

# Journal of the House

## FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, January 8, 2018, 2:00 p.m.

This being the day fixed by the constitution of the State of Kansas for the assembling of the 2018 session of the legislature, the House was called to order at 2:00 p.m. by Speaker Ron Ryckman.

Speaker Ryckman announced the appointment of Susan Kannarr as Chief Clerk, Foster Chisholm as Sgt. At Arms and the Rev. Eunice Brubaker as the House Chaplain for 2018.

The roll was called with 124 members present.  
Rep. Henderson was excused on verified illness.

Prayer by Chaplain Brubaker:

Our gracious Lord in heaven,  
Thank you for this new day You have given us  
and for the privilege to be servants of You  
and the people of this great state.  
As our leaders begin this new session,  
my prayer for them is that they will lead  
as King David lead the Israelites thousands of years ago -  
with integrity of heart.  
So many issues will come up and heated passions will arise,  
but through it all,  
help them to maintain integrity of heart.  
Your Word promises that  
“the Lord bestows favor and honor;  
no good thing does he withhold from those whose walk is blameless.”  
Instruct and teach them in the paths of decisions,  
counsel them and watch over them throughout this session.  
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Lakin.

### PERSONAL PRIVILEGE

Rep. Lakin announced his resignation, effective today, and thanked the membership for their friendship and support.

**COMMUNICATIONS FROM STATE OFFICERS**

*To all to whom these presents shall come, Greetings:*

I, Kris Kobach, Secretary of State of the State of Kansas, do hereby certify that Eileen Horn, Lawrence, Kansas, was appointed by the Governor effective August 30, 2017, for the unexpired term of State Representative for the 10<sup>th</sup> Legislative District, to fill the vacancy created by the resignation of John Wilson.

IN TESTIMONY WHEREOF, I set my hand and cause to be affixed my official seal.  
Done at the City of Topeka, this 30<sup>th</sup> day of August, A.D. 2017.

Kris W. Kobach  
*Secretary of State*

**COMMUNICATIONS FROM STATE OFFICERS**

Dear Mr. Speaker:

This letter is to advise you that the Office of Chief Clerk has received the following communications during the interim since adjournment of the 2017 Regular Session of the Legislature:

From Alan D. Conroy, Executive Director, Kansas Public Employees Retirement System, the required annual report regarding KPERs investments in Sudan.

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 50-628, the calendar year 2016 annual report of the Consumer Protection & Antitrust Division.

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 22a-243, the 2017 annual report of the Kansas State Child Death Review Board.

From the Johnson County Education Research Triangle, in accordance with the requirements of K.S.A. 19-5005(e), the annual report regarding financial activities.

From the Board of Indigents' Defense Services, the annual report for fiscal year 2017

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 75-7c16(b), the statistical report of concealed carry handgun licenses issued, revoked, suspended and denied during fiscal year 2017.

From Derek Schmidt, Kansas Attorney General, pursuant to K.S.A. 75-723, the fiscal year 2017 annual report of the Abuse, Neglect and Exploitation Unit.

From Jon A. Roberts, Chairperson, the Fiscal Year 2017 Annual Report of the Central Interstate Low-Level Radioactive Waste Commission.

From Dale M. Dennis, Deputy Commissioner of Education, the 2017 Senate Bill 19 Special Report on State Aid for Career and Technical Education Pathways/Courses based on Program Cost.

From Kirk D. Thompson, Director, Kansas Bureau of Investigation, in compliance with K.S.A. 60-4117, the status of the KBI State Forfeiture Fund.

From the Office of Governor Sam Brownback:

Executive Directive No. 17-479, Authorizing expenditure of Federal Funds.

Executive Directive No. 17-480, Authorizing Personnel Transactions and Expenditure of Federal Funds, with an additional attachment.

Executive Directive No. 17-481, Authorizing Expenditure of Federal Funds.

Executive Directive No. 17-482, Authorizing Personnel Transactions.

Executive Directive No. 17-483, Authorizing Expenditure of Federal Funds.

Executive Directive No. 17-484, Authorizing the Transfer of Funds between State

General Fund Budget Units.  
Executive Directive No. 17-485, Authorizing expenditure of Federal Funds.  
Executive Order No. 17-03, for Regional Emergency.  
Executive Order No. 18-01, for Regional Emergencies

Pursuant to my authority under Article 1, Section of the Constitution of the State of Kansas, Issuance of a Pardon.

### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Hineman, **HR 6038**, by Reps. Ryckman, Hineman and Ward, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6038**—

A RESOLUTION relating to the organization of the House of Representatives.

*Be it resolved by the House of Representatives of the State of Kansas:* That the Chief Clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Ron Ryckman, speaker,  
Scott Schwab, speaker pro tem,  
Don Hineman, majority leader,  
Jim Ward, minority leader,  
Susan Kannarr, chief clerk,  
Foster Chisholm, sergeant at arms,  
and awaits the pleasure of the Senate.

### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Hineman, **HR 6039**, by Reps. Ryckman, Hineman and Ward, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6039**—

A RESOLUTION relating to assignment of seats of the House of Representatives.

*Be it resolved by the House of Representatives of the State of Kansas:* That the members of the 2018 regular session of the legislature shall occupy the same seats assigned pursuant to 2017 House Resolution No. 6037 with the following exceptions: Burris, seat No. 87; Carpenter, seat No. 116; Horn, seat No. 34; Ralph, seat No. 39.

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following prefiled bills and concurrent resolution were introduced and read by title:

**HB 2435**, AN ACT concerning emergency telephone services; relating to the Kansas 911 act; audits by the division of legislative post audit; amending K.S.A. 2017 Supp. 12-5377 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**HB 2436**, AN ACT designating a portion of United States highway 69 as the Brandon Collins memorial highway, by Representatives Resman and Tarwater.

