

# Journal of the House

## TWENTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 6, 2017, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Concannon was excused on verified illness.

Rep. Jacobs was excused on legislative business.

Reps. Garber, Houser and Kiegerl were excused on excused absence by the Speaker.

Prayer by guest chaplain, Rhonda Kinser, founder of Rochelle's Place Women's Ministry, Liberal, and guest of Rep. Francis:

Heavenly Father,

I thank You that You are here with us today.

For all of those who are assembled together on, this February 6<sup>th</sup>, 2017, that You are present for us.

You are a safe and powerful place for us to find refuge!

You are a proven help in time of trouble; You're more than enough and always available whenever we need You.

Thank You, Father God, that You have showed up for us today, because You know there are those that are in this room right now that need a touch from You.

I pray that You will touch those that need healing in their bodies; those who are experiencing pain right now.

Spirit of God, touch them and deliver them from their pain.

I pray for those who feel a sense of heaviness from the cares that they carry for themselves, for their families, and for the people of the State of Kansas.

Lord, I speak release to them from whatever is causing them to feel heavy-laden today, I pray You would touch them and fill them with Your joy right now.

Your word says that "the joy of the Lord is our strength." So for those who need Your strength today, touch them now with a supernatural manifestation of Your joy.

Lord, I thank You that You are the Prince of Peace. That God You can give your children "peace that passes all

understanding.” Lord, let Your peace touch every heart and every mind in this room right now that calls out to You for peace.

Father, I thank You that You are faithful. Lord, even when we are not faithful, You remain faithful because You are always true to Your word.

Thank you Father for loving us. For Love truly conquers all! Holy Spirit touch each heart with Your love and dispel every fear.

Thank You for the honor and privilege of interceding for these servants of Kansas.

In Jesus’ name, Amen!

The Pledge of Allegiance was led by Rep. Francis.

## **INTRODUCTION OF GUESTS**

The following remarks of Rep. Neighbor are spread upon the Journal:

It is with great honor that I stand before you today along with Representative Lusk and Representative Frownfelter to honor some members of the Broadmoor Bistro from the Shawnee Mission School District.

Recently the Broadmoor Bistro was named one of 10 Slow Food Restaurants that are Sustainable and Scrumptious according to USA Today. “The public enjoys multi-course dinner in the program’s gorgeous, 120-seat restaurant on Wednesday evenings during the school year. Many seasonal ingredients come from their own urban garden, as well as other local providers,” writer Lisa Waterman Gray, travel and food expert, wrote about the restaurant.

Chefs Robert Brassard and Justin Hoffman, recognized in 2016 with the Leadership Innovation Award at the Center of the Advancement of Food Service Education Conference in Chicago, lead the Shawnee Mission culinary arts program. They often state that the Broadmoor Bistro is where “education has never tasted so good.” Today, we have Chef Justin Hoffman and students Allen Pepito and Nora Engelken joining us here in the Capitol.

The culinary excellence is a benefit many of us in the community are able to enjoy each week at the restaurant as students serve their delectable dishes and gain hands-on experience in all areas of restaurant operations.

In recent years, the student’s urban garden has served as a food resource for the restaurant and an educational center for students and community members to learn about sustainable food practices.

Broadmoor Bistro students also frequently host guest chef events featuring acclaimed culinary artists from across the country. These talented chefs mentor Shawnee Mission students in preparing a five-course meal to serve in the restaurant.

Finally, please come and see our new Living Wall that will provide fresh basil, thyme, etc. for our students to use in their delectable dishes.

Rep. Lusk presented a framed House certificate to the Bistro members.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2273**, AN ACT concerning consumer protection; relating to the Kansas no-call act; restricting use of automatic dialing-announcing devices; amending K.S.A. 2016 Supp. 50-670 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2274**, AN ACT concerning immigration; relating to the Kansas highway patrol; authorizing a memorandum of agreement for the enforcement of immigration laws, by Committee on Federal and State Affairs.

