

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 28, 2017, 10:00 a.m.

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

The roll was called with 123 members present.

Reps. Alford and Williams were excused on excused absence by the Speaker.

Prayer by guest chaplain, William A. Jones, President, Bethany College, Lindsborg, and guest of Rep. Concannon:

Dear Giver, Sustainer, and Renewer of Life,

Thank you for spring. We are grateful for the additional sunshine found in longer days, for warmer temperatures, for spring showers, for the bloom and the growth, and for the sweet harmony sung by all of creation this time of year. Thank you for the opportunity to arise anew.

Thank you for the Kansas House of Representatives and the servant leaders who labor here. On this morning, we ask you to give them love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control. Please bless these Representatives, their staff members, and their communities.

As they legislate during this season of renewal, dear God, may we all resolve to give food to the hungry and drink to the thirsty. May we welcome the stranger, care for the sick, and visit those who are in prison. We pray that such acts of your love outnumber the seeds of all the sunflowers past, present, and future.

May young and old from the Kansas prairie to the Neosho River, from small towns to big cities, be inspired by the love this body has for you and for all people.

Amen.

The Pledge of Allegiance was led by Rep. Frownfelter.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Schreiber are spread upon the Journal:

Colleagues, I want to introduce Kelly Moten, a member of the Emporia State Lady Hornets, and her coach Jory Collins. Kelly was recently named as the NCAA Division II Women's Basketball National Player of the Year. Coach Collins and Kelly led the Lady Hornets to the national Sweet Sixteen this year.

Emporia State is a member of the Mid-America Intercollegiate Athletic Association (MIAA), which is one of the toughest conferences in the country. Their competition includes Ft. Hays State University, Washburn and Pitt State, as well as teams from Nebraska, Missouri and Oklahoma. It is not uncommon to have 2 or 3 of these teams nationally ranked every year.

But before we present Kelly with a certificate, let me tell you her backstory. Kelly grew up in Gary, Indiana. Coach Collins told the *Emporia Gazette* when he went to Kelly's house for a recruiting visit the first time, "I'm sure there's nice parts to Gary, but I didn't see any on that trip." Kelly was successful at the high school level, but wasn't recruited for college ball...until Coach Collins came to visit.

She worked extremely hard to get where she is today, fighting to become better every day as a person and a teammate. In one particularly hard time between her sophomore and junior years, she lost several close friends. She contemplated not continuing to play basketball. But as she has shown on the court innumerable times, she persisted and grew to become not only a great ballplayer, but also a dependable and valuable teammate.

Her on-court accomplishments include being the first player in Division II history to score 1900 points, grab 600 rebounds, dish out 500 assists, make 200 steals and 100 blocked shots! She was also selected as the Central Region Player of the Year, the MIAA Player of the Year, Defensive Player of the Year and was the first player to earn MIAA All-Tournament Team honors four straight years.

Besides her on-court skills which have captivated Emporia State fans for years, Kelly has also become a strong role model for young women.

Please help me congratulate Kelly Moten on her many honors.

In recognition of her accomplishments on and off the court, Rep. Schreiber presented Ms. Moten with a framed House certificate.

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 16**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 16**.

Speaker pro tem Schwab thereupon appointed Reps. Vickrey, Dove and Neighbor as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Johnson, **HR 6024**, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6024**—

By Reps. Johnson and Concannon,

HR 6024—A RESOLUTION commemorating Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas.

WHEREAS, Swedish immigrants, inspired by their commitment to educate those without access to education, established Bethany College in 1881 and started a long tradition of quality education in Kansas; and

WHEREAS, Bethany College is affiliated with the Evangelical Lutheran Church in America; and

WHEREAS, Bethany College is located in Lindsborg, Kansas, the Fine Arts and Crafts Capital of Kansas, and offers students the opportunity to live and study in one of Kansas' most distinctive communities. Lindsborg abounds with artist studios, art galleries, craft shops, import gift shops and other attractions, such as the Birger Sandzén Memorial Gallery, located on the Bethany campus, the Lester Raymer Red Barn Studio, and the McPherson County Old Mill Museum and historical complex; and

WHEREAS, Bethany College's cultural impact in the area includes the longest-running presentation of Handel's "Messiah" in the United States, which has run for 136 consecutive years, and being the home of Bethany Oratorio Society, which consists of more than 320 members from communities across Central Kansas. Its wide selection of theatrical offerings, gallery art exhibitions, and lectures, which include the annual Pearson Distinguished Professor of Swedish Studies lecture series, all add to the cultural fabric of the Smoky Valley; and

