

# Journal of the House

## THIRTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 28, 2018, 11:00 a.m.

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

The roll was called with 117 members present.

Reps. Bishop, Gallagher, Holscher and Jones were excused on verified illness.

Rep. Dove was excused on legislative business.

Reps. Aurand, Henderson and Powell were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Almighty God,  
thank you for the brief break  
and the opportunity to return to finish the work to be done.  
Today I pray for these leaders that  
Your light will surround them;  
Your love enfold them;  
Your power protect them,  
and Your presence watch over them.  
May Your mind guide them;  
Your life flow through them;  
Your law direct them,  
and Your joy uplift them.  
May Your strength renew them  
and Your beauty inspire them.  
May they always be reminded that  
wherever they are, You are.  
I pray in Your Name, Amen.

The Pledge of Allegiance was led by Rep. Mastroni.

### INTRODUCTION OF GUESTS

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

It is my privilege to recognize the members of the 2017-2018 Leadership Butler Class. Leadership Butler was chartered in 1988 with the purpose of inspiring leadership, teaching civic responsibility, and providing exploration of our County's many assets and opportunities.

Over 850 participants have successfully graduated from the Leadership Program and it is my pleasure to introduce a few of them to you today: Monty Christo, Tyler Miller, Jordan Beal, Jillian Foes, Austin Harryman, Jaicey Perez, Sadie Williams, Sarah Hoefgan, Kayden Nield, Tiya Tonn-Oppold and Kathryn Perez.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2759**, AN ACT concerning the prescription monitoring program; relating to operation and maintenance thereof; requiring veterinarians to submit information thereto; providing for transfers of moneys from the state board of healing arts, the board of nursing, the Kansas dental board, the board of examiners in optometry and the state board of veterinary examiners to the state board of pharmacy; concerning appropriations for the fiscal year ending on June 30, 2019; amending K.S.A. 2017 Supp. 65-1682 and repealing the existing section, by Committee on Appropriations.

### HOUSE CONCURRENT RESOLUTION No. **HCR 5027**— By Representative Aurand

**HCR 5027**—A CONCURRENT RESOLUTION delegating the power to establish the appropriate minimum funding levels for public elementary and secondary education to certain private entities.

WHEREAS, In 2001, the legislature commissioned a study by the firm of Augenblick and Myers to provide an analysis of the cost to provide a public school system for grades kindergarten through 12; and

WHEREAS, In 2005, the legislature directed the division of legislative post audit to conduct a study and provide further analysis of the cost to provide a public school system for grades kindergarten through 12; and

WHEREAS, In the case of *Montoy v. State*, the Kansas supreme court essentially ruled that, by requesting such a cost analysis, the legislature effectively delegated its constitutional responsibility to establish appropriate minimal funding levels for elementary and secondary education to nonelected private entities performing such analysis; and

WHEREAS, In the case of *Gannon v. State*, the Kansas supreme court has strongly recommended that the legislature once again engage professional public school cost analysts to determine the cost of a constitutionally adequate public school system; and

WHEREAS, The legislature has once again engaged a professional public school cost analyst to make a determination of the cost of a constitutionally adequate public school system, even though section 6 of article 6 of the constitution of the state of Kansas unequivocally states that it is the legislature's duty to set finance policy for the public school system in Kansas: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the legislature hereby delegates the authority to establish appropriate minimal funding levels for the state's public school system to the professional cost study analysts who have contracted with the legislature to make such determination; and

*Be it further resolved:* That since the citizens of Kansas have not been given the opportunity to amend the constitution of the state of Kansas so as to more clearly state that the constitutional authority to establish finance policy for the public school system in this state lies solely with the legislature, the legislature shall continue to delegate such authority at such times and in such manner as necessary; and

*Be it further resolved:* That the Secretary of State shall send enrolled copies of this resolution to the members of the Legislative Coordinating Council and each justice of the Kansas Supreme Court.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated on February 22, 2018:

Agriculture: **SB 331**.

Appropriations: **SB 276, SB 314, SB 353**.

Corrections and Juvenile Justice: **SB 328**.

Federal and State Affairs: **SB 260, SB 369, SB 394**.

Health and Human Services: **SB 221**.

Judiciary: **SB 296, SB 310**.

Local Government: **SB 247**.

Transportation: **Sub SB 272, SB 375, SB 391**.

The following bills were referred to committees as indicated on February 28, 2018:

Agriculture: **SB 263, Sub SB 414**.

Children and Seniors: **SB 311**.

Committee of the Whole: **HB 2757, HB 2758**.

Health and Human Services: **SB 386, SB 398**.

Insurance: **SB 348, SB 351, SB 410**.

Judiciary: **SB 265**.

Taxation: **HB 2755, HB 2756, SB 303**.

#### **MESSAGES FROM THE GOVERNOR**

**HB 2343** approved on February 22, 2018.

#### **MESSAGES FROM THE SENATE**

Announcing passage of **SB 185, SB 264, SB 279, SB 281, SB 309, SB 336, SB 374,** and **SB 405**.

Announcing adoption of **HCR 5026**.

#### **INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 185, SB 264, SB 279, SB 281, SB 309, SB 336, SB 374, SB 405**.

#### **REPORT ON ENGROSSED BILLS**

**HB 2457, HB 2496, HB 2549, HB 2573, HB 2590, HB 2604, HB 2642, HB 2674,** **HB 2700, HB 2701** reported correctly engrossed February 23, 2018.

**REPORT ON ENROLLED BILLS**

**HB 2437** reported correctly enrolled, properly signed and presented to the Governor on February 23, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Thursday, March 1, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

