

Journal of the House

SIXTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 19, 2015, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.

The roll was called with 122 members present.

Reps. Goico, Hawkins and Read were excused on excused absence by the Speaker.
Present later: Rep. Goico.

Prayer by Chaplain Brubaker:

God in Heaven,
Thank You again for this beautiful day
in which you have given us to steward wisely.
As the gavel sounds and business begins,
grant each one the patience of cooperation,
clarity of thought, and courage for truth.
It is Your creative, redemptive spirit
that unites us all no matter of the
political persuasions, personal bias, or cultural creed.
Help these leaders as they seek a common good
grounded in compassion, gratitude and generosity.
Help this common good to be found in our
conversations, deliberations and achievements.
This I pray in Your name,
Amen.

The Pledge of Allegiance was led by Rep. W. Carpenter.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Taxation: **HB 2433, HB 2434.**

Veterans, Military and Homeland Security: **HR 6026.**

MESSAGES FROM THE GOVERNOR

HB 2061 approved on May 18, 2015.

Message to the House of Representatives of the State of Kansas:

I firmly believe that protecting individual property rights is fundamental to

preserving liberty and freedom. By signing this bill, the Kansas Department of Agriculture will have the ability to work with local watershed authorities to establish and manage watershed easements while private property rights are preserved. The state of Kansas will not own more private land under this law. Rather, the State will merely hold the easements which will remain under the control and management of the original property-owner. Meanwhile, the Department of Agriculture will continue to work with federal authorities to eliminate the regulations which necessitate this legislation.

Onerous federal regulations have been inconsistently applied across the nation. By signing House Bill 2061 into law, the Kansas Department of Agriculture will be empowered to hold easements as a third party, at a much lower cost by allowing the local watershed districts to manage the easement. This bill does not interfere with the ability of private industry and nonprofit organizations to possess the same legal authority to purchase and maintain conservation easements. It is my hope that private entities and non-profit organizations will continue to work with local authorities to conserve our natural resources.

In signing this bill, we will better equip the Department of Agriculture to find a Kansas solution that removes burdensome regulations from local organizations and conservation efforts.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **HB 2061** with my signature approving the bill.

SAM BROWNBACK
Governor

Dated: May 18, 2015

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2223, HB 2331, HB 2352, SB 101**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House nonconcurred in Senate amendments to **HB 2223** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Brunk, Couture-Lovelady and Tietze as conferees on the part of the House.

On motion of Rep. Brunk to nonconcur in Senate amendments to **HB 2331**, Rep. Hildabrand offered a substitute motion to concur. The substitute motion was subsequently withdrawn.

The question reverted back to the original motion of Rep. Brunk to nonconcur in Senate amendments to **HB 2331** and a conference committee be appointed. The motion prevailed.

Speaker pro tem Mast thereupon appointed Reps. Brunk, Couture-Lovelady and Tietze as conferees on the part of the House.

On motion of Rep. Schwab, the House nonconcurred in Senate amendments to **HB 2352** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Schwab, Bruchman and Houston as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Mast announced the appointment of Reps. Huebert, Phillips and Alcalá as members of the conference committee on **HB 2364** to replace Reps. Schwartz, Boldra and Victors.

The House stood at ease until the sound of the gavel.

Speaker pro tem Mast called the House to order.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 101** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 7 through 34;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 27; following line 27, by inserting:

"New Section 1. (a) Consistent with the limitations of K.S.A. 50-704, and amendments thereto, the TNC shall not permit an individual to act as a driver on its digital network who:

(1) Has been convicted of:

(A) Any person felony as described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(B) Any sex offense as described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to its repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2014 Supp. 21-6419 through 21-6422, and amendments thereto;

(C) identity theft, as described in K.S.A. 21 - 4018, prior to its repeal, or K.S.A. 2014 Supp. 21-6107, and amendments thereto;

(D) any attempt, conspiracy or solicitation of any crime described in this paragraph; or

(E) a crime under the law of another jurisdiction which is substantially the same as the crimes described in this paragraph;

(2) is registered on the national sex offender registry, the Kansas offender registry or any similar registry of any other jurisdiction;

(3) has had a combined total of more than three moving violations in Kansas or any other jurisdiction within the past three years;

(4) has had a traffic violation in Kansas or any other jurisdiction within the past three years of attempting to evade the police, reckless driving or driving on a suspended license;

(5) has been convicted, adjudicated or placed on diversion, within the past seven years, of:

(A) Driving under the influence of drugs or alcohol in Kansas or any other

jurisdiction;

(B) any crime involving controlled substances, as described in K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(C) theft, as described in K.S.A. 21-3701, prior to its repeal, or K.S.A. 2014 Supp. 21-5801, and amendments thereto;

(D) any crime involving fraud, dishonesty or deceit, as described by the Kansas criminal code;

(E) any attempt, conspiracy or solicitation of any crime described in this subsection; or

(F) a violation of the law or ordinance of another jurisdiction, including any municipality, which is substantially the same as the crimes described in this subsection;

(6) does not possess a valid driver's license;

(7) does not possess proof of registration for the motor vehicle or motor vehicles used to provide a prearranged ride;

(8) does not possess proof of automobile liability insurance for the personal vehicle or personal vehicles used to provide a prearranged ride; or

(9) is not at least 19 years of age.

(b) The provisions of this section shall be a part of and supplemental to the Kansas transportation network company services act.

Sec. 2. Section 2 of 2015 House Substitute for Senate Bill No. 117 is hereby amended to read as follows: Sec. 2. Except as otherwise provided, as used in the Kansas transportation network company services act:

(a) "Act" means the Kansas transportation network company services act.