WHEREAS, Bethany College is home to Presser Hall Auditorium, which was built in 1928 and is recognized as one of the finest music facilities in the United States. Today, Presser Hall serves as the mainstage for the Bethany Oratorio Society and many other college and community cultural productions. It also houses the Thomson-Mingenback Concert Organ, one of the largest pipe organs in the central United States, which has more than 4,000 pipes that range in size from 8 inches to 32 feet; and

WHEREAS, There are more than 4,500 Bethany College alumni who live in Kansas, including more than 1,300 who reside in McPherson and Saline counties. Bethany College alumni are successful in many areas. They include 610 alumni who serve as teachers, coaches or administrators in Kansas schools, 74 who serve as doctors, dentists, veterinarians and pharmacists in Kansas, and hundreds of business leaders throughout Kansas; and

WHEREAS, Bethany alumni, serving Kansas as successful professionals, who love God and love people include: Terry Holdren, CEO/General Counsel of the Kansas Farm Bureau and recently appointed governor's task force member; Sarah Schiltz, the youngest female partner in the history of MarksNelson in Kansas City; Matt Allen, city manager of Garden City; Collin Carlson, a Salina South High School teacher who was awarded the Horizon Teacher of the Year award in 2015; Art Newcomer, a retired Kansas education administrator and athletic director; Dr. Keir Swisher, director of emergency medicine at Salina Regional Health Center; and Dr. Justin Klaassen, a

trauma surgeon in Salina; and

WHEREAS, Bethany alumni business leaders include Ron Paulseen, owner of Paulseen Financial Group, Wichita; Ross and Grant Tidemann, real estate brokers with J.P. Weigand & Sons, Inc., Wichita; agri-leaders Vance and Louise Ehmke, Healy; Ed and Nelson Newcomer, owners of the D.H. Pace Company's Overhead Door Group, Olathe; and Mark Houghton, owner of Central Plastics, Inc., McPherson; and

WHEREAS, Bethany alumni also serve as elected officials in Kansas and include Susan Concannon, Beloit, a member of the Kansas House of Representatives representing the 107th District; and

WHEREAS, Bethany College contributes to the economic well-being of Central Kansas by adding more than \$15 million annually to the regional economy through more than 700 students from 38 states and 22 countries, more than 100 full-time faculty and staff, and nearly 70 part-time faculty and staff; and

WHEREAS, The mission of Bethany College is to educate, develop and challenge individuals to seek truth and excellence as they lead lives of faith, learning and service. All those associated with Bethany College – students, faculty, staff and alumni – are united behind Bethany's core values of integrity, hospitality, community, servant leadership and sustainability. These are the values at the heart of the Bethany College experience: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commemorate Bethany College's 135 years of educational service to the City of Lindsborg and to the entire state of Kansas; and

Be it further resolved: That we are honored to offer Bethany College sincere congratulations and wish the college many more successful years; and

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

Reps. Johnson and Concannon read **HR 6024**, and introduced President William A. Jones and representatives of Bethany College.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. DeGraaf, **HR 6025**, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6025 –

By Representatives DeGraaf, Alford, Baker, Barker, Blex, Brim, Carpenter, Delperdang, Dietrich, Dove, Ellis, Eplee, Esau, Finch, Garber, Gartner, Good, Highland, Hineman, Hoffman, Humphries, Jacobs, Karleskint, Lakin, Landwehr, Lewis, Mason, Ohaebosim, Orr, Osterman, Patton, Pittman, Powell, Proehl, Resman, Rooker, Ryckman, Schreiber, Schroeder, Seiwert, A. Smith, E. Smith, Tarwater, Terrell, Waymaster, Whitmer and Williams

HR 6025—A RESOLUTION recognizing the month of April as Parkinson's Disease Awareness Month.

