

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 17, 2017, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Brim, Miller, Neighbor, Parker, Powell and Sawyer were excused on excused absence by the Speaker.

Excused later: Reps. Hawkins and Williams.

Prayer by guest chaplain, Everett Schultz, Deacon, First Mennonite Church, Pretty Prairie, and guest of Rep. Seiwert:

Dear heavenly Father. I come before you this morning to request that you provide these good people in this room wisdom, understanding, and camaraderie so they can work together to provide adequate opportunities for all Kansans. Give them a sense of oneness so that they can work together in harmony and agreement. Father, you can provide these good people with wisdom from above to fully understand how to meet the needs of the state and how to provide for their constituents. May You give them a new purpose, a new solidarity, and new vision for our state. May they work with the governor and the Senate to provide the correct legislation that would meet the state's needs.

Father, it seems our state is at a crossroads where values have been eroded, where what was right is no longer right, but in some cases, is wrong. As I grew up, in school we were taught the Golden Rule, "do unto others as you would have them do unto you." It seems we have lost that mindset in our society Father, and I pray that this mindset will be acceptable again. May we become more accepting of each other.

Father, I know there are many different viewpoints in this room. There are people here who are for bigger government, for more regulation, and for more control. There are those who are for smaller government, for less taxes, for equal representation for all. Help these people to be able to balance the budget, to meet the needs not only of the educational system of our state, but to realize that our infrastructure needs attention, and that our businesses need the ability to make a profit without excess taxes. Help the people in this room to reach out to their colleagues in the Supreme Court and

the Senate and as well as the Governor to strive to achieve a workable solution. And may each one work together to achieve a rewarding path forward.

But most importantly Father, if there is someone in this room who does not know if they are bound for heaven, I pray that you will lead them to someone who can explain from the Bible how they can know they are going to heaven. If there is one here that needs that wisdom, please meet that need.

I ask these things in Jesus name. Amen

The Pledge of Allegiance was led by Rep. Seiwert.

CELEBRATION OF ST. PATRICK'S DAY

In celebration of St. Patrick's Day, former Senator Rich Gannon, played traditional Irish melodies on the bagpipes.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2399, AN ACT concerning income taxation; relating to credits, household and dependent care expenses, by Committee on Taxation.

HB 2400, AN ACT concerning sales taxation; relating to the collection of sales taxes from certain remote sellers; amending K.S.A. 2016 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2401, AN ACT concerning labor organizations; relating to dues; amending K.S.A. 44-803 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2398**.

Judiciary: **HB 2397**.

Taxation: **HB 2396**.

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 42**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

Announcing passage of **SB 83**, **SB 94**, and **SB 174**.

Also, the Senate concurs in House amendments to **SB 32**.

Announcing passage of **SB 55**, **SB 70**, **Substitute for SB 85**, **Substitute for Substitute for SB 95**, **SB 96**, **SB 117**, **SB 130**, **SB 137**, **SB 184**.

Announcing passage of **HB 2109**, **HB 2192**.

Announcing passage of **HB 2387**, as amended; **Substitute for HB 2052**, as amended by **Senate Substitute for Substitute for HB 2052**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 55, SB 70, SB 83, Sub SB 85, SB 94, Sub for Sub SB 95, SB 96, SB 117, SB 130, SB 137, SB 174, SB 184.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 42**.

Speaker pro tem Schwab thereupon appointed Reps. Jennings, Whitmer and Highberger as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 15, SB 100, SB 166** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2223, AN ACT concerning campaign finance reports for members of the legislature and reports by lobbyists; dealing with civil penalties for late filing of such reports; amending K.S.A. 2016 Supp. 25-4152, 46-268 and 46-280 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, 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, Good, Hawkins, Helgerson, Henderson, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Schreiber, 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: Hibbard, Pittman, Schroeder.

Present but not voting: None.

Absent or not voting: Brim, Miller, Neighbor, Parker, R. Powell, Sawyer.

The substitute bill passed, as amended.

HB 2343, AN ACT concerning health and health care; relating to organ transplants; ensuring nondiscrimination in access to organ transplants, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, 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: Brim, Miller, Neighbor, Parker, R. Powell, Sawyer.

The bill passed.

SB 17, AN ACT concerning insurance; enacting the fair access to insurance requirements plan act; amending K.S.A. 40-2101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeyes, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, 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: Brim, Miller, Neighbor, Parker, R. Powell, Sawyer.

The bill passed.

SB 19, AN ACT concerning insurance; relating to reinsurance; amending K.S.A. 2016 Supp. 40-221a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeyes, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, 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: Brim, Miller, Neighbor, Parker, R. Powell, Sawyer.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Johnson, the House concurred in Senate amendments to **HB 2387**, AN ACT concerning sales and compensating use tax; exemption for repairing, rebuilding or replacing certain property destroyed by wildfires; amending K.S.A. 2016 Supp. 79-3606d and repealing the existing section.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, 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: Brim, Miller, Neighbor, Parker, R. Powell, Sawyer.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 66** be passed.

Committee report to **SB 65** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 60** be adopted; and **H Sub for SB 60** be passed.

Committee report recommending a substitute bill to **HB 2331** be adopted; also, on motion of Rep. Sloan to amend **Sub HB 2331**, the motion did not prevail.

