

# Journal of the House

TWENTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 6, 2018, 11:00 a.m.

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

The House is now organized with 124 members, due to the resignation of Rep. Campbell, of District 26, on February 5, 2018.

The roll was called with 117 members present.

Reps. Henderson, Landwehr, Schreiber and Winn were excused on verified illness.

Reps. Hoffman, Osterman and Rafie were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,  
Thank you for this day You have given us.  
We are reminded of the great words of St. Francis of Assisi:  
“Lord, make me an instrument of your peace.  
Where there is hatred let me sow love;  
where there is injury, pardon;  
where there is doubt, faith;  
where there is despair, hope;  
where there is darkness, light;  
and where there is sadness, joy.”  
In your hands, we are instruments that can accomplish that  
which can shape the future for greater good.  
Help us as Your instruments to work together in harmony.  
This I pray, Amen.

The Pledge of Allegiance was led by Rep. Aurand.

## INTRODUCTION OF GUESTS

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

Blue Valley North High School is renowned for its academics. For example, achievements in the past year include:

- Six Presidential Scholar candidates
- Four perfect ACT scores
- 16 National Merit Scholarship Semifinalists and 14 Finalists
- Two national Hispanic Scholars

- BVN is home to the 2017 Kansas Teacher of the Year, Mr. Jason Sickel.
- Named one of America's most challenging high schools the past 10 years by the *Washington Post*. And many more academic accolades.

This school year has brought some unaccustomed football recognition to the school as the Blue Valley North Mustangs defeated two-time defending champion Derby High School for the Kansas State 6A football championship.

It was a wild ride to the championship as the Mustangs advanced to the title game with a 44-37 double overtime win over rival Blue Valley High School. My fellow Johnson County representative from the Blue Valley High School district is here to uphold his end of a friendly wager we had on the game, as evidenced by him wearing a Blue Valley North Championship shirt.

North captured the title by defeating Derby 49-42, and became the only Blue Valley 6A school to take the title.

Football championships are uncharted ground for Blue Valley North. When Coach Andy Sims took over as head coach in 2014, the team had only one total win in the previous three years. His first year as coach, Sims' team won two games. He is now here to accept our recognition for winning a state title.

Others here today are: Graham Mertz, Miles Emery, Dylan Freburg, Ander Johnson, and Thatcher Robertson.

Rep. Kessinger presented Coach Sims with a framed House certificate.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

**HB 2626**, AN ACT concerning taxation; amending K.S.A. 2017 Supp. 79-2925c and repealing the existing section, by Committee on Local Government.

**HB 2627**, AN ACT concerning elections; dealing with cities and counties and regulation of temporary signs; amending K.S.A. 2017 Supp. 25-2711 and repealing the existing section, by Committee on Local Government.

**HB 2628**, AN ACT concerning airport authorities; amending K.S.A. 27-325 and repealing the existing section, by Committee on Local Government.

**HB 2629**, AN ACT concerning consumer protection and common interest communities; amending K.S.A. 2017 Supp. 58-4609 and repealing the existing section, by Committee on Local Government.

**HB 2630**, AN ACT concerning the Kansas family law code; relating to child custody, residency and parenting time; consideration of domestic abuse; amending K.S.A. 2017 Supp. 23-3203 and repealing the existing section, by Committee on Judiciary.

**HB 2631**, AN ACT concerning investigations of abuse, neglect or exploitation of certain individuals; clarifying when reports of abuse, neglect or exploitation shall be sent to both the department for children and families and the appropriate law enforcement agency; amending K.S.A. 2017 Supp. 38-2223, 38-2226 and 39-1431 and repealing the existing sections, by Committee on Judiciary.

**HB 2632**, AN ACT regulating traffic; concerning escort vehicles, annual registration, by Committee on Transportation.

**HB 2633**, AN ACT concerning the secretary of state; requiring nonpartisan elections; prohibiting certain political activities; amending K.S.A. 2017 Supp. 25-101 and repealing the existing section, by Representative Parker.

**HB 2634**, AN ACT concerning the Kansas state employees health care commission; providing for payroll deductions for indemnity insurance; amending K.S.A. 75-6521, 75-6522 and 75-6523 and repealing the existing sections, by Committee on General Government Budget.

