

# Journal of the House

## FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 12, 2017, 11:00 a.m.

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

The roll was called with 124 members present.  
Rep. Kuether was excused on verified illness.

Prayer by Chaplain Brubaker:

Omnipotent and All Loving God,  
I thank You for this day that You have given us.  
Help us all to be good stewards of how we use this day.  
Give strength to these leaders to do the work;  
a willingness to hear and heed Your will  
in the decisions already needed to be made;  
a humility to use their power and authority  
to truly help people and not advance their purposes.  
and a resolve to live above reproach  
and be a role model of servanthood.  
In Your Name I ask these things,  
Amen.

The Pledge of Allegiance was led by Rep. Jones.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2040**, AN ACT regulating traffic; concerning the overtaking and passing of school buses, cameras, penalties; amending K.S.A. 2016 Supp. 8-1556, 8-2106 and 8-2118 and repealing the existing sections, by Committee on Transportation.

**HB 2041**, AN ACT concerning courts; relating to court fees and costs; judicial branch surcharge fund; amending K.S.A. 2016 Supp. 8-2107, 8-2110, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 21-6614g and 21-6614h, by Committee on Judiciary.

**HB 2042**, AN ACT concerning firearms; relating to the personal and family protection act; relating to the recognition of licenses issued by another jurisdiction; relating to confidentiality of licensure documents; amending K.S.A. 2016 Supp. 75-7c03 and 75-7c06 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2043**, AN ACT concerning insurance; relating to financial examination; requirements; amending K.S.A. 40-2912 and K.S.A. 2016 Supp. 12-2620 and 44-584 and repealing the existing sections, by Committee on Insurance.

**HB 2044**, AN ACT concerning clubhouse-based psychosocial rehabilitation programs, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. **HCR 5003**—

By Committee on Federal and State Affairs

**HCR 5003**-- A CONCURRENT RESOLUTION urging Congress to propose the regulation freedom amendment to the Constitution of the United States.

WHEREAS, The growth and abuse of federal regulatory authority threaten our constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth and Fifth Amendments of our Constitution; and

WHEREAS, Federal regulators must be more accountable to elected representatives of the people and not immune from such accountability; and

WHEREAS, The United States House of Representatives has passed with bipartisan support the REINS Act to require that Congress approve major new federal regulations before they can take effect; and

WHEREAS, Even if enacted, a law may be repealed or waived by a future Congress and President; and

WHEREAS, An amendment to the Constitution of the United States does not require the President's approval and cannot be waived by a future Congress and President: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Kansas Legislature does hereby urge the United States Congress to vote to propose the regulation freedom amendment to the Constitution of the United States as follows:

"Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation."; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to each member of the Kansas congressional delegation and shall work with Kansas' legislative leaders to send a copy to the legislative leaders in other states, including the Speaker of the House of Representatives and the President of the Senate of every state legislature in the United States.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2036, HB 2037, HB 2038, HB 2039.**

Federal and State Affairs: **HB 2024.**

Health and Human Services: **HB 2025, HB 2026, HB 2027, HB 2028, HB 2029, HB 2030, HB 2031.**

Judiciary: **HB 2033, HB 2034, HB 2035.**

Water and Environment: **HB 2032.**

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

## COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2017** be adopted;

On motion of Rep. Carmichael, **HB 2017** be amended as amended by House Committee, on page 2, in line 4, after the period by inserting "Such petitions may not be circulated for signatures prior to the governor proclaiming the date of the election."; and the bill be passed as amended.

**HCR 5002** be passed over and retain a place on the calendar. (See further action.)

On motion of Rep Helgerson to amend **HR 6004**, the motion did not prevail.

Also, on motion of Rep Highberger to amend **HR 6004**, the motion did not prevail.

Also, on motion of Rep Ward to ammend **HR 6004**, the motion did not prevail.

On further motion of Rep. Ward, **HR 6004** be amended, on page 11, in line 35, after the period by inserting "If a committee recommends amendments to a bill or resolution referred to it which strike out all of the material in the bill or resolution subsequent to the enacting clause or resolving clause and inserts new material, and the bill or resolution was sponsored by an individual member or members, the committee becomes the sponsor of the bill or resolution and the committee name will be printed on the bill as the sponsor."; and the resolution be adopted as amended.

**HCR 5002** be adopted.

## INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Hineman pursuant to House Rule 2311, **HB 2017, HCR 5002, HR 6004** were advanced to Final Action on Bills and Concurrent Resolutions.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2017**, AN ACT concerning elections; dealing with vacancies in the office of United States representative to congress; amending K.S.A. 25-3502, 25-3504 and 25-

3507 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Arnberger, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delp-erdang, 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, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kes-singer, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Wil-liams, Wilson, Winn, Wolfe Moore.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Kiegerl, Kuether.

The bill passed, as amended.

**HCR 5002**, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2017-2018 biennium, was considered on final ac-tion.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Curtis, E. Davis, Deere, DeGraaf, Delp-erdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, High-land, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jen-nings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: Crum, S., Finney, Helgerson, Miller, Neighbor, Parker, Winn.

