

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 29, 2017, 10:00 a.m.

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

The roll was called with 125 members present.

Prayer by guest chaplain, Rev. Tobias Schlingensiepen, Senior Minister, First Congregational Church, Topeka, and guest of Rep. Kuether:

All-merciful Creator of us all,
I lift up before you this morning a young child, a girl,
whose first name begins with the letter K.
You know her, O God - and You would have us know
her, too.

How much she has had to endure at her young age! Her father succumbed to suicide, her mother to drugs and alcohol. Several adoptions have fallen through for her and she is struggling, waiting for a family, a home, an opportunity to live in the embrace of people who love her and can show her a hopeful future of well-being and -living.

You have created us, O God, with a conscience, where You meet each and every one of us; where You remind us - whether we care for that reminder or not - that each of us is created for connection with each other - and that each of us is responsible for making that connection. You call us to make and care for our life together.

Beyond all the other wills luring us to look past K. and the many thousands like her across our land - beyond them all is You, standing before us, unwilling to let us pass until we have seen them, really seen them - until we follow in Your steps, find them. and our arms become Your arms, embracing every one of them.

Let us not keep you waiting. O God. Encourage us to do Your Will, for K,'s sake, as well as our own. Amen.

The Pledge of Allegiance was led by Rep. Henderson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Health and Human Services: **SB 217**.

Taxation: **HB 2415**.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2079** and has appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2080** and has appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **House Substitute for SB 21**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 112**, requests a conference and has appointed Senators Wilborn, Lynn and Haley 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 **H Sub for SB 21**.

Speaker pro tem Schwab thereupon appointed Reps. Kelly, Powell and Finney as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 112**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Patton and Carmichael as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ohaebosim, **HR 6026**, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6026**—

by Reps. Ohaebosim and Finney

HR 6026—A RESOLUTION recognizing Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs.

A RESOLUTION recognizing Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, 58% of Caucasian, 80% of Hispanic and 85% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2015 study conducted by the National Assessment for Educational Progress (NAEP); and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, The 2015 NAEP study also shows that the gap in proficiency between low-income and high-income Kansas students grew from 25% to 34% from the years 2009 to 2015; and

WHEREAS, Storytime Village, Inc., under the leadership of Director Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive in partnerships that provide early childhood development, family engagement involving reading, and access to books; and

WHEREAS, Storytime Village, Inc. is currently the only nonprofit organization based in Kansas that focuses exclusively on children's literacy; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc. inspires children, regardless of their socio-economic background, race or gender, to read by providing them free books and literacy resources; and

WHEREAS, March 29, 2017, is marked as Literacy Day at the Capitol, which will focus on addressing the literacy gap in Kansas by mobilizing high school students to raise their voices through meetings with legislators, panel discussions, and an advocacy workshop, with the theme: "Why Reading Matters": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to Prisca Barnes and Representative Ohaebosim.

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

According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood.

However, many underserved populations are lacking the quality literacy skills essential for future success in school and in life. While the nation's reading proficiency rates have improved for most demographic groups over the last decade, large disparities still exist by race and income status.

Kansas is among the states where the literacy achievement gap widened. A national assessment for educational progress study (NAEP) shows that the gap in proficiency between low income and high income Kansas students grew from 24 percent to 32 percent over the last ten years.

This year marks Storytime Village's third Literacy Day at the Capitol. The event is sponsored by the Kansas African American Affairs Commission and Butler County Community College.

Joining Storytime Village for this impactful day are high school students from Wichita, KS, including Literacy Champions from the Independent School and The NAACP Youth Council students from Wichita East High and Heights High School along with students from Junction City High School.

Students from Highland Park High School in Topeka, KS will join Literacy Day and their school's choir will be featured during the Literacy Champions Luncheon at noon,

sponsored by Olive Garden.

Since its beginning in 2009, Storytime Village has worked to help the youngest in our communities thrive through partnerships that provide early childhood development, family engagement around reading and access to books.

The mission of Storytime Village, Inc., with the support of parents and the community, is to inspire a lifelong love of reading for underserved Kansas children from birth to age 8.

