuels; and

WHEREAS, The Environmental Protection Agency asserts that extreme weather events are due to anthropogenic CO<sub>2</sub> emissions and must be controlled; and

WHEREAS, The climate of planet earth is somewhat predictable, from season to season, year to year, and decade to decade, due to cyclic variations that have been observed for hundreds, and in some cases thousands, of years; and

WHEREAS, The contents of the Plan are based on multiple erroneous assumptions and models that have been substantially refuted by a preponderance of scientific evidence; and

WHEREAS, The gaseous substance CO<sub>2</sub> is known to produce very desirable effects upon plant life, and is also known to be a colorless, odorless, tasteless and harmless component that is essential to earth's atmosphere; and

WHEREAS, Substantial amounts and types of real-data evidence clearly indicate a complete disconnect between anthropogenic emissions of CO<sub>2</sub> and the temperature of the earth; and

WHEREAS, Global sea level has been steadily increasing in most areas, with no association to human activity, due in part to continental glaciers that have been melting for hundreds of years as a result of the undeniable fact that the earth has been engaged in a warming period in relation to the most recent of many interglacial periods; and

WHEREAS, The sea ice of both the Arctic region of the northern hemisphere and the Antarctic region of the southern hemisphere have increased and reached record extents

since satellite observation of these regions began in 1979, all while the concentration of CO<sub>2</sub> in the earth's atmosphere has increased from approximately 340 parts per million to 400 ppm; and

WHEREAS, There has been no increase in the number of tropical storms or hurricanes worldwide since 1971, regardless of the material increase of CO<sub>2</sub>; and

WHEREAS, There has been no increase in the number of F3 or greater tornadoes during the period of 1954 to 2013, and in fact, the number of tornados has been trending downward since 1974; and

WHEREAS, The most severe droughts in the contiguous United States occurred during the periods 1930-1942 and 1953-1960, with materially wetter periods dominating the past five decades; and

WHEREAS, If allowed to become effective, the proposed rules and regulations resulting from EPA actions would be very detrimental to the economy of the United States as well as the State of Kansas: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That based on these, as well as other highly credible lines of actual scientific data, we urge the United States Congress to take action to materially counteract the factually incorrect, misinformed actions currently being considered by the EPA related to the Climate Action Plan; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to the majority leader of the United States Senate, the speaker of the United States House of Representatives and each member of the Kansas congressional delegation.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, January 31, 2014.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