Present but not voting: None.

Absent or not voting: Kiegerl, Kuether.

The resolution was adopted.

**HR 6004**, A RESOLUTION adopting permanent rules of the House of Representa-tives for the 2017-2018 biennium, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 35; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Blex, Brim, Campbell, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Murnan, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams, Wilson.

Nays: Alcalá, Ballard, Bishop, Burroughs, Carlin, Carmichael, Crum, S., Curtis, Deere, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Lusk, Miller, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Ruiz, Stogsdill, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Kiegerl, Kuether.

The resolution was adopted, as amended.

## REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 1**, by Representative Jeff Pittman, commending Leavenworth High School JROTC on the 100<sup>th</sup> Anniversary of the War Department designating the Leavenworth Corps of Cadets an ROTC in 1917;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

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 2045**, AN ACT concerning the state board of healing arts; institutional licenses; amending K.S.A. 2016 Supp. 65-2895 and repealing the existing section, by Committee on Health and Human Services.

**HB 2046**, AN ACT enacting the anesthesiologist assistant licensure act; providing for powers, duties and functions of the state board of healing arts thereunder; establishing an anesthesiologist assistant council, by Committee on Health and Human Services.

**HB 2047**, AN ACT concerning the office of inspector general; amending K.S.A. 2016 Supp. 75-7427 and repealing the existing section, by Committee on Health and Human Services.

**HB 2048**, AN ACT concerning school districts; relating to teacher training and student instruction; addressing child sexual abuse; establishing Erin's law, by Committee on Corrections and Juvenile Justice.

**HB 2049**, AN ACT concerning crimes and punishment; enacting the law enforcement protection act; relating to sentencing for crimes committed against a law enforcement officer; amending K.S.A. 2016 Supp. 21-6804 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2050**, AN ACT concerning economic development; creating the joint committee on economic development, by Committee on Commerce, Labor and Economic Development.

**HB 2051**, AN ACT concerning economic development; enacting the Kansas innovation zone act; reinstating the Kansas enterprise zone act; amending K.S.A. 2016 Supp. 79-32,160a and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2052**, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 74-4914d, 74-4920, 75-2319 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 75-2319d, by Committee on Appropriations.

**HB 2053**, AN ACT concerning courts; relating to collection of debts owed to the courts; domestic cases; amending K.S.A. 2016 Supp. 20-169 and repealing the existing section, by Committee on Judiciary.

**HB 2054**, AN ACT concerning the department of labor; relating to employment security law; records and reports; amending K.S.A. 2016 Supp. 44-714 and repealing the existing section, by Committee on Judiciary.

**HB 2055**, AN ACT concerning the state board of pharmacy; powers, duties and functions thereof; amending K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-7007 and K.S.A. 2016 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-1669, 65-1676, 65-2837a and 65-4202 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 65-1637b and 65-1651a, by Committee on Health and Human Services.

**HB 2056**, AN ACT concerning workers compensation; relating to the workers compensation and unemployment security boards nominating commission; administrative judge term length, reappointment; amending K.S.A. 2016 Supp. 44-551 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

**HB 2057**, AN ACT concerning the division of workforce development of the department of commerce; abolishing the division and transferring its powers, functions, assets and liabilities to the department of labor; amending K.S.A. 2016 Supp. 72-4427, 72-4460, 74-32,151, 74-32,160, 74-5002y, 74-50,209 and 75-5701b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-5002s, 74-5002t, 74-5002u, 74-5002v, 74-5002w, 74-5002x and 75-5701a, by Committee on Commerce, Labor and Economic Development.

**HB 2058**, AN ACT concerning workers compensation; relating to the prevailing factor standard of causation; amending K.S.A. 2016 Supp. 44-508 and 44-510k and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2059**, AN ACT concerning workers compensation; relating to medical guides for the determination of permanent impairment; amending K.S.A. 2016 Supp. 44-510d and 44-510e and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2060**, AN ACT concerning motor vehicles; relating to registration, fees, certain vehicles; amending K.S.A. 2016 Supp. 8-143 and repealing the existing section, by Committee on Transportation.

**HB 2061**, AN ACT concerning the video competition act, definitions; amending K.S.A. 2016 Supp. 12-2022 and repealing the existing section, by Committee on Energy, Utilities and Telecommunications.

**HB 2062**, AN ACT concerning workers compensation; relating to alcohol and drug testing; employer credits for preexisting impairments and retirement; certain maximum rates; work disability claim threshold percentage; termination of employer's obligation; future medical benefits; claim notice requirements; dismissal for lack of prosecution; amending K.S.A. 2016 Supp. 44-501, 44-508, 44-510c, 44-510e, 44-510h, 44-510k, 44-520, 44-523 and 44-525 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

On motion of Rep. Hineman the House adjourned pro forma until 9:00 a.m. on Friday, January 13, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