The theme for Literacy Day at the Capitol is “Why Reading Matters” and will address the literacy achievement gap in the state of Kansas by mobilizing high school students to raise their voices and bring awareness to the critical issue. The day will feature panel discussions, workshops and the opportunity to network and discuss these important issues with state leaders. A Kansas youth will be named the “Outstanding Youth Literacy Advocate” during our Literacy Champions Luncheon.

Rep. Ohaebosim introduced guests representing Storytime Village to members of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H Sub for SB 40, AN ACT concerning human trafficking and related crimes; creating the crimes of unlawful use of communication facility, promoting travel for child exploitation, internet trading in child pornography and aggravated internet trading in child pornography; relating to training for commercial driver's license applicants; sexual exploitation of a child; buying sexual relations; commercial sexual exploitation of a child; offender registration; expungement of juvenile adjudications; victim compensation; amending K.S.A. 2016 Supp. 12-4120, 21-5426, 21-5510, 21-6421, 21-6422, 22-4902, 22-4906, 38-2312, 74-7305 and 75-759 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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, Raffie, 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, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 46, AN ACT concerning water; relating to water conservation areas; relating to the diversion of water; chief engineer; remedies for the impairment of a valid water right or permit to divert and use water; amending K.S.A. 82a-716 and 82a-717a and K.S.A. 2016 Supp. 82a-701, 82a-745 and 82a-1906 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 20; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Baker, Ballard, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, 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, Hineman, Hoffman, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Raffie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Alcalá, Arnberger, Aurand, Awerkamp, Barker, B. Carpenter, Corbet, DeGraaf, Garber, Highland, Hodge, Jacobs, K. Jones, Landwehr, R. Powell, Seiwert, Sutton, Ward, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 50, AN ACT concerning attorneys; relating to the Kansas consumer protection act; unauthorized practice of law; membership of the advisory committee on uniform state laws and the joint committee on special claims against the state; amending K.S.A. 46-407a and K.S.A. 2016 Supp. 46-912 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

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, 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, Raffie, 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, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Ward.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

Sub SB 74, AN ACT concerning persons needing assistance with cognition; relating to motor vehicles, placards, identification cards; state-issued identification cards and driver's licenses; amending K.S.A. 2016 Supp. 8-243 and 8-1324 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, 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, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 89, AN ACT concerning motor vehicles; relating to fees, collection of; repealing the repossessed certificates of title fee fund; amending K.S.A. 2016 Supp. 8-135, 8-145 and 8-145d and repealing the existing sections; also repealing K.S.A. 8-145e, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 15; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Elliott, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, 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, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: B. Carpenter, Corbet, DeGraaf, Dove, Ellis, Garber, Helgerson, Huebert, Jacobs, K. Jones, Landwehr, Mason, Osterman, R. Powell, Whitmer.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H Sub SB 101, AN ACT concerning crime victims; relating to protection orders; protection from abuse act; protection from stalking act; sexual assault evidence collection examinations and parental notification; the crime victims compensation board and claims for compensation; amending K.S.A. 60-3102, 60-31a01, 60-31a03, 60-31a07, 60-31a08 and 60-31a09 and K.S.A. 2016 Supp. 21-5924, 60-31a02, 60-31a04, 60-31a05, 60-31a06, 65-448 and 74-7305 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, 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, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murman, Neighbor, Ohaebosim, Orr, 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, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, Garber, Hoffman, Jacobs, K. Jones, Osterman, Sutton, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

SB 124, AN ACT concerning the care of children; relating to the Kansas family law code; child custody, residency and parenting time; evidence of domestic abuse; relating to the revised Kansas code for the care of children; rules of evidence; admissibility of certain test results; amending K.S.A. 2016 Supp. 23-3201, 23-3203 and 38-2249 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 174, HB 2391, Sub SB 85** be passed.

HR 6016 be adopted.

Roll call was demanded on motion of Rep. Curtis to amend **SB 55**, as amended by Senate Committee, on page 1, in line 5, before "Section" by inserting "New";

On page 2, following line 3, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 12-16,131 is hereby amended to read as follows: 12-16,131. (a) Except as provided in K.S.A. 16-1903(i), and amendments thereto, no city, county or local government unit shall enact or administer any ordinance, resolution or law that requires, nor shall any city, county or local government discriminate against, favor, prefer or base any ordinance, law, policy, economic development program, agreement, grant or incentive on, an employer providing or not providing:

(1) Any leave from work, either with or without pay, unless such leave is required by state or federal law;

(2) compensation for any leave from work, unless payment of compensation for such leave is required by state or federal law;

(3) compensation or wages at any rate higher than the minimum wage, unless the payment of higher compensation or wages is required by state or federal law; or

(4) any employee benefit other than those required by state or federal law.