WHEREAS, Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease; and

WHEREAS, It is estimated that Parkinson's disease affects over 1,000,000 people in the United States, including thousands of Kansans; and

WHEREAS, The exact cause and progression of the disease is still unknown; and
WHEREAS, There is no objective test for Parkinson's disease, which results in a high rate of delayed diagnosis or misdiagnosis; and

WHEREAS, Symptoms of Parkinson's disease vary from person to person and can include tremors, slowness, difficulty with balance, swallowing, chewing and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions; and

WHEREAS, Medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects; and

WHEREAS, Ultimately, the medications and treatments lose their effectiveness, generally after four to eight years, leaving the person unable to move, speak or swallow; and

WHEREAS, There is no cure, therapy or drug to slow or halt the progression of Parkinson's disease; and

WHEREAS, Increased education and research are needed to aid in early and accurate diagnosis, and to help find more effective treatments or a cure for Parkinson's disease; and

WHEREAS, The federal government, through the National Institute of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Center, and other agencies, supports vital work to better understand Parkinson's disease and to find new treatments; and

WHEREAS, In Kansas, many people associated with the Kansas House of Representatives are dealing with, or have encountered Parkinson's disease, such as past members: The Honorable J. Basil Dannebohm and the Honorable Ramon Gonzales; current members: Representative Pete DeGraaf and Representative Brenda Dietrich's husband, Gerald, who are both currently fighting the disease; also Speaker of the House Executive Assistant, Sharon Chandler, whose husband recently passed away from complications associated with Parkinson's disease; and many others who have relatives affected by Parkinson's disease; and

WHEREAS, In the fight against Parkinson's, Kansans can be proud. The University of Kansas Medical Center's Parkinson's Disease Center, under the direction of Dr. Rajesh Pahwa, M.D., and his outstanding staff, is designated as a National Parkinson's Foundation Center of Excellence. Kansas also has many excellent support groups and organizations, such as the National Parkinson's Foundation – Heartland in Leawood; the Parkinson's Program at Meadowlark Hills in Manhattan, under the direction of Michelle Haub; and many other advocates who are working to promote Parkinson's disease awareness, education and patient support: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate the month of April as Parkinson's Disease Awareness Month. We will continue to support research to find better treatments and, eventually, a cure for Parkinson's disease; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative DeGraaf.

There being no objection, the following remarks of Rep. DeGraaf are spread upon the Journal:

It is a personal honor to be co-sponsoring this resolution. As a person with Parkinson's, this effort to educate and honor a few of our heroes is very important to me. While I can't control the fact that I have this disease, I can control how I respond it. My faith in a loving God, a supportive wife, family and friends has been essential in my journey with Parkinson's.

At your desk is a handout outlining the many of the issues that people with Parkinson's may deal with. I emphasize may because one of the first things you learn is that everyone with Parkinson's has different symptoms at varying levels of severity. There is no test you can take to determine if you have Parkinson's.

Thirty percent of us do not have tremors, but most of us have difficulty with balance, our posture is stooped, and we experience a slow shuffle walk, with loss of arm swing. While some of us experience early onset, generally we are in our 60's when diagnosed and most of us have been dealing with symptoms for years, before we finally have a "name" for all things that have been bothering us. As we look back one of the first indicators many of us have is a diminished sense of smell. That was thirteen years ago for me.

Parkinson's affects the way our brain and muscles work (or in this case – don't work together). Our handwriting gets smaller and smaller, our fingers hit the wrong keys, the muscles in our eyes don't always want to focus, we misjudge our steps, and have trouble standing or walking; we even lose the ability to blink and swallow.

Most of us know that President George Bush (senior) has Parkinson's as does Billy Graham. We also know the name Michael Fox. Closer to home, but not with us today are past Representatives Basil Dannebohm and Ramon Gonzalez, both of whom currently struggle with the disease.

A few of my heroes are here today. For those of us with Parkinson's, our caregivers are our heroes. As most of you know, Karen is mine. Most of you know Sharon Chandler. She works as the Executive Assistant for the Speaker. What you may not know is that Sharon is one of the hero caregivers. Her husband recently passed away from complications associated with Parkinson. Sharon was a faithful caregiver and we want to honor her today.

Also with us is Representative Brenda Dietrich whose husband Gerald has Parkinson's. Doug Henkle serves as a caregiver to his wife Nan. We have become great friends.

Michelle Haub, is a dynamo. Neither she or nor her husband have Parkinson's, but for the last 10 years she has served the Parkinson's community at Meadowlark in Manhattan, where she leads an active program for people affected by Parkinson's with exercise and voice classes, "Rock Steady Boxing", education meetings, social activities, and community outreach and fundraising. Her program should be replicated across the country! One of the couples that are part of her program are Don and Bea Rasmussen. Don has benefitted greatly from her service.