(b) "Digital network" means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(c) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(1) Owned, leased or otherwise authorized for use by the transportation network company driver; and

(2) not a taxicab, limousine or for-hire vehicle.

(d) "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A "prearranged ride" does not include transportation provided using a taxi, limousine or other for-hire vehicle.

(e) "Transportation network company" or "TNC" means a corporation, partnership, sole proprietorship or other entity ~~that is licensed pursuant to this act and~~ operating in Kansas that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

(f) "Transportation network company driver" or "driver" means an individual who:

(1) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(2) uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company and receives, in exchange for providing the passenger a ride, compensation that exceeds the individual's cost to provide the ride.

(g) "Transportation network company rider" or "rider" means an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(h) "Vehicle owner" means the owner of a personal vehicle.

Sec. 3. Section 12 of 2015 House Substitute for Senate Bill No. 117 is hereby amended to read as follows: Sec. 12. ~~(a)~~ Prior to permitting an individual to act as a driver on its digital network, the TNC shall:

~~(H)~~ (a) Require the individual to submit an application to the TNC, which includes information regarding the applicant's address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance and other information required by the TNC; and

~~(2) obtain a local and national criminal background check on the individual, conducted by the Kansas bureau of investigation;~~

~~(A) fingerprints submitted pursuant to this section shall be released by the attorney general to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation; and~~

~~(B) each individual shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the individual and whether the individual has been convicted of any crime that would disqualify the individual from being a transportation network driver under this act;~~

~~(3)~~ (b) obtain and review a driving history research report for such individual; and

~~(4) require the individual, if such individual's personal vehicle is subject to a lien, to provide proof of comprehensive and collision insurance coverage for such personal vehicle that covers the period when the individual is logged on to a TNC's digital network but not engaged in a prearranged ride and when the individual is engaged in a prearranged ride to the lien holder of such personal vehicle and to the TNC.~~

~~(b) The TNC shall not permit an individual to act as a driver on its digital network who:~~

~~(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license;~~

~~(2) has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, or theft, acts of violence, or acts of terror;~~

~~(3) is a match in the national sex offender registry database;~~

~~(4) does not possess a valid driver's license;~~

~~(5) does not possess proof of registration for the motor vehicle or motor vehicles~~

used to provide a prearranged ride;

~~(6) does not possess proof of automobile liability insurance for the personal vehicle or personal vehicles used to provide a prearranged ride; or~~

~~(7) is not at least 19 years of age.~~

Sec. 4. Section 19 of 2015 House Substitute for Senate Bill No. 117 is hereby amended to read as follows: Sec. 19. (a) A TNC shall disclose prominently, with a separate acknowledgment of acceptance, to its TNC drivers in the prospective TNC drivers' written terms of service the following before the drivers are allowed to accept a request for TNC services on the TNC's digital network or software application:

"If the vehicle that you plan to use to provide transportation network company services has a lien against it, using the vehicle for transportation network company services may violate the terms of your contract with the lienholder. If you are required by agreement with the lienholder to maintain comprehensive and collision insurance on the vehicle, using the vehicle for TNC services without such insurance coverage may violate your legal obligation to the lienholder under Kansas law."

(b) If a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle. ~~The commission shall not assess any fines as a result of a violation of this subsection.~~

(c) If the vehicle used by a transportation network driver is subject to a lien and the lienholder requires comprehensive and collision insurance in its agreement, the transportation network driver shall ensure that comprehensive and collision insurance that covers the periods when the transportation network driver is logged on to a TNC's digital network but not engaged in a prearranged ride and when the transportation network driver is engaged in a prearranged ride is in effect.

(d) This section shall take effect on and after January 1, 2016.

Sec. 5. Sections 2, 12 and 19 of 2015 House Substitute for Senate Bill No. 117 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking lines 2 and 3; in line 4, by striking all before the period and inserting "the Kansas transportation network company services act; relating to certain definitions; relating to transportation network company requirements; relating to transportation network company drivers; relating to liens on personal vehicles; amending sections 2, 12 and 19 of 2015 House Substitute for Senate Bill No. 117 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

SCOTT SCHWAB
 ROB BRUCHMAN
 RODERICK HOUSTON
Conferees on part of House

JEFF LONGBINE
 ELAINE BOWERS
 LAURA KELLY
Conferees on part of Senate

On motion of Rep. Schwab, the conference committee report on **SB 101** was adopted.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kleeb, Kuether, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: Edmonds, Kiegerl, Thimesch.

Present but not voting: None.

Absent or not voting: Goico, Hawkins, Read.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Mast announced the appointment of Rep. Burroughs to replace Rep. Whipple on Committee on Taxation for May 19 only.

On motion of Rep. Vickrey, the House recessed until 5:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Mast in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2435, AN ACT concerning sales taxation; relating to exemptions; materials purchased by contractors to construct, equip, reconstruct, maintain, repair, enlarge, furnish or remodel public buildings; amending K.S.A. 2014 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Mast announced the referral of **HB 2435** to Committee on Taxation.

MESSAGES FROM THE GOVERNOR

S Sub for HB 2149, **S Sub for HB 2155** approved on May 19, 2015

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report on **SB 101**.

The Senate adopts the Conference Committee report on **HB 2025**.

The Senate adopts the Conference Committee report on **HB 2055**.

The Senate adopts the Conference Committee report on **S Sub for HB 2124**.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2005**, and has appointed Senators Masterson, King and Kelly as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2223** and has appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2331** and has appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2352** and has appointed Senators Longbine, Bowers and Hawk as conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

HB 2395 reported correctly re-engrossed May 18, 2015.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Wednesday, May 20, 2015.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