(b) Subsection (a) shall only apply to wages, compensation or benefits, or any combination thereof, paid or provided by a construction contractor or subcontractor performing construction or infrastructure work on a real estate construction or infrastructure project.

Sec. 3. K.S.A. 16-1903 is hereby amended to read as follows: 16-1903. (a) Subject to the provisions of subsections (b), (c), (d), (e), (f), (g), (h) and K.S.A. 16-1904 and 16-1905, and amendments thereto, all owners, contractors and subcontractors, who enter into a contract for public construction after the effective date of this act, shall make all payments pursuant to the terms of the contract.

(b) The following provisions in a contract for public construction shall be against

public policy and shall be void and unenforceable:

(1) A provision that purports to waive, release or extinguish the right to resolve disputes through litigation in court or substantive or procedural rights in connection with such litigation except that a contract may require nonbinding alternative dispute resolution as a prerequisite to litigation;

(2) a provision that purports to waive, release or extinguish rights to file a claim against a payment or performance bond, except that a contract may require a contractor or subcontractor to provide a waiver or release of such rights as a condition for payment, but only to the extent of the amount of payment received; and

(3) a provision that purports to waive, release or extinguish rights of subrogation for losses or claims covered or paid by liability or workers compensation insurance except that a contract may require waiver of subrogation for losses or claims paid by a consolidated or wrap-up insurance program, owners and contractors protective liability insurance, or project management protective liability insurance or a builder's risk policy.

(c) All contracts for public construction shall provide that payment of amounts due a contractor from an owner, except retainage, shall be made within 30 days after the owner receives a timely, properly completed, undisputed request for payment according to terms of the contract, unless extenuating circumstances exist which would preclude approval of payment within 30 days. If such extenuating circumstances exist, then payment shall be made within 45 days after the owner receives such payment request.

(d) The architect or engineer of record or agent of the owner shall review, approve and forward undisputed requests for payment to the owner within seven business days of receipt from the contractor.

(e) If the owner fails to pay a contractor within the time period set forth in subsection (c), the owner shall pay interest computed at the rate of 18% per annum on the undisputed amount to the contractor beginning on the day following the end of the time period set forth in subsection (d).

(f) A contractor shall pay its subcontractors any amounts due within seven business days of receipt of payment from the owner, including payment of retainage, if retainage is released by the owner, if the subcontractor has provided a timely, properly completed and undisputed request for payment to the contractor.

(g) If the contractor fails to pay a subcontractor within seven business days, the contractor shall pay interest to the subcontractor beginning on the eighth business day after receipt of payment by the contractor, computed at the rate of 18% per annum on the undisputed amount.

(h) The provisions of subsection (g) shall also apply to all payments from subcontractors to their subcontractors.

(i) The following provisions required in a contract for public construction by the unified government of Wyandotte county, or enacted or administered by ordinance, resolution or law by the unified government of Wyandotte county and applicable only to contracts for construction or infrastructure work, shall not be against public policy and shall be valid and enforceable. Any requirement or preference for a construction contractor or subcontractor providing to its employees:

(1) Any leave from work, either with or without pay;

(2) compensation for any leave from work;

(3) compensation or wages at any rate higher than the minimum wage;

(4) any employee benefit other than those required by state or federal law; or

(5) wages, including fringe benefits, at a rate not less than:

(A) As determined by the unified government of Wyandotte county, the wage paid to corresponding classes of laborers and mechanics employed on similar projects in the county where the project is to be performed. Such minimum wage shall be the wage paid to the majority of the laborers or mechanics, unless the same wages are not paid to a majority, in which case the minimum wage shall be the average wages paid, weighted by the total employed in the classification; or

(B) the minimum wage determined under federal law which would be required to be paid on federally funded projects at the location of the public works project.

