

Journal of the House

ELEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 23, 2018, 11:00 a.m.

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

OATH OF OFFICE

I, KRIS KOBACH, Secretary of State of the State of Kansas, do hereby certify that Emil Bergquist was appointed by the Governor effective January 22, 2018, for the unexpired term of State Representative for the 91st Legislative District, to fill the vacancy created by the resignation of Greg Lakin, and was administered the following oath of office on January 23, 2018.

State of Kansas
County of Shawnee}SS.

I, Emil Bergquist, do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of Kansas House of Representatives, District 91, so help me God.

Subscribed and Sworn to, or Affirmed, before me this 23rd day of January, 2018.

KRIS KOBACH
Secretary of State

Speaker Ryckman welcomed Rep. Bergquist to the House of Representatives.
The House is again organized with 125 members.

The roll was called with 118 members present.
Reps. Concannon, Cox, Henderson, Weber and Wolfe Moore were excused on verified illness.

Rep. Sloan was excused on legislative business.
Rep. Schwab was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God Almighty,
Your Word says
“I will guide you along the best pathway for your life.
I will advise you and watch over you.”
Each day our leaders face many options.
Many times, they do not know which option to take.
May they realize that You desire that they
seek out Your direction and walk in faith with You.
They are fully aware they are fallible and don’t have all the answers.
Therefore, it is vital that You impart to them
Godly wisdom and discernment.
Keep them humble before You,
considerate of one another,
and diligent in seeking the right and just solutions.
I pray this in the Name of Jehovah-Jireh,
the Great Provider, Amen.
(Psalm 32:8, NLT)

The Pledge of Allegiance was led by Rep. Delperdang.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2519, AN ACT exempting the state of Kansas from daylight saving time, by Representative S. Swanson.

HB 2520, AN ACT concerning children; relating to retroactive child support; amending K.S.A. 2017 Supp. 23-2215 and repealing the existing section, by Representative S. Swanson.

HB 2521, AN ACT concerning consumer protection; relating to the Kansas no-call act; restricting use of automatic dialing-announcing devices; amending K.S.A. 2017 Supp. 50-670 and repealing the existing section, by Representative S. Swanson.

HB 2522, AN ACT concerning crimes, punishment and criminal procedure; relating to use of force; immunity from prosecution or liability; amending K.S.A. 2017 Supp. 21-5221, 21-5230 and 22-2307 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 21-5231, by Committee on Judiciary.

HB 2523, AN ACT concerning law enforcement officers; relating to the office of sheriff; qualifications for office; amending K.S.A. 2017 Supp. 19-801b and repealing the existing section, by Committee on Judiciary.

HB 2524, AN ACT concerning rights to a wireless telephone number; relating to protection from abuse, by Committee on Judiciary.

HB 2525, AN ACT concerning certain elected state officers; prohibiting outside employment, by Representative Miller.

HB 2526, AN ACT concerning administrative rules and regulations; relating to reporting impact on business; joint committee on administrative rules and regulations; state rules and regulations board; amending K.S.A. 2017 Supp. 77-416, 77-423 and 77-436 and repealing the existing sections, by Committee on Joint Committee on Administrative Rules and Regulations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2510**.

Appropriations: **HB 2517**.

Energy, Utilities and Telecommunications: **HB 2514, HB 2515, HB 2518**.

Health and Human Services: **HB 2508, HB 2512**.

Judiciary: **HB 2516**.

Local Government: **HB 2509**.

Transportation: **HB 2511**.

Water and Environment: **HB 2513**.

COMMUNICATIONS FROM GOVERNOR

From Sam Brownback, Governor of the State of Kansas, Executive Order No. 18-02 regarding a reward.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hineman, **HR 6041**, by Reps. Ryckman, Hineman and Ward, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6041**—

HR 6041—A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2018 regular session of the legislature shall occupy the same seats assigned pursuant to 2018 House Resolution No. 6039 with the following exceptions: Bergquist, seat No. 102; Concannon, seat No. 40.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Dietrich, **HR 6042**, by Reps. Aurand, Alcala, Alford, Arnberger, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burris, Burroughs, Campbell, Carlin, Carmichael, Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, Curtis, Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, Patton, Phelps, Phillips, Pittman, Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, Smith, Stogsdill, Sutton, Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, Weigel, Wheeler, Whipple, Whitmer, Williams, Winn and Wolfe Moore, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6042**—

HR 6042—A RESOLUTION congratulating and commending the members of the 2018 Kansas Teacher of the Year team.

WHEREAS, The Kansas State Department of Education sponsors the Kansas Teacher of the Year program, which identifies, recognizes and utilizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the program is to build and utilize a network of exemplary teachers who are leaders in the improvement of schools, student performance and the teaching profession; and

WHEREAS, Two teachers — one elementary and one secondary — in each of the state's four United States congressional districts were selected as finalists for recognition as the Kansas Teacher of the Year, with the winner being chosen from among the eight finalists. The Kansas Teacher of the Year is awarded the Hubbard Foundation Kansas Teacher of the Year Ambassadorship, which enables the person selected to devote significant time during the second semester to activities supporting the mission of the program. The 2018 Kansas Teacher of the Year and the finalists were honored at an awards banquet on November 18, 2017. All members received a cash award as well as mementos of the event; and

WHEREAS, The Kansas Teacher of the Year is nominated to represent Kansas in the National Teacher of the Year program, a project of the Council of Chief State School Officers, presented by Voya Financial; and

WHEREAS, The 2018 Kansas Teacher of the Year is Samantha "Sam" J. Neill, Buhler USD 313; and the regional finalists are: Jennifer L. Donovan, De Soto USD 232; Jamie D. Manhart, Silver Lake USD 372; Megan E. Nagel, Newton USD 373; Angela "Angie" R. Powers, Olathe USD 233; Gilbert "Gil" R. Still, Jr., Dodge City USD 443; Sarah C. VenJohn, Winfield USD 465; and Bradley "Brad" W. Weaver, Atchison USD 409: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the members of the 2018 Kansas Teacher of the Year team and wish Mrs. Neill success in the national competition; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send eight enrolled copies of this resolution to the Commissioner of Education for forwarding to the members of the 2018 Kansas Teacher of the Year team.

INTRODUCTION OF GUESTS

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

It is my honor, on behalf of the 491,000 students in our public school classrooms in this great state of Kansas and the House Education Committee, to introduce to you some remarkable educators who are simply great teachers.

These are deeply caring, committed, and talented educators who believe in the power of public education to make a positive difference in the lives of their students.

They love what they do. They challenge their students to do more, to be more, and to expect more.

This is a group of extraordinary teachers that we honor here today. In the course of their careers, they have left a lasting impact on the lives of the thousands of students

they have taught, and on the communities in which they teach.

Mr. Speaker and fellow Representatives, I present to you the 2018 Kansas Teacher of the Year Team:

Jennifer Donovan, an elementary music teacher from Clear Creek Elementary School in the DeSoto School District.

Jamie Manhard, a high school journalism teacher from Silver Lake High School in the Silver Lake School District.

Megan Nagel, a 6th grade English Language Arts teacher from Santa Fe 5th and 6th Grade Center in the Newton School District.

Angela Powers, a 10th grade English AVID teacher at Olathe Northwest High School in the Olathe School District.

Gilbert Still, a 4th grade teacher at Northwest Elementary School in the Dodge City School District.

Sarah VenJohn, a high school math teacher in the Winfield School District.

Bradley Weaver, an elementary music teacher at Atchison Elementary School in the Atchison School District.

Lastly, our 2018 Kansas Teacher of the Year. Samantha Neill. Sam is a high school English Language Arts teacher at Buhler High School in the Buhler School District.

We actually have four Representatives claiming a connection to Samantha today because they all graduated from Buhler High School.

What a fabulous group of educators we have before us today. Colleagues, please join me in recognizing these exceptional teachers once again.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2469** be amended on page 1, in line 7, by striking "emergency, catastrophe or other life- or property-threatening" and inserting "catastrophic"; also in line 7, after "event" by inserting "threatening life or property";

On page 1, in the title, in line 3, by striking "loss"; also in line 3, after "event" by inserting "threatening life or property"; 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 2527, AN ACT concerning crimes, punishment and criminal procedure; creating the crime of unlawful acts involving an automated sales suppression device; sales and use tax, by Committee on Taxation.

HB 2528, AN ACT concerning water; relating to the state water plan fund and the economic development initiatives fund, fees and distribution of moneys; amending K.S.A. 82a-951 and K.S.A. 2017 Supp. 79-4804 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 82a-953a, by Committee on Water and Environment.

HB 2529, AN ACT concerning the Kansas family law code; relating to legal custody, residency and parenting time; presumption in court determinations; amending K.S.A. 2017 Supp. 23-3202 and repealing the existing section, by Representatives Pittman, Awerkamp, Blex, Elliott, Ellis, Eplee, Garber, Good, Highland and K. Williams.

HB 2530, AN ACT concerning reports of abuse; relating to abuse, neglect or exploitation of certain adults; emergency medical services personnel; amending K.S.A. 2017 Supp. 39-1402 and 39-1431 and repealing the existing sections, by Committee on Children and Seniors.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Rafie to replace Rep. Lakin on committee on Federal and State Affairs.

Also, the appointment of Rep. Bergquist to replace Rep. Rafie on committee on Government Security and Technology.

Also, the appointment of Rep. Bergquist to replace Rep. Lakin on committee on Health and Human Services.

Also, the appointment of Rep. Bergquist to replace Rep. Lakin on committee on Judiciary.

Also, the appointment of Rep. Frownfelter to replace Rep. Wolfe Moore on committee on House Taxation for Tuesday, January 23.

REPORT ON ENROLLED RESOLUTIONS

HR 5021 reported correctly enrolled and properly signed on January 22, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Wednesday, January 24, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

