

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 3, 2017, 11:00 a.m.

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

The roll was called with 115 members present.

Reps. Seiwert, Sloan and Thimesch were excused on legislative business.

Reps. Good, Houser, Kelly, Kiegerl, Kuether, Osterman and Powell were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God of all Creation,
Thank You for the blessings You
bestow upon us each and every day.
As the momentum continues to pick up
and the pace gets quicker
and days get longer,
remind these leaders of Your promise
that they need not fear, for You are with them.
They need not be dismayed, for You are their Lord God.
You will strengthen them and help them,
You will uphold them with Your righteous right hand.
This promise I claim for them today
in Your Son's Name,
Amen.
(Isaiah 41:10)

The Pledge of Allegiance was led by Rep. Wilson.

PERSONAL PRIVILEGE

Rep. Miller recognized Rep. Concannon for her published article appearing in *Stateline Midwest*.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2269, AN ACT concerning vehicles; relating to certificates of title, fees, disposition of moneys; amending K.S.A. 2016 Supp. 8-135, 8-139, 8-145, 8-170 and 8-198 and repealing the existing sections, by Committee on Transportation.

HB 2270, AN ACT concerning education; relating to the financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2018 and June 30, 2019, for the department of education; creating the education finance act; amending K.S.A. 12-17,115 and 72-8803 and K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3607, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8801, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 72-6482, by Committee on K-12 Education Budget.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce, Labor and Economic Development: **HB 2249, HB 2263.**

Corrections and Juvenile Justice: **HB 2262, HB 2264, HB 2265.**

Elections: **HB 2251, HB 2256.**

Financial Institutions and Pensions: **HB 2266, HB 2267, HB 2268.**

Health and Human Services: **HB 2253, HB 2254, HB 2255.**

Judiciary: **HB 2258, HB 2259, HB 2260.**

Local Government: **HB 2247, HB 2248.**

Taxation: **HB 2250, HB 2252, HB 2261.**

Veterans and Military: **HB 2257.**

Water and Environment: **HCR 5008.**

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2210** from Committee on Elections and referral to Committee on Local Government.

MESSAGES FROM THE SENATE

Announcing passage of **SB 15, SB 17, SB 19, SB 22, SB 28, SB 30, and SB 43.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 15, SB 17, SB 19, SB 22, SB 28, SB 30, SB 43.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, to withdraw **HB 2038** from Final Action, pursuant to Rule 2306, the motion prevailed and the bill was re-referred to Committee on Commerce, Labor and Economic Development.

CONSENT CALENDAR

No objection was made to **HB 2098**, **HB 2132** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2098, AN ACT concerning wildlife, parks and tourism; relating to the mined land wildlife area, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, 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, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Good, Houser, Kelly, Kiegerl, Kuether, Osterman, R. Powell, Seiwert, Sloan, Thimesch.

The bill passed.

HB 2132, AN ACT concerning the Kansas commission on veterans affairs office; relating to drug screening programs; safety sensitive positions; amending K.S.A. 2016 Supp. 75-4362 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, 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, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries,

Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Good, Houser, Kelly, Kiegerl, Kuether, Osterman, R. Powell, Seiwert, Sloan, Thimesch.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2055, HB 2045, HB 2043** be passed.

Committee report to **HB 2049** be adopted. Also, roll call was demanded on motion of Rep. Highberger to amend **HB 2049**, as amended by House Committee, on page 9, in line 31, by striking "(1) and (3)"

On roll call, the vote was: Yeas 46; Nays 64; Present but not voting: 1; Absent or not voting: 14.

Yeas: Alcalá, Ballard, Bishop, Burroughs, Carlin, B. Carpenter, Clayton, Cox, Crum, S., Curtis, Deere, Dove, Esau, Finney, Frownfelter, Gartner, Henderson, Hibbard, Highberger, Hodge, Holscher, Karleskint, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Rahjes, Ruiz, Sawyer, Stogsdill, Terrell, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Brim, Campbell, Carmichael, Clark, Concannon, Corbet, E. Davis, DeGraaf, Delperdang, Dierks, Dietrich, Elliott, Ellis, Eplee, Finch, Francis, Gallagher, Garber, Hawkins, Helgerson, Highland, Hineman, Hoffman, Humphries, Jacobs, Jennings, Johnson, K. Jones, Kessinger, Koesten, Lakin, Landwehr, Lewis, Markley, Mason, Mastroni, Orr, F. Patton, Phillips, Proehl, Rafie, Ralph, Rooker, Ryckman, Schreiber, Schroeder, Schwab, Smith, A., Sutton, S. Swanson, Tarwater, Thompson, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: Smith, E..