**HB 2635**, AN ACT concerning education; relating to the instruction and financing thereof; relating to the Kansas school equity and enhancement act; relating to the tax credit for low income students program act; amending K.S.A. 2017 Supp. 72-4352, 72-4354, 72-4357, 72-5131, 72-5132, 72-5133, 72-5143, 72-5144, 72-5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5153, 72-5155, 72-5171, 72-53,113, 72-53,116, 72-5461, 72-5462 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 72-99a02, as amended by section 96 of chapter 95 of the 2017 Session Laws of Kansas and K.S.A. 2017 Supp. 72-1171, 72-5172, 72-5176, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480, 72-6481 and 79-32,117o, by Committee on K-12 Education Budget.

**HB 2636**, AN ACT concerning school districts; relating to general obligation bonds; relating to state board of education approval; amending K.S.A. 2017 Supp. 72-5461 and repealing the existing section, by Committee on K-12 Education Budget.

**HB 2637**, AN ACT concerning veterans; relating to the uniform consumer credit code; enacting the Kansas veterans loan act; establishing the Kansas veterans loan act fee fund, by Committee on Veterans and Military.

**HB 2638**, AN ACT concerning postsecondary education; relating to gifts, grants and donations and the disclosure thereof, by Committee on Education.

**HB 2639**, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or regularly volunteering at a child care facility; collection of a fee for fingerprinting such individuals; amending K.S.A. 2017 Supp. 65-516 and repealing the existing section, by Committee on Children and Seniors.

**HB 2640**, AN ACT concerning the state corporation commission; relating to representation to regional transmission organizations, public comment; amending K.S.A. 2017 Supp. 74-633 and repealing the existing section, by Committee on Water and Environment.

**HB 2641**, AN ACT concerning oil and gas; relating to the state corporation commission, powers and duties; requirements for certain injection wells, by Committee on Water and Environment.

**HB 2642**, AN ACT concerning campaign finance; dealing with corrupt political advertising; amending K.S.A. 2017 Supp. 25-4156 and repealing the existing section, by Representative Esau.

On emergency motion of Rep. Hineman, the following concurrent resolution was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. **HCR 5023**–

By Representatives Ryckman, Hineman and Ward

A CONCURRENT RESOLUTION providing for a joint session of the Senate and

House of Representatives for the purpose of hearing a message from the Governor.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Senate and the House of Representatives meet in joint session in Representative Hall at 2:45 p.m. on February 7, 2018, for the purpose of hearing the message of the Governor.

*Be it further resolved:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

In accordance with **HCR 5023**, Speaker Ryckman appointed Reps. Awerkamp, Markley and Winn to escort the Governor.

Reps. Mastroni, Dierks and Kuether to escort the Supreme Court.

Reps. Houser, Huebert and Finney to escort the Senate.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2619**.

Children and Seniors: **HB 2622**.

Corrections and Juvenile Justice: **HB 2621**.

Education: **HB 2613**.

Elections: **HB 2617**.

Financial Institutions and Pensions: **HB 2623, HB 2624**.

Judiciary: **HB 2625**.

Taxation: **HB 2614, HB 2615, HB 2616, HB 2618, HB 2620**.

## MESSAGES FROM THE GOVERNOR

From Jeff Colyer, Governor of the State of Kansas; Executive Order No. 18-04, Policy Regarding Sexual Harassment.

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

## CONSENT CALENDAR

No objection was made to **HB 2474, HB 2547** appearing on the Consent Calendar for the second day.

On motion of Rep. Hineman, the House resolved into the Committee of the Whole, with Rep. Hawkins in the chair.

## COMMITTEE OF THE WHOLE

On motion of Rep. Hawkins, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2470** be adopted.