**HB 2275**, AN ACT concerning immigration; relating to sanctuary policies and the prohibition thereof; relating to the duty of law enforcement to cooperate in immigration enforcement; litigation against municipalities, defense by attorney general, claim against the state, by Committee on Federal and State Affairs.

**HB 2276**, AN ACT concerning public health and safety; relating to dangerous regulated animals; pertaining to the sale, slaughter and acquisition of such animals; amending K.S.A. 2016 Supp. 32-1301, 32-1302, 32-1303, 32-1304, 32-1305, 32-1306, 32-1307, 32-1308 and 32-1310 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 32-1309, by Committee on Federal and State Affairs.

**HB 2277**, AN ACT concerning alcoholic beverages; dealing with common consumption areas; amending K.S.A. 2016 Supp. 41-2653 and repealing the existing section, by Committee on Local Government.

**HB 2278**, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city, by Representative Huebert.

**HB 2279**, AN ACT concerning courts; relating to disposition of drivers' license reinstatement fees; judicial branch nonjudicial salary adjustment fund; amending K.S.A. 2016 Supp. 8-241 and 20-1a15 and repealing the existing sections, by Committee on Appropriations.

**HB 2280**, AN ACT concerning administrative rules and regulations; joint committee on administrative rules and regulations; state rules and regulations board; membership; amending K.S.A. 2016 Supp. 77-423 and 77-436 and repealing the existing sections, by Representative Ward.

**HB 2281**, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Kansas 4-H foundation license plate, by Committee on Transportation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Corrections and Juvenile Justice: **HB 2271**.

Elections: **SB 43**.

Federal and State Affairs: **HCR 5009**.

Financial Institutions and Pensions: **SB 15**.

Insurance: **SB 17, SB 19, SB 22**.

K-12 Education Budget: **HB 2270**.

Taxation: **SB 28, SB 30**.

Transportation: **HB 2269**.

Water and Environment: **HB 2272**.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6007**—

By Representative Sutton

A RESOLUTION congratulating and commending Crysta Baier's fourth grade class at Edgerton Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program.

WHEREAS, KC Healthy Kids is a nonprofit advocacy program dedicated to improving the health of Kansas City metropolitan area children; and

WHEREAS, KC Healthy Kids is celebrating I Am Here on March 2, 2017, at the Kansas City Convention Center; and

WHEREAS, This event is KC Healthy Kids' youth photo contest, which is designed to empower students to speak out for healthy communities; and

WHEREAS, I Am Here lifts up the voices of students in grades 3-8 as they share their ideas about how to create a healthier Kansas City; and

WHEREAS, School districts throughout the Kansas City metropolitan area were invited to have classrooms submit captioned photos showing how their communities help or hinder healthy habits; and

WHEREAS, Through this contest, teachers help students think critically about how their surroundings — walking trails or broken sidewalks, safe playgrounds or blighted lots, schoolyard gardens or fast food restaurants — impact their health; and

WHEREAS, KC Healthy Kids has announced the first place award recipients for I Am Here, that includes Crysta Baier's fourth grade class at Edgerton Elementary School, located in beautiful Edgerton, Kansas; and

WHEREAS, First place award recipients received \$1,000 to promote student wellness, such as the purchase of new playground balls and pedometers, offering fruit and vegetable tastings or providing nutrition education and school wellness council projects; and

WHEREAS, The great state of Kansas affirms the importance of ensuring that all children have the knowledge and opportunities to eat healthy and be physically fit where they live, learn and play; and

WHEREAS, Actively engaged citizens and healthy communities are strengthened when young people are introduced to civic responsibility early through programs such as I Am Here: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Crysta Baier's fourth grade class at Edgerton Elementary School and KC Healthy Kids on their efforts to support healthy kids and communities through the I Am Here program; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send three enrolled copies of this resolution to Representative Sutton.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**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, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 1; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claey's, Clark, Clayton, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, 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. Williams, Wilson, Winn, Wolfe Moore.