Sec. 4. K.S.A. 16-1903 and K.S.A. 2016 Supp. 12-16,131 are hereby repealed.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "act" by inserting "; certain wage, compensation or benefit requirements; amending K.S.A. 16-1903 and K.S.A. 2016 Supp. 12-16,131 and repealing the existing sections"

On roll call, the vote was: Yeas 48; Nays 77; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dierks, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hodge, Holscher, Koesten, Kuether, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Rooker, Ruiz, Sawyer, Stogsdill, S. Swanson, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: None.

The motion of Rep. Curtis to amend did not prevail, and **SB 55** be passed.

Committee report to **HB 2362** be adopted; and the bill be passed as amended.

Committee report to **SB 149** be adopted; and the bill be passed as amended.

On motion of Rep. Wilson to amend **HB 2319**, the motion did not prevail.

Also, on motion of Rep. Kuether to amend, Rep. Humphries requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Roll call was demanded on the motion of Rep. Kuether to amend **HB 2319**, on page 6, following line 16, by inserting:

"New Sec. 3. At least 24 hours prior to the performance of any medical procedure that is to be performed by a physician licensed by the state board of healing arts and for

which the informed consent of the patient is required, the physician shall provide the following information in writing in printed format in black ink with 12-point times new roman font:

- (a) The name of such physician;
- (b) the year in which such physician received a medical doctor's degree;
- (c) the date on which such physician's employment commenced at the facility where the medical procedure is to be performed;
- (d) whether any disciplinary action has been taken against such physician by the state board of healing arts by marking either a box indicating "yes" or a box indicating "no" and if the box indicating "yes" is marked, then provide the website addresses to the board documentation for each disciplinary action;
- (e) whether such physician has malpractice insurance by marking either a box indicating "yes" or a box indicating "no";
- (f) whether such physician has clinical privileges at any hospital located within 30 miles of the facility where the medical procedure is to be performed by marking either a box indicating "yes" or a box indicating "no" and if the box indicating "yes" is marked, then provide the name of each such hospital and the date such privileges were issued;
- (g) the name of any hospital where such physician has lost clinical privileges; and
- (h) whether such physician is a resident of this state by marking either a box indicating "yes" or a box indicating "no."";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 41; Nays 84; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Finney, Frownfelter, Gallagher, Gartner, Henderson, Highberger, Hodge, Holscher, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Rooker, Ruiz, Sawyer, Sloan, Stogsdill, S. Swanson, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: None.

The motion of Rep. Kuether to amend **HB 2319** did not prevail.

Also, roll call was demanded on the motion to recommend **HB 2319** favorably for passage.

On roll call, the vote was: Yeas 85; Nays 38; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Blex, Brim, Campbell,

B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Crum, S., E. Davis, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, K. Jones, Judd-Jenkins, Karleskint, Kelly, Koesten, Lakin, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Orr, Osterman, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Nays: Alcala, Ballard, Becker, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Deere, Finney, Gallagher, Gartner, Henderson, Highberger, Holscher, Kessinger, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Rooker, Ruiz, Sawyer, Sloan, Stogsdill, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Helgerson, Johnson.

The motion to recommend **HB 2319** favorably for passage prevailed, and the bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2398** be passed.

Committee on **Federal and State Affairs** recommends **SB 70**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 70," as follows:

"House Substitute for SENATE BILL NO. 70

By Committee on Federal and State Affairs

"AN ACT concerning amusement rides; relating to the Kansas amusement ride act; amending K.S.A. 40-4801 and K.S.A. 2016 Supp. 40-4802, 44-1601, 44-1602, 44-1603, 44-1604, 44-1607, 44-1610, 44-1613 and 44-1614 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 44-1615.";

And the substitute bill be passed.

(**H Sub for SB 70** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 83** be amended on page 2, in line 8, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2235** be amended on page 5, following line 4, by inserting:

"Sec. 7. The provisions of sections 1 through 7, and amendments thereto, shall be part of and supplemental to the Kansas retailers' sales tax act.";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2400** be amended on page 1, following line 31, by inserting:

"(e) Notwithstanding any other provision of law, the department of revenue may bring a declaratory judgment action in any district court against any person the

department believes meets the criteria of subsection (a) to establish that the obligation to remit sales tax is applicable and valid under state and federal law. The district court shall act on this declaratory judgment action as expeditiously as possible and this action shall proceed with priority over any other action presenting the same question in any other venue.