**HB 2437**, AN ACT concerning days of commemoration; relating to the national day of the cowboy; amending K.S.A. 2017 Supp. 35-208 and repealing the existing section, by Representative Becker.

**HB 2438**, AN ACT concerning information technology projects; prohibiting state agencies from using the same vendor to plan and implement projects in certain cases, exceptions; amending K.S.A. 2017 Supp. 75-7209 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**HB 2439**, AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; involving certain violations of driving under the influence of alcohol or drugs; amending K.S.A. 2017 Supp. 8-262, 8-2,144, 8-1025, 8-1567, 21-5405, 21-6811, 38-2312 and 75-52,148 and repealing the existing sections, by Representatives Jennings, Brim, Delperdang, Mastroni, Ryckman, Schwab, Smith, E., Tarwater and Wheeler.

**HB 2440**, AN ACT concerning the legislative division of post audit; relating to K-12 education performance audits; special education; amending K.S.A. 2017 Supp. 72-5173 and repealing the existing section, by Committee on Legislative Post Audit Committee.

**HB 2441**, AN ACT concerning audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134, by Committee on Legislative Post Audit Committee.

**HB 2442**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; prohibiting the possession of certain devices or attachments used for the simulation of an automatic firearm; amending K.S.A. 2017 Supp. 21-6301 and repealing the existing section, by Representative Miller.

**HB 2443**, AN ACT concerning crimes, punishment and criminal procedure; relating to firearms; creating the crime of unlawful abandonment of a firearm, by Representative Highberger.

**HB 2444**, AN ACT repealing K.S.A. 2017 Supp. 74-4921c and 74-4921d; concerning retirement and pensions; relating to the Kansas public employees retirement system; investments by the KPERS board; new investments and divestment of current investment in companies with operations in Sudan, by None.

**HB 2445**, AN ACT concerning education; relating to the financing thereof; relating to the Kansas school equity and enhancement act; amending K.S.A. 2017 Supp. 72-5132, 72-5133, 72-5143, 72-5145, 72-5148, 72-5149, 72-5150, 72-5151, 72-5155, 72-53,113 and 72-53,116 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 72-1171, 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481, by Representative Rooker.

**HB 2446**, AN ACT concerning the joint committee on Kansas security; relating to membership thereon; amending K.S.A. 2017 Supp. 46-3301 and repealing the existing section, by Committee on Joint Committee on Kansas Security.

HOUSE CONCURRENT RESOLUTION No. **HCR 5017**—  
by Representative Stogsdill

A PROPOSITION to amend section 2 of article 2 of the constitution of the state of Kansas, relating to members of the senate and house of representatives.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 2 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

**"§ 2. Senators and representatives.** (a) The number of representatives and senators shall be regulated by law, but shall not exceed ~~one hundred twenty-five~~ 125 representatives and ~~forty~~ 40 senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two-year terms. Senators shall be elected for four-year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

(b) *Senators elected at the general election held in 2020 from odd-numbered districts shall be elected for a two-year term for one term only. At the general election in 2022, such senators shall be elected for a four-year term and at each succeeding general election every fourth year for a four-year term. Senators elected from even-numbered districts at the general election in 2020 and thereafter shall be elected for a four-year term."*

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

*"Explanatory statement.* The purpose of this amendment is to stagger terms of members of the senate of the legislature.

"A vote for this amendment favors staggering the terms of members of the senate of the legislature by extending the terms of  $\frac{1}{2}$  of the members of the senate to two years for one term only and thereafter returning such senators to a four-year term.

"A vote against this amendment favors retaining current constitutional provisions which do not provide for staggering terms of members of the senate."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2018, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2447**, AN ACT concerning highways; relating to access from U.S. highway 36, by Representative Garber.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

On emergency motion of Rep. Hineman, **HCR 5018**, by Reps. Ryckman, Hineman and Ward, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. **HCR 5018--**

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

In accordance with **HCR 5018**, Speaker Ryckman appointed Reps. Powell, Dietrich and Murnan to wait upon the Governor.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

On emergency motion of Rep. Hineman, **HCR 5019**, by Reps. Ryckman, Hineman and Ward, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. **HCR 5019--**

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Senate and the House of Representatives meet in joint session in Representative Hall at 4:30 p.m. on January 9, 2018, for the purpose of hearing the message of the Governor.

*Be it further resolved:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

*Be it further resolved:* That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

In accordance with **HCR 5019**, Speaker Ryckman appointed Reps. Powell, Dietrich and Gartner to escort the Governor.

Reps. Hawkins, Mason and Horn to escort the Lt. Governor.

Reps. Rafie, Ralph and Hodge to escort the Supreme Court.

Reps. Jennings, Gallagher and Probst to escort the Senate.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Appropriations: **HB 2435**  
 Corrections and Juvenile Justice: **HB 2439**  
 Elections: **HCR 5017**  
 Federal and State Affairs: **HB 2437, H 2438, HB 2441, HB 2442, HB 2443**  
 Financial Institutions and Pensions: **HB 2444**  
 Government, Technology and Security: **HB 2446**  
 K-12 Education Budget: **HB 2440, HB 2445**  
 Transportation: **HB 2436**

**STANDING COMMITTEES OF THE HOUSE  
 2018 LEGISLATIVE SESSION**

**Agriculture:** Hoffman, *Chairperson*; Thompson, *Vice Chairperson*; Baker, Blex, Clark, Ellis, Hibbard, Highland, Jacobs, Karleskint, Lewis, Orr, Schroeder, Seiwert, Sloan, Smith, E. Carlin, *Ranking Minority Member*; Deere, Horn, Lusker, Neighbor, