

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 12, 2019, 11:00 a.m.

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

The roll was called with 122 members present.
Reps. Bishop and Lewis were excused on verified illness.
Rep. Winn was excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Craig Reynolds, Pastor, Plymouth Congregational Church, Sedgwick, and guest of Rep. Rhiley:

Grant, O God, that these faithful people may come to experience the work of our Government as a vocation and ministry; that those here gathered may bring minds that know, hearts that feel, eyes that see, and ears that hear the hopes and dreams of the citizens of our fair State. May our leaders have wisdom and courage to do well the tasks before them.

Hold in your watchcare our legislators' loved ones, who sacrifice much as our representatives seek to serve their constituents.

Uphold these men and women by Your Spirit, that by their efforts together Your Name may be glorified. Amen.

The Pledge of Allegiance was led by Rep. Johnson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2235, AN ACT concerning executive branch state employment; relating to tax clearance certificates for job applicants and employees; when required, by Committee on Social Services Budget.

HB 2236, AN ACT concerning county appraisers; relating to causes for suspension or termination; percentage of applications for informal hearings; amending K.S.A. 2018 Supp. 19-431 and repealing the existing section, by Representative Rhiley.

HB 2237, AN ACT concerning legal publications; authorizing use of websites for legal publications; amending K.S.A. 12-1651 and 64-101 and repealing the existing sections, by Committee on Local Government.

HB 2238, AN ACT establishing the Sedgwick county urban area nuisance abatement act, by Committee on Local Government.

HB 2239, AN ACT concerning alcoholic liquor; relating to common consumption areas; amending K.S.A. 2018 Supp. 41-2659 and repealing the existing section, by Committee on Local Government.

HB 2240, AN ACT concerning oil and gas; relating to the state corporation commission; rules and regulations; requiring a seismic risk analysis for certain class II disposal wells; amending K.S.A. 55-150 and K.S.A. 2018 Supp. 55-151 and 55-901 and repealing the existing sections, by Representative Victors.

HB 2241, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; rape; misrepresentation of identity; amending K.S.A. 2018 Supp. 21-5503 and repealing the existing section, by Representatives Xu and Erickson.

HB 2242, AN ACT concerning investigations of abuse, neglect or exploitation of certain individuals; relating to instances when reports of abuse, neglect or exploitation are sent to both the Kansas department for children and families and the appropriate law enforcement agency; amending K.S.A. 2018 Supp. 38-2223, 38-2226 and 39-1431 and repealing the existing sections, by Committee on Judiciary.

HB 2243, AN ACT concerning charitable organizations; relating to exemption from registration; animal shelters; amending K.S.A. 2018 Supp. 17-1762 and repealing the existing section, by Committee on Judiciary.

HB 2244, AN ACT concerning health and healthcare; relating to the use of cannabidiol with 5% tetrahydrocannabinol to treat certain medical conditions; protection from prosecution for authorized use; amending K.S.A. 2018 Supp. 21-5706 and repealing the existing section, by Committee on Judiciary.

HB 2245, AN ACT concerning crimes and punishment; creating the crime of abandonment of a human corpse, by Representative Pittman.

HB 2246, AN ACT concerning motor vehicles; relating to distinctive license plates; changing the requirements for distinctive and educational institution license plate production; amending K.S.A. 2018 Supp. 8-1,141 and 8-1,142 and repealing the existing sections, by Committee on Transportation.

HB 2247, AN ACT concerning roads and highways; designating a portion of United States highway 77 as the Capt Donald Root Strother memorial highway; amending K.S.A. 68-1010 and repealing the existing section, by Committee on Transportation.

HB 2248, AN ACT concerning motor vehicles; relating to all-terrain vehicles; allowing all-terrain vehicles to cross federal or state highway; amending K.S.A. 2018 Supp. 8-15,100 and repealing the existing section, by Committee on Transportation.

HOUSE CONCURRENT RESOLUTION No. **HCR 5007**—
By Committee on Local Government

HCR 5007—A PROPOSITION to amend article 9 of the constitution of the state of Kansas by adding a new section thereto, concerning 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:

"§ 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 determination 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, 2021."