(f) (1) Upon the filing of an action for declaratory judgment under subsection (e), the court shall grant an injunction during the pendency of the action prohibiting the department or any other state entity from enforcing the obligation in subsection (a) against any seller who is a party to the action who does not affirmatively consent or otherwise remit sales tax on a voluntary basis. No injunction shall be granted under this subsection if there is a previous judgment from a court of record in this state in a previous judgment against the seller who is a party to the action establishing the validity of the obligation under subsection (a).

(2) If a court has entered a judgment against a seller or otherwise lifted or dissolved an injunction under this section, the department shall assess and apply the obligation under subsection (a) from the date the judgment is entered or the injunction is lifted with respect to that matter.

(g) Notwithstanding any other provision of law, attorney expenses and related expenses shall not be awarded in any action brought pursuant to this section or any appeal from any action brought pursuant to this section.

(h) Nothing in this section affects the obligation of any purchaser from this state to remit use tax as to any applicable transaction in which the seller does not collect and remit or remit an offsetting sales tax."; 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 concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. **HCR 5013**—
By Committee on Taxation

HCR 5013—A CONCURRENT RESOLUTION urging Congress to take action to regulate interstate commerce and allow states to collect sales tax directly from remote retailers.

WHEREAS, Small businesses have been hurt in recent years by online and catalog purchases by customers who believe they get a discount by not paying sales tax; and

WHEREAS, The brick-and-mortar retailers collect the sales tax at the time of purchase in a store, but the responsibility for paying the tax from an online purchase shifts to the internet customer who should pay the sales tax when filing annual state tax returns; and

WHEREAS, The present system is ineffective and has serious enforcement problems. State tax administrators have no way of assessing or collecting use taxes on many internet purchases. As a result, the integrity of the states' tax bases are being undermined, and severe damage is being done to the perceived equity of the tax system; and

WHEREAS, The Supreme Court's decision in *Quill Corp. v. North Dakota*, 504 U.S.

298 (1992), left state and local governments unable to adequately enforce their existing sales tax laws on sales by out-of-state catalog and online sellers; and

WHEREAS, The inability to collect sales and use taxes due on remote sales threatens the future viability of the sales tax as a stable revenue source for state and local governments; and

WHEREAS, Keeping track of local tax rates is no longer an insurmountable technical, administrative, or financial burden; and

WHEREAS, In the Quill decision, the Supreme Court did state that Congress had the constitutional authority to pass legislation overruling its decision; and

WHEREAS, If Congress acts to regulate interstate commerce, state and local governments could collect taxes owed on internet and mail order sales: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature does hereby urge the United States Congress to take action to regulate interstate commerce by allowing individual states the authority to collect sales tax directly from remote retailers; and

Be it further resolved: That the Secretary of State shall send an enrolled copy of this resolution to each member of the Kansas congressional delegation and to the President of the United States.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **SB 75** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **SB 13, SB 92, SB 136, SB 181, SB 62, SB 93, SB 114, SB 120** from Committee on Judiciary and referral to Committee on Appropriations.

Also, the withdrawal of **SB 48** from Committee on Appropriations and referral to Committee on K-12 Education Budget.

MESSAGES FROM THE SENATE

Announcing passage of **HB 2006**, as amended; **HB 2043**, as amended; **HB 2067**, as amended; **HB 2094**, as amended; **HB 2102**, as amended; **HB 2128**, as amended; **HB 2137**, as amended; **HB 2140**, as amended; **HB 2304**, as amended by **Senate Substitute for HB 2304**.

Announcing passage of **HB 2110, HB 2118, HB 2136, HB 2191, HB 2329**.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 2306, Rep. Hineman moved **H Sub for SB 52** be withdrawn from the Calendar under the heading General Orders and be referred to Committee on Appropriations. The motion prevailed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House nonconcurrent in Senate amendments to **HB 2212** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Aurand, Dierks and Winn as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurrent in Senate amendments to **HB 2213** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Aurand, Dierks and Winn as conferees on the part of the House.

On motion of Rep. Hawkins, the House nonconcurred in Senate amendments to **S Sub for HB 2026** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Hawkins, Concannon and Wilson as conferees on the part of the House.

REPORT ON ENROLLED BILLS

HB 2044 reported correctly enrolled, properly signed and presented to the Governor on March 29, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Thursday, March 30, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

