

Journal of the House

EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 19, 2017, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Sawyer and Wheeler were excused on verified illness.

Reps. Blex, Landwehr and Schwab were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord God,
for this another day of life and service,
thank You for the opportunities that lie before us.
Pour out Your Spirit on these leaders
and make Your Word and Way known to them.
Help them to be men and women of integrity,
understanding Your principles,
and acting justly and righteously.
Give them wise and understanding hearts
in the choices they have to make.
Make their hearts and ears attentive to Your counsel.
As they meet in the various committees and other meetings,
bring order to what may seem like chaos;
bring unity in what could potentially be divisive;
and bring respect for one another
when the temptation may be to have contempt.
This I pray in Your Name,
Amen.

The Pledge of Allegiance was led by Rep. Carpenter.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2094, AN ACT concerning municipalities; amending K.S.A. 12-2908 and repealing the existing section, by Committee on Local Government.

HB 2095, AN ACT concerning the uniform act regulating traffic; relating to gross

weight limits of certain vehicles, special permits; amending K.S.A. 2016 Supp. 8-1908 and repealing the existing section, by Committee on Transportation.

HB 2096, AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2016 Supp. 75-5091 and repealing the existing section, by Committee on Transportation.

HB 2097, AN ACT concerning agriculture; relating to the Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1712, 47-1720, 47-1733 and 47-1734 and K.S.A. 2016 Supp. 47-1701, 47-1706, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726 and 47-1731 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1719, 47-1732 and 47-1736, by Committee on Agriculture.

HB 2098, AN ACT concerning wildlife, parks and tourism; relating to the mined land wildlife area, by Committee on Agriculture.

HB 2099, AN ACT concerning water; relating to the diversion of water; chief engineer; remedies for the impairment of a valid water right or permit to divert and use water; amending K.S.A. 82a-716 and 82a-717a and repealing the existing sections, by Committee on Agriculture.

HB 2100, AN ACT concerning water; relating to water conservation areas; amending K.S.A. 2016 Supp. 82a-745 and 82a-1906 and repealing the existing sections, by Committee on Agriculture.

HB 2101, AN ACT concerning the Kansas family law code; relating to marriage; common-law marriage; amending K.S.A. 2016 Supp. 23-2502 and 23-2714 and repealing the existing sections, by Committee on Judiciary.

HB 2102, AN ACT concerning counties; dealing with the board of county commissioners; amending K.S.A. 19-206 and repealing the existing section, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. **HCR 5004**—

By Committee on Federal and State Affairs

HCR 5004-- A PROPOSITION to amend article 9 of the constitution of the state of Kansas, relating to counties by adding a new section 6 which pertains to home rule for counties.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 9 of the constitution of the state of Kansas is amended by adding a new section to read as follows:

"Article 9.—COUNTY AND TOWNSHIP ORGANIZATION"

"§ 6. Counties' power of home rule. (a) Counties are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions, except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all counties of the same class. The legislature may establish not to exceed four classes of counties for the purpose of imposing all such limitations or prohibitions. Counties shall exercise such determ-

ination by resolution passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all counties, to other enactments of the legislature applicable uniformly to all counties, to enactments of the legislature applicable uniformly to all counties of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to counties now in effect or hereafter enacted and as later amended and until repealed shall govern counties, except as counties shall exempt themselves by charter resolutions as herein provided for in subsection (b).

(b) (1) Any county may by charter resolution elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such county, other than enactments of statewide concern applicable uniformly to all counties, other enactments applicable uniformly to all counties, and enactments prescribing limits of indebtedness, shall not apply to such county.

(2) A charter resolution is a resolution which exempts a county from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter resolution shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such county by the adoption of such resolution and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the governing body of such county. Every charter resolution shall be published once each week for two consecutive weeks in the official county newspaper or, if there is none, in a newspaper of general circulation in the county.

(3) No charter resolution shall take effect until 60 days after its final publication. If, within 60 days of its final publication, a petition signed by a number of electors of the county equal to not less than 10% of the number of electors who voted at the last preceding regular county election shall be filed in the office of the clerk of such county demanding that such resolution be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within 30 days and held within 90 days after the filing of the petition. The governing body shall pass a resolution calling the election and fixing the date, which resolution shall be published once each week for three consecutive weeks in the official county newspaper or, if there be none, in a newspaper of general circulation in the county, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter resolution No. _____, entitled (title of resolution) take effect?" The governing body may submit any charter resolution to a referendum without petition by the same publication of the charter resolution, and the same publication of the resolution calling the election as for resolutions upon petition and such charter resolution shall then become effective when approved by a majority of the electors voting thereon. Each charter resolution becoming effective shall be recorded by the county clerk in a book maintained for that purpose with a statement of the manner of adoption, and a certified copy shall be filed with

the secretary of state, who shall keep an index of the same.

(4) Each charter resolution enacted shall control and prevail over any prior or subsequent act of the governing body of the county, and may be repealed or amended only by charter resolution or by enactments of the legislature applicable to all counties.

(c) Powers and authority granted to counties pursuant to this section shall be liberally construed for the purpose of giving to counties the largest measure of self-government.