Also, roll call was demanded on motion of Rep. Hodge to amend **HB 2470**, on page 2, in line 21, after the second "of" by inserting "beer and"; in line 25, after "domestic" by inserting "beer and"; also in line 25, after the period by inserting "If at least 70%, but not 100%, of the products utilized in the manufacture of beer and hard cider by a microbrewery are grown in Kansas, then the license fee for such microbrewery imposed

under K.S.A. 41-310, and amendments thereto, for the immediately succeeding license period shall be  $\frac{1}{2}$  of the amount set forth in K.S.A. 41-310, and amendments thereto. If 100% of the products utilized in the manufacture of beer and hard cider by a microbrewery are grown in Kansas, then the license fee for such microbrewery imposed under K.S.A. 41-310, and amendments thereto, shall be waived for the immediately succeeding license period."

On roll call, the vote was: Yeas 37; Nays 80; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcala, Ballard, Burroughs, Carlin, Carmichael, Clayton, Corbet, Crum, S., Curtis, Deere, Finney, Frownfelter, Garber, Gartner, Hodge, Holscher, Horn, Kuether, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, Sawyer, Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Wolfe Moore.

Nays: Alford, Arberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, B. Carpenter, Claeys, Clark, Concannon, Cox, E. Davis, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lewis, Markley, Mason, Mastroni, Orr, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rahjes, Ralph, Resman, Rooker, Ryckman, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Timesch, Thompson, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Henderson, Hoffman, Landwehr, Osterman, Rafie, Schreiber, Winn.

The motion did not prevail and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2542** be passed.

Committee on **Elections** recommends **HB 2539** be reported without recommendation.

Committee on **Federal and State Affairs** recommends **SB 262**, as amended by Senate Committee, be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2444** be passed.

Committee on **Financial Institutions and Pensions** recommends **HB 2448** be amended on page 1, in line 7, by striking "July 1, 2018" and inserting "January 1, 2019"; in line 9, by striking "July 1, 2018" and inserting "January 1, 2019"; in line 34, after the period by inserting "Notwithstanding any provision of K.S.A. 74-4901 et seq., and amendments thereto, to the contrary, if a security officer has a vested retirement benefit pursuant to K.S.A. 74-4963, and amendments thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto, and retires on or after such security officer's normal retirement date under K.S.A. 74-4957a, and amendments thereto, then such security officer shall also be deemed to have retired for the purposes of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible for such vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto.";

On page 2, in line 17, by striking all after "(1)"; by striking all in lines 18 through 39; in line 40, by striking "(3)" and inserting "Who is in any position in a job class in the

corrections officer or juvenile services corrections officer class series, including, but not limited to, corrections officer I (A), corrections officer I (B), corrections officer II, corrections supervisor I, corrections supervisor II, corrections supervisor III, corrections counselor I, corrections counselor II, unit team supervisor, corrections classification administrator, juvenile corrections officer I (A), juvenile corrections officer I (B), captain, major, juvenile corrections officer II, juvenile corrections officer III, special investigator II, unit team manager, chief of security, EAI investigator or EAI investigator supervisor job class, as all such job classes are described on January 1, 2019, in the state job classification plan in effect for the classified service under the Kansas civil service act or who is in a position in any successor job class or classes that have been approved under K.S.A. 75-2938, and amendments thereto, and who have substantially the same duties and responsibilities thereof;

(2)";

Also on page 2, in line 40, by striking "July 1, 2018" and inserting "January 1, 2019"; in line 42, by striking all after the comma; by striking all in line 43;

On page 3, by striking all in line 1; in line 2, by striking all before "as" and inserting "training program manager, training technician, superintendent, deputy superintendent, corrections manager I, corrections manager II, staff development specialist, safety and health inspector or safety and health specialist,"; also in line 2, by striking "July 1, 2018" and inserting "January 1, 2019"; in line 10, after "paragraph" by inserting "and is located at a correctional institution or a juvenile correctional facility"; in line 21, after "service" by inserting "or laundry";

On page 1, in the title, in line 3, after "membership" by inserting "of certain employees"; also in line 3, after "corrections" by inserting "located at correctional institutions and juvenile correctional facilities"; and the bill be passed as amended.

Committee on **Government, Technology and Security** recommends **HB 2556** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2556," as follows:

"Substitute for HOUSE BILL NO. 2556

By Committee on Government, Technology and Security

"AN ACT concerning emergency communications services; establishing the state interoperability advisory committee."; and the substitute bill be passed.