Nays: DeGraaf, Highberger.

Present but not voting: Ousley.

Absent or not voting: Concannon, Garber, Houser, Jacobs, Kiegerl.

The bill passed.

**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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claey's, Clark, Clayton, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, 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. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Garber, Houser, Jacobs, Kiegerl.

The bill passed.

**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, was

considered on final action.

On roll call, the vote was: Yeas 112; Nays 8; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Hibbard, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, 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, Wilson, Wolfe Moore.

Nays: Awerkamp, DeGraaf, Finney, Henderson, Highberger, Ousley, K. Williams, Winn.

Present but not voting: None.

Absent or not voting: Concannon, Garber, Houser, Jacobs, Kiegerl.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HB 2049**. Every day the men and women of law enforcement pin on their badge of office and strap on their firearm as they undertake their duty to protect. **HB 2049** will assure that those criminals who commit a crime that targets those charged with the duty of public protection pay a greater price for their crime. Whether on duty or at their home, no public protection pay a greater price for their crime. Whether on duty or at their home, no officer deserves to suffer from crimes committed against them just because of their title as police officer, deputy sheriff, trooper or agent.—J. RUSSELL JENNINGS, LEONARD MASTRONI, SHELEE BRIM, LONNIE CLARK, LEO DELPERDANG, LESLIE OSTERMAN, STEPHANIE CLAYTON, TOM COX, MARY MARTHA GOOD, DIANA DIERKS, MELISSA ROOKER, FRED PATTON, RONALD L. HIGHLAND, BRENDA DIETRICH, DON HINEMAN, MARK SCHREIBER, BILL SUTTON, JOHN WHITMER, LINDA GALLAGHER, DOUG BLEX, SUSIE SWANSON, BRENDA K. LANDWEHR, JOHN P. WHEELER, JR., KEITH ESAU

MR. SPEAKER: The Pledge of Allegiance ends with these words: “Liberty and Justice for all.” Equality for all. Fair treatment under the law for all. Despite one’s privilege, status, or occupation of choice. Every act of violence against our citizens, law enforcement or otherwise, should be legally prosecuted to the fullest extent of the law without bias. I believe every life is equally valuable and equally important to the fabric of our society. All citizens should be treated equally under the law. I vote no on **HB 2049**.—KRISTEY WILLIAMS, PETE DEGRAAF, FRANCIS AWERKAMP, GAIL FINNEY

**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, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, 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. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Concannon, Garber, Houser, Jacobs, Kiegerl.

The bill passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2109** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 2282**, AN ACT concerning alcoholic beverages; relating to the Kansas liquor control act; retailer's licenses; creating the local cereal malt beverage sales tax fund; amending K.S.A. 2016 Supp. 41-102, 41-301, 41-303, 41-304, 41-310, 41-311, 41-313, 41-326, 41-713 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711 and K.S.A. 2016 Supp. 41-308, by Committee on Commerce, Labor and Economic Development.

**HB 2283**, AN ACT concerning income taxation; relating to Kansas adjusted gross income; providing addition modification related to retirement contributions by certain employees of the state board of regents; amending K.S.A. 2016 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

**HB 2284**, AN ACT concerning crimes, punishment and criminal procedure; relating to unlawful possession and transmission of a visual depiction of a child; amending K.S.A. 2016 Supp. 21-5610 and 21-5611 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker Ryckman announced the appointment of Rep. Frownfelter to replace Rep. Whipple on Committee on Higher Education Budget on February 6, 2017.

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

**HB 2049** reported correctly engrossed February 3, 2017.

#### **REPORT ON ENGROSSED RESOLUTIONS**

**HR 6006** reported correctly engrossed February 2, 2017.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6006** reported correctly enrolled and properly signed on February 6, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, February 7, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