(d) This amendment shall be effective on and after July 1, 2019."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would provide a constitutional basis for county home rule. A county could enact a charter resolution to exempt itself from non-uniform state laws that apply to the county and provide substitute or additional provisions to that law. The legislature could preempt counties from exercising home rule powers by the passage of uniform state laws that apply to all counties in the exact same manner. Counties could pass home rule resolutions to legislate locally on matters not covered by state law.

"A vote for this proposition would empower counties to determine their local affairs and government with a constitutional grant of power that could only be preempted by enactments of the legislature that apply uniformly to all counties in the exact same way.

"A vote against this proposition would retain the present law granting counties home rule power and other both uniform and non-uniform laws pertaining to counties that can be readily amended by the legislature to restrict home rule powers by statute."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2018 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2068, HB 2072.**

Corrections and Juvenile Justice: **HB 2084, HB 2085, HB 2086, HB 2087, HB 2088, HB 2089, HB 2090, HB 2091, HB 2092, HB 2093.**

Education: **HB 2078.**

Elections: **HB 2075.**

Federal and State Affairs: **HB 2073, HB 2074, HB 2081.**

Judiciary: **HB 2069, HB 2070, HB 2071, HB 2077.**

Taxation: **HB 2082, HB 2083.**

Transportation: **HB 2076.**

Water and Environment: **HB 2079, HB 2080.**

MESSAGES FROM THE GOVERNOR

HB 2017 approved on January 18, 2017.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 2, by Representative Russ Jennings, congratulating the Garden City Community College Football Team for winning the National Junior College Athletic Association 2016 National Championship;

Request No. 3, by Representative Brenda Dietrich, commending Ethan L. Stanley for achieving the rank of Eagle Scout;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2026**, **HB 2027** be passed.

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 2103, AN ACT concerning insurance; relating to coverage for amino acid-based elemental formula; amending K.S.A. 2016 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

HB 2104, AN ACT concerning insurance; relating to motor vehicle liability insurance; uninsured motorist coverage and underinsured motorist coverage; increasing the minimum policy limit for bodily injury; amending K.S.A. 40-284 and K.S.A. 2016 Supp. 40-3107 and repealing the existing sections, by Committee on Insurance.

HB 2105, AN ACT concerning property taxation; listing of oil and gas property, statement of assessment, date of filing; amending K.S.A. 2016 Supp. 79-332a and repealing the existing section, by Committee on Taxation.

HB 2106, AN ACT concerning treatment facilities; relating to license renewal; amending K.S.A. 2016 Supp. 65-4014 and repealing the existing section, by Committee on Health and Human Services.

HB 2107, AN ACT concerning public health; relating to the pharmacy act of the state of Kansas; pertaining to biological products; amending K.S.A. 65-669, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1637, 65-1637b, 65-1643, 65-2837a and 65-4202 and repealing the existing sections, by Committee on Health and Human Services.

HB 2108, AN ACT concerning the grandparents as caregivers act; relating to eligibility; foster child status; amending K.S.A. 2016 Supp. 38-145 and repealing the existing section, by Committee on Appropriations.

HB 2109, AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Riley county; authorizing the state board of regents on behalf of Wichita state university to exchange and convey certain real property in Sedgwick county, by Committee on Appropriations.

HB 2110, AN ACT concerning financial institutions; relating to trust companies; establishment of nonresident entities; requirements; amending K.S.A. 2016 Supp. 9-2111 and repealing the existing section, by Committee on Financial Institutions and Pensions.

HB 2111, AN ACT concerning retirements and pensions; relating to the Kansas police and firemen's retirement system; providing certain death benefits to surviving spouses; amending K.S.A. 74-4959 and repealing the existing section, by Committee on Financial Institutions and Pensions.

HB 2112, AN ACT concerning the Kansas program of medical assistance; providing eligibility thereunder for military veterans; income requirements; amending K.S.A. 2016 Supp. 39-709 and repealing the existing section, by Committee on Taxation.

HB 2113, AN ACT concerning firearms; relating to the personal and family protection act; providing certain exemptions for postsecondary educational institutions; amending K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Appropriations.

HB 2114, AN ACT concerning firearms; relating to the personal and family protection act; providing certain exemptions for community mental health centers; amending K.S.A. 2016 Supp. 75-7c20 and repealing the existing section, by Committee on Appropriations.

HB 2115, AN ACT concerning employment; relating to fair consideration for persons with a record of criminal conviction, by Representative Finney.

HB 2116, AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to offenses giving rise to forfeiture; proceedings; disposition of property; reporting; amending K.S.A. 60-4106 and K.S.A. 2016 Supp. 60-4104, 60-4105, 60-4107, 60-4111, 60-4112 and 60-4117 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

REPORT ON ENROLLED BILLS

HB 2017 reported correctly enrolled, properly signed and presented to the Governor on January 18, 2017.

REPORT ON ENROLLED RESOLUTIONS

HCR 5001; HR 6004 reported correctly enrolled and properly signed on January 18, 2017.

On motion of Rep. Hineman, the House adjourned pro forma until 9:00 a.m. on Friday, January 20, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER *Journal Clerks.*
SUSAN W. KANNARR, *Chief Clerk.*