On behalf of all of us with Parkinson's, we standing here appreciate your support. Colleagues, this is the 5th year in a row that this chamber has dedicated April as Parkinson's Awareness Month.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2047, AN ACT concerning the office of inspector general; amending K.S.A. 2016 Supp. 75-7427 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, 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, 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, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, 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, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The bill passed, as amended.

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, 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, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, 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, Resman, 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, Winn, Wolfe Moore.

Nays: Jacobs.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The bill passed.

HB 2306, AN ACT concerning the Kansas sexually violent predator act; relating to examinations; transitional release; conditional release; amending K.S.A. 2016 Supp. 59-29a08, 59-29a10 and 59-29a18 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, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, 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, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, 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, Winn, Wolfe Moore.

Nays: Burroughs.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The bill passed, as amended.

HB 2386, AN ACT concerning port authorities; relating to the sale of property; amending K.S.A. 2016 Supp. 12-3412 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, 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, 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, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: B. Carpenter, Claeys, Corbet, Dove, Jacobs, Seiwert, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The bill passed.

H Sub for SB 21, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 2016 Supp. 74-4914 and 74-4937 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 74-4914f, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Arnberger, Aurand, 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, 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, Houser, 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, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, DeGraaf, Garber, Huebert, Jacobs, Osterman, R. Powell, Sutton, Whitmer.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The substitute bill passed.

SB 100, AN ACT concerning the nursing service scholarship program; scholarships for mental health nurses; amending K.S.A. 74-3292, 74-3293, 74-3294 and 74-3297 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Arnberger, Aurand, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, 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, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, Jacobs, R. Powell, Sutton, Whitmer.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The bill passed.

SB 112, AN ACT concerning crimes, punishment and criminal procedure; relating to evidence; videotaping of certain felony, custodial interrogations; domestic battery; creating the crime of aggravated domestic battery; controlled substances; unlawful possession of drug paraphernalia; burglary; expungement; arrest records; amending K.S.A. 2016 Supp. 21-5414, 21-5709, 21-5807 and 22-2410 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, 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, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, 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, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Alford, K. Williams.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Sloan, the House nonconcurrred in Senate amendments to **HB 2079** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Sloan, Rahjes and Victors as conferees on the part of the House.

On motion of Rep. Sloan, the House nonconcurrred in Senate amendments to **HB 2080** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Sloan, Rahjes and Victors as conferees on the part of the House.

On motion of Rep. Proehl, the House nonconcurrred in Senate amendments to **HB 2096** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Proehl, Francis and Lusker as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that **Sub SB 74** be passed.

Committee report to **SB 50** be adopted; also, on motion of Rep. Wheeler, **SB 50** be amended, as amended by House Committee, on page 1, in line 29, by striking all before "acts" and inserting "commits"; in line 30, after "section" by inserting "or aids or abets a person to commit acts or omissions that violate this section"; and the bill be passed as amended.

Committee report to **SB 89** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 40** be adopted; and **H Sub for SB 40** be passed.

Committee report to **SB 46** be adopted; also, on motion of Rep. Jennings, **SB 46** be amended, as amended by House Committee, on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2016 Supp. 82a-701 is hereby amended to read as follows: 82a-701. When used in this act, unless the context indicates otherwise, the following words shall have the following meanings:

(a) "Person" shall mean and include a natural person, a partnership, an organization, a corporation, a municipality and any agency of the state or federal government.

(b) "Chief engineer" means the chief engineer of the division of water resources of the Kansas department of agriculture.

(c) "Domestic uses" means the use of water by any person or by a family unit or household for household purposes, or for the watering of livestock, poultry, farm and domestic animals used in operating a farm, and for the irrigation of lands not exceeding a total of two acres in area for the growing of gardens, orchards and lawns.

(d) "Vested right" means the right of a person under a common law or statutory claim to continue the use of water having actually been applied to any beneficial use, including domestic use, on or before June 28, 1945, to the extent of the maximum quantity and rate of diversion for the beneficial use made thereof, and shall include the right to take and use water for beneficial purposes where a person is engaged in the construction of works for the actual application of water to a beneficial use on June 28, 1945, provided such works shall be completed and water is actually applied for such use within a reasonable time thereafter by such person, such person's heirs, successors or assigns. Such a right does not include, however, those common law claims under which a person has not applied water to any beneficial use within the periods of time set out in this subsection.