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 2020, 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:

Agriculture: **HB 2222**.

Children and Seniors: **HB 2228, HB 2229**.

Commerce, Labor and Economic Development: **HB 2223**.

Education: **HB 2233**.

Elections: **HB 2220**.

Energy, Utilities and Telecommunications: **HB 2224, HB 2231**.

Federal and State Affairs: **HB 2226, HB 2234**.

Health and Human Services: **HB 2227**.

Insurance: **HB 2230**.

Taxation: **HB 2232**.

Transportation: **HB 2221, HB 2225**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Pensions** recommends **HB 2099** 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 2249, AN ACT concerning income taxation; relating to credits; expenditures by certain institutions to construct health or educational facilities, by Representative Hodge.

HB 2250, AN ACT concerning income taxation; relating to credits; establishing a child tax credit, by Representative Hodge.

HB 2251, AN ACT concerning income taxation; relating to credits; household and dependent care expenses; amending K.S.A. 2018 Supp. 79-32,111c and repealing the existing section, by Representative Hodge.

HB 2252, AN ACT concerning income taxation; relating to credits; salary increases to Kansas employees, by Representative Hodge.

HB 2253, AN ACT concerning labor and employment; relating to unpaid wage claims; costs and attorney fees; amending K.S.A. 2018 Supp. 44-324 and repealing the existing section, by Representative Hodge.

HB 2254, AN ACT concerning financial institutions; relating to the state banking code; pertaining to loans and borrowing; requiring banks to make a minimum amount of subprime loans; amending K.S.A. 2018 Supp. 9-1104 and repealing the existing section, by Representative Hodge.

HB 2255, AN ACT creating the Kansas youth advisory council, by Representative Hodge.

HB 2256, AN ACT concerning education; creating the community leaders service act; amending K.S.A. 2018 Supp. 79-32,117 and repealing the existing section, by Representative Hodge.

HB 2257, AN ACT concerning school districts; relating to bullying; requiring adoption of policies prohibiting and preventing bullying; amending K.S.A. 72-6147 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2258, AN ACT concerning victims of domestic violence, sexual assault, human trafficking or stalking; relating to housing protections; notification requirements, by Representatives Holscher, Alcalá, Barker, Clayton, Ellis, Frownfelter, Henderson, Horn, Kessinger, Lusk, Murnan, Parker, Probst, Resman, Ruiz, L., Ruiz, S., Schreiber, Smith, E., Stogsdill, Toplikar, Whipple, Winn, Woodard and Xu.

HB 2259, AN ACT concerning employment; relating to fair consideration for persons with a record of criminal conviction, by Representative Finney.

HB 2260, AN ACT concerning workers compensation; relating to selection of healthcare provider; unauthorized medical treatment; per diem benefits for injured workers for medical treatment; amending K.S.A. 2018 Supp. 44-510h and 44-515 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2261, AN ACT concerning sales and compensating use tax; relating to rates; food and food ingredients; amending K.S.A. 2018 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2262, AN ACT enacting the Kansas buy American act, by Representative Whipple.

HB 2263, AN ACT concerning employment; relating to maternity benefits, by Representative Whipple.

HB 2264, AN ACT concerning income taxation; relating to credits; providing a credit for pell grant recipients at postsecondary educational institutions, by Representative Whipple.

HB 2265, AN ACT concerning postsecondary education; relating to the awarding of credit hours for degree completion, by Representative Whipple.

HB 2266, AN ACT concerning postsecondary education; relating to state educational institutions; prohibiting fees for certain scholarship applications, by Representative Whipple.

HB 2267, AN ACT concerning sales taxation; relating to exemptions; property and services for fencing used for agricultural uses; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2268, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal sodomy; members of the same sex; amending K.S.A. 2018 Supp. 21-5504 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2269, AN ACT concerning credit for release from custody or supervision; good time credit; program credit; earned discharge credit for juvenile probationers; amending K.S.A. 2018 Supp. 21-6821 and 38-2398 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2270, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful voluntary sexual relations; opposite sex requirement; amending K.S.A. 2018 Supp. 21-5507 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2271, AN ACT concerning animals; relating to livestock running at large; penalty; amending K.S.A. 2018 Supp. 47-122 and 47-122a and repealing the existing sections, by Committee on Agriculture.

HB 2272, AN ACT concerning sales taxation; relating to payment of tax by retailers; time of payment for retailers collecting a certain amount of sales tax; amending K.S.A. 2018 Supp. 79-3607 and repealing the existing section, by Committee on Taxation.

HB 2273, AN ACT concerning energy; establishing the wind generation permit and property protection act; relating to certain electric generation facilities; setbacks from certain property; boards of county commissioners, approval, by Committee on Energy, Utilities and Telecommunications.

HB 2274, AN ACT concerning abortion; relating to medication abortions; notification requirements, by Representatives Eplee, Arnberger, Averkamp, Barker, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Clark, Collins, Corbet, Croft, Delperdang, Dietrich, Donohoe, Dove, Ellis, Erickson, Esau, Finch, French, Garber, Hawkins, Helmer, Highland, Hoffman, Howard, Huebert, Humphries, Jacobs, Johnson, Karleskint, Kelly, Landwehr, Lewis, Lynn, Mason, Mastroni, Owens, F. Patton, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Warren and Wasinger.

HB 2275, AN ACT concerning taxation; requiring county boards of tax appeals; amending K.S.A. 2018 Supp. 79-1448, 79-1609, 79-1611 and 79-2005 and repealing the existing sections, by Representative Rhiley.

HB 2276, AN ACT regulating traffic; concerning the operation of a motor vehicle in a school zone or a construction zone; use of a wireless communication device; amending K.S.A. 2018 Supp. 8-2118 and repealing the existing section, by Representative Vickrey.

HB 2277, AN ACT regulating traffic; concerning right-of-way violations; providing for increased penalties in certain cases; driver's education programs; creating the driver's education fund, by Representative Vickrey.

HB 2278, AN ACT concerning income taxation; relating to rates, calculating rates through use of a formula; amending K.S.A. 2018 Supp. 79-32,110 and repealing the existing section, by Committee on Taxation.

HB 2279, AN ACT concerning crimes, punishment and criminal procedure; relating to domestic violence calls; providing information to victim on arrest; amending K.S.A. 2018 Supp. 22-2307 and repealing the existing section, by Representatives Victors and Curtis.

HB 2280, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing of horses; amending K.S.A. 74-8741, 74-8744, 74-8746, 74-8747 and 74-8836 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2281, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; modification of sentence; amending K.S.A. 2018 Supp. 22-3716 and repealing the existing section, by Committee on Judiciary.

HB 2282, AN ACT concerning crimes, punishment and criminal procedure; relating to abolition of the death penalty; creating the crime of aggravated murder; sentences of imprisonment for life without the possibility of parole; amending K.S.A. 65-5117 and 72-2165 and K.S.A. 2018 Supp. 21-5301, 21-5402, 21-5419, 21-6328, 21-6614, 21-6618, 21-6620, 21-6622, 21-6628, 21-6629, 21-6806, 22-2512, 22-3717, 22-4902, 22-4906, 23-3222, 38-2255, 38-2271, 38-2303, 38-2312, 38-2365, 39-970, 39-2009 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-

5401, 21-6617 and 21-6619, by Representatives Schreiber, Ballard, Carmichael, Clark, Concannon, Cox, Curtis, Dierks, Dietrich, Eplee, Henderson, Hibbard, Highberger, Hodge, Horn, Houser, Kessinger, Kuether, Long, Moore, Murnan, Neighbor, Ohaebosim, Parker, Probst, Smith, A., Stogsdill, Sutton, Wasinger, Winn, Wolfe Moore and Xu.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Barker to replace Rep. Toplikar on Committee on Financial Institutions and Pensions on February 13, 2019.

Also, the appointment of Rep. Hawkins to replace Rep. Rhiley on Committee on Financial Institutions and Pensions on February 13, 2019.

Also, the appointment of Rep. Winn to replace Rep. Alcalá on Committee on Appropriations on February 13, 2019.

REPORT ON ENROLLED RESOLUTIONS

HR 6008, **HR 6009**, **HR 6010** reported correctly enrolled and properly signed on February 12, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, February 13, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