Absent or not voting: Blex, Claeys, Good, Houser, Huebert, Judd-Jenkins, Kelly, Kiegerl, Kuether, Osterman, R. Powell, Seiwert, Sloan, Thimesch.

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

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2121** be amended on page 1, in line 5, after "(a)" by inserting "On and after July 1, 2020,"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2137** be passed.

Committee on **Judiciary** recommends **HB 2041, HB 2069, HB 2071** be passed.

Committee on **Judiciary** recommends **HB 2070** be amended on page 2, in line 2, by striking "confidential"; by striking all in lines 3 and 4; in line 5, by striking all before "pursuant" and inserting "considered personnel records that are not required to be disclosed under K.S.A. 45-221(a)(4), and amendments thereto. The provisions of this subsection shall expire on July 1, 2022, unless the legislature reviews and reenacts this provision"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 9, by Representative Shelee Brim, congratulating Mill Valley High School Football Team on winning the Class 5A 2015 and 2016 State Championships;

Request No. 10, by Representative Susan Concannon, honoring Dr. Richard Bergen for his exemplary artwork portraying beautiful Kansas;

Request No. 11, by Representative Ponka-We Victors, congratulating Pairie Band Potawatomi Nation Elder for passing down the traditions of the tribal nations;

Request No. 12, by Representative Ponka-We Victors, congratulating Kickapoo Tribe of Kansas Elder for passing down the traditions of the tribal nations;

Request No. 13, by Representative Ponka-We Victors, congratulating Iowa Tribe of Kansas and Nebraska Elder for passing down the traditions of the tribal nations;

Request No. 14, by Representative Ponka-We Victors, congratulating Sac and Fox Nation of Kansas Elder for passing down the traditions of the tribal nations;

Request No. 15, by Representative Ponka-We Victors, congratulating Sac and Fox Nation of Kansas Tribal Elder for passing down the traditions of the tribal nations;

Request No. 16, by Representative Ponka-We Victors, congratulating Sandra Victors, Ponka Tribal Elder for passing down the traditions of the tribal nations;

Request No. 17, by Representative Brandon Whipple, commending The Reverend Earl Mahan on his service to the Wichita community;

Request No. 18, by Representative Brandon Whipple, commending The Right Reverend Dean E. Wolfe on his service to the State of Kansas;

Request No. 19, by Representative Louis Ruiz, honoring Mexican Consul Alfonso Navarro-Bernachi and the country of Mexico for continued support of the relationship between Kansas and Mexico;

Request No. 20, by Representative Kristey Williams, congratulating Leadership Butler; in recognition for inspiring, educating, empowering and networking leaders of Butler County.

Request No. 21, by Representative KC Ohaebosim in memory of Dr. Evies Cranford;

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 and concurrent resolution were introduced and read by title:

HB 2271, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; capital murder; person with intellectual disability; amending K.S.A. 2016 Supp. 21-6622 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2272, AN ACT concerning water; creating the Kansas water collaborative, by Committee on Water and Environment.

HOUSE CONCURRENT RESOLUTION No. **HCR 5009**—

By Representatives Garber, Awerkamp, Blex, Brim, Carpenter, DeGraaf, Delperdang, Ellis, Eplee, Good, Highland, Huebert, Jacobs, R. Powell, Smith, A. and Smith, E.

HCR 5009— A PROPOSITION to amend section 1 of the bill of rights of the constitution of the state of Kansas, relating to equal rights.

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: Section 1 of the bill of rights of the constitution of the state of Kansas is hereby amended to read as follows:

"**§ 1. Equal rights.** All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness. *Recognizing the authority of the state of Kansas to exercise its police power and its sovereign right to adopt individual liberties in the constitution of the state of Kansas more expansive than those conferred by the constitution of the United States, the state of Kansas shall hereby guarantee the inalienable rights, equal protection and due process of law of every human being from the beginning of the biological development of that human being, including fertilization.*"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"*Explanatory statement.* The purpose of this amendment is to expand the class of human beings that currently enjoy inalienable rights, equal protection, and due process of the law under the constitution of the state of Kansas to every human being from the beginning of the biological development of that human being, including fertilization.

"A vote for this proposition would amend the Kansas constitution to explicitly incorporate into it the inalienable right to life of every human being irrespective of age, race, gender, health, function, condition of dependency, including physical or mental dependency, or method of reproduction, from the beginning of their biological development, including fertilization. The proposed constitutional amendment also would prohibit the state from discriminating against any class of human beings in the application, interpretation and enforcement of its laws.

"A vote against this proposition would not amend the constitution, in which case the current federally mandated legal status of preborn humans would remain that of a class of human beings that can intentionally be killed."

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 2018 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.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Monday, February 6, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