(e) "Appropriator" means and includes a person who has an appropriation right that has been perfected in conformity with article 7 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto.

(f) "Appropriation right" is a right, acquired under the provisions of article 7 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, to divert from a definite water supply a specific quantity of water at a specific rate of diversion, provided such water is available in excess of the requirements of all vested rights that relate to such supply and all appropriation rights of earlier date that relate to such supply, and to apply such water to a specific beneficial use or uses in preference to all appropriations right of later date.

(g) "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

(h) "Impairment" means the unreasonable raising or lowering of the static water level or the unreasonable increase or decrease of the streamflow or the unreasonable deterioration of the water quality at the water user's point of diversion beyond a reasonable economic limit."

On page 7, in line 4, after "Supp." by inserting "82a-701,";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "Supp." by inserting "82a-701,"; and **SB 46** be passed as amended.

Committee report recommending a substitute bill to **SB 101** be adopted; on motion of Rep. Carmichael, **H Sub for SB 101** be amended on page 7, in line 28, after "when" by inserting ": (1)"; in line 30, after "investigation" by inserting "; or (2) the physician, licensed physician assistant or registered professional nurse believes that it is in the best interests of the minor not to do so"; and **H Sub for SB 101** be passed as amended.

SB 78 be passed over and retain a place on the calendar.

Committee report to **SB 124** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **SB 96**, as amended by Senate Committee, be amended on page 5, in line 9, by striking "79-3398" and inserting "79-3399"; also in line 9, by striking the first "and" and inserting a comma; also in line 9, after "2" by inserting "and section 24";

On page 28, following line 41, by inserting:

"Sec. 25. K.S.A. 2016 Supp. 79-3399 is hereby amended to read as follows: 79-3399. (a) On and after ~~January~~ July 1, 2017, a tax is hereby imposed upon the privilege of selling or dealing in electronic cigarettes in this state by any person engaged in business as a distributor thereof, at the rate of ~~\$.20~~ \$.05 per milliliter of consumable material for electronic cigarettes and a proportionate tax at the like rate on all fractional parts thereof. For electronic cigarettes in the possession of retail dealers for which tax has not been paid, tax shall be imposed under this subsection at the earliest time the retail dealer: (1) Brings or causes to be brought into this state from without the state electronic cigarettes for sale; (2) makes, manufactures or fabricates electronic cigarettes in this state for sale in this state; or (3) sells electronic cigarettes to consumers within this state.

(b) "Consumable material" means any liquid solution or other material that is depleted as an electronic cigarette is used.

(c) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.";

On page 29, in line 2, by striking "and" and inserting a comma; also in line 2, after "79-3393" by inserting "and 79-3399";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the Kansas"; also in line 1, after "products" by inserting "act"; also in line 1, by striking "the"; in line 2, by striking all before "definitions"; in line 5, by striking "and" and inserting a comma; also in line 5, after "deposits" by inserting ", taxation of electronic cigarettes"; in line 9, by striking the first "and" and inserting a comma; also in line 9, after "79-3393" by inserting "and 79-3399"; and the bill be passed as amended.

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 bill was introduced and read by title:

HB 2415, AN ACT concerning scrap metal; relating to regulation of scrap metal dealers; making certain provisions unenforceable until January 1, 2019; amending K.S.A. 2016 Supp. 50-6,109a, 50-6,109b, 50-6,109c, 50-6,109d, 50-6,109e, 50-6,109f, 50-6,110, 50-6,112a and 50-6,112b and repealing the existing sections, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **SB 23** from Committee on Insurance and referral to Committee on Judiciary.

MESSAGES FROM THE SENATE

Announcing passage of **SB 217**.

Announcing passage of **HB 2025**, as amended; **HB 2026**, as amended by **Senate Substitute for HB 2026**; **HB 2027**, as amended by **Senate Substitute for HB 2027**; **HB 2030**, as amended; **HB 2055**, as amended by **Senate Substitute for HB 2055**; **HB 2212**, as amended; **HB 2213**, as amended.

Announcing passage of **HB 2044**, **HB 2217**, **HB 2219**, **HB 2312**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 217

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Barker to replace Rep. Williams on Committee on Taxation on March 28, 2017.

REPORT ON ENGROSSED BILLS

HB 2047, HB 2306 reported correctly engrossed March 27, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Wednesday, March 29, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