Also, on motion of Rep. Kelly, **Sub HB 2331** be amended on page 2, in line 9, after "agencies" by inserting ", the Kansas public employees retirement system";

On page 26, in line 5, after "agencies" by inserting ", the Kansas public employees retirement system"

Also, on motion of Rep. Pittman to amend **Sub HB 2331**, the motion did not prevail.

On further motion of Rep. Pittman to amend **Sub HB 2331**, the motion did not prevail.

Also, on motion of Rep. Ward to amend **Sub HB 2331**, the motion did not prevail.

Also, on motion of Rep. DeGraaf to amend **Sub HB 2331**, the motion did not prevail; and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2353** be amended on page 1, in line 12, by striking ": (1)"; in line 14, by striking "(A)" and inserting "(1)"; also in line 14, by striking "Primarily employs"; also in line 14, before "persons" by inserting "Has a mission to employ"; in line 25, by striking the second "or"; by striking all in lines 26 through 28;

On page 2, in line 4, by striking all before "disability" and inserting "whose"; also in line 4, after the second comma by inserting "whether"; also in line 4, by striking "whether"; in line 5, by striking all after "is"; in line 6, by striking all before the period and inserting "a substantial barrier to employment";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2356** be amended on page 3, in line 39, by striking all after "a"; by striking all in lines 40 through 42; in line 43, by striking "program" and inserting "disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2081, HB 2386** be passed.

Committee on **Federal and State Affairs** recommends **HB 2313** be amended on page 3, in line 14, by striking "purchaser's" and inserting "purchasers";

On page 6, following line 13, by inserting:

"Sec. 2. K.S.A. 74-8719 is hereby amended to read as follows: 74-8719. (a) It is unlawful for any person to purchase a lottery ticket or share, or to share in the lottery winnings of a person, knowing that such person is:

(1) The executive director, a member of the commission or an employee of the Kansas lottery;

(2) an officer or employee of a vendor contracting with the Kansas lottery to supply gaming equipment or tickets to the Kansas lottery for use in the operation of any lottery conducted pursuant to this act;

(3) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described by subsection (a)(1) or (2); or

(4) a person who resides in the same household as any person described by subsection (a)(1) or (2).

(b) (1) Violation of subsection (a) is a class A nonperson misdemeanor upon conviction for a first offense.

(2) Violation of subsection (a) is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

(c) Notwithstanding subsection (a), the executive director may authorize in writing any employee of the Kansas lottery and any employee of a lottery vendor to purchase a lottery ticket for the purposes of verifying the proper operation of the state lottery with respect to security, systems operation and lottery retailer contract compliance. Any prize awarded as a result of such ticket purchase shall become the property of the Kansas lottery and be added to the prize pools of subsequent lottery games.

(d) Certain classes of persons who, because of the unique nature of the supplies or services they provide for use directly in the operation of a lottery pursuant to this act, may be prohibited, in accordance with rules and regulations adopted by the commission, from participating in any lottery in which such supplies or services are used.

(e) Nothing in this section shall prohibit lottery retailers or their employees from purchasing lottery tickets and shares or from being paid a prize of a winning ticket or share.

(f) Each person who purchases a lottery ticket or share thereby agrees to be bound by rules and regulations adopted by the commission and by the provisions of this act.

(g) Any lottery ticket or share purchased by a person under 18 years of age shall be null and void and may not be claimed for a prize.";

Also on page 6, in line 14, before "K.S.A." by inserting "K.S.A. 74-8719 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "amending" by inserting "K.S.A. 74-8719 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2341** be amended on page 1, in line 20, after the second comma by inserting "Seward,"; 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. 49, by Representative Amberger, congratulating Hannah Mauler on winning the title of Miss Capital City;

Request No. 50, by Representative Amberger, congratulating Maddy Hayden on winning the title of Miss Barton County;

Request No. 51, by Representative Markley, congratulating Blue Valley Northwest High School “We the People” Team for being 2017 State Civics Champions;

Request No. 52, by Representative Finney, congratulating Heloise Ann Johnson on her 80th Birthday;

Request No. 53, by Representative Barker, congratulating Abilene High School Wrestling Team on winning the 2017 4A State Championship;

Request No. 54, by Representative John P. Wheeler, congratulating Garden City High School Buffalo Girls Bowling Team for winning the 2017 Kansas Class 6A State Championship;

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 2402, AN ACT concerning setoff against debtors of the state; authorizing the director of accounts and reports to enter into agreements with third party vendors; amending K.S.A. 75-6203 and K.S.A. 2016 Supp. 75-6202 and 75-6204 and repealing the existing sections, by Committee on Appropriations.

HB 2403, AN ACT concerning economic development; relating to enterprise zones; rural opportunity zones; amending K.S.A. 74-50,116 and 74-50,118 and K.S.A. 2016 Supp. 74-50,115, 74-50,223, 79-32,160a, 79-32,160g and 79-3606 and repealing the existing sections, by Committee on Appropriations.

HB 2404, AN ACT concerning cities; relating to the rehabilitation of abandoned property; amending K.S.A. 2016 Supp. 12-1750 and 12-1756a and repealing the existing sections; also repealing K.S.A. 2016 Supp. 12-1756e, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

Sub HB 2223 reported correctly engrossed March 16, 2017.

REPORT ON ENROLLED RESOLUTIONS

HR 6020 reported correctly enrolled and properly signed on March 17, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Monday, March 20, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*
SUSAN W. KANNARR, *Chief Clerk.*