(**Sub HB 2556** was thereupon introduced and read by title.)

Committee on **Veterans and Military** recommends **HB 2464** be amended on page 1, in line 5, after "(a)" by inserting "(1)"; in line 7, after the first "member" by inserting "or service member's spouse"; in line 10, by striking "(1)" and inserting "(A)"; in line 11, by striking "(2)" and inserting "(B)"; in line 12, by striking "(3)" and inserting "(C)"; in line 13, by striking "(4)" and inserting "(D)"; in line 14, by striking "(5)" and inserting "(E)"; following line 14, by inserting:

"(2) The provisions of this section shall not apply to prepaid or no-contract service plans.";

Also on page 1, in line 15, after "member" by inserting "or service member's spouse"; in line 20, after "member" by inserting "or service member's spouse"; in line 23, after the comma by inserting "or, if the same terms and conditions are no longer offered to any new consumers, at the same terms and conditions the service provider offers to new consumers,"; also in line 23, after "member" by inserting "or service member's spouse"; in line 27, after "member" by inserting "or service member's spouse"; in line 30, after

"member" by inserting "or service member's spouse"; 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 2643**, AN ACT concerning postsecondary education; relating to residency for purposes of tuition and fees; relating to the Kansas foster child educational assistance act; requiring tuition differences to be applied to such act; amending K.S.A. 2017 Supp. 75-53,114 and 76-729 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 76-731a, by Committee on Higher Education Budget.

**HB 2644**, AN ACT concerning state finances; relating to the program service inventory, integrated budget fiscal process, performance-based budgeting system; postsecondary educational institutions; amending K.S.A. 2017 Supp. 75-3718b and repealing the existing section, by Committee on Higher Education Budget.

**HB 2645**, AN ACT concerning courts; relating to district magistrate judges; positions; fourth judicial district; amending K.S.A. 20-338 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2646**, AN ACT concerning motor vehicle liability insurance; increasing the minimum policy limit for bodily injury on certain persons; amending K.S.A. 2017 Supp. 40-3107 and repealing the existing section, by Representatives Bishop and Hodge.

**HB 2647**, AN ACT concerning employment; relating to local government control over wage, benefit and leave policies with respect to private employers; amending K.S.A. 2017 Supp. 12-16,132 and 19-26,114 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 12-16,130, by Representative Parker.

**HB 2648**, AN ACT concerning crimes, punishment and criminal procedure; relating to assault; battery; definition of law enforcement officer; amending K.S.A. 2017 Supp. 21-5412 and 21-5413 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2649**, AN ACT relating to agriculture; enacting the industrial hemp pilot program; powers, duties and responsibilities of the secretary of agriculture; licenses and licensing; rules and regulations; exempting industrial hemp from the definition of marijuana; amending K.S.A. 2017 Supp. 21-5702 and 65-4101 and repealing the existing sections, by Representative Dove.

**HB 2650**, AN ACT designating the state rock as limestone; the state mineral as galena; and the state gemstone as jelinite amber, by Committee on Federal and State Affairs.

**HB 2651**, AN ACT concerning agriculture; relating to poultry processing facilities and poultry slaughter facilities; providing for the establishment thereof in a county; amending K.S.A. 2017 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2652**, AN ACT concerning agriculture; relating to poultry confinement facilities; providing for the establishment thereof in a county; amending K.S.A. 2017 Supp. 17-5903 and 17-5904 and repealing the existing sections, by Committee on Federal and State Affairs.

#### COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Proehl to serve as Vice-Chairman of the Committee on Appropriations.

Also, the appointment of Rep. Johnson to serve on Committee on K-12 Education Budget and thus is removed from membership on Committee on Agriculture and Natural Resources Budget.

Also, the appointment Rep. Ralph to replace Rep. Patton as Vice-Chairman of Committee on Judiciary. Rep. Patton retains membership on the Committee.

Also, due to the Feb. 5, 2018 appointment of Rep. Patton to the Committee on Appropriations, Rep. Patton is removed from the Committee on Financial Institutions and Pensions and Committee on Insurance.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Wednesday, February 7, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

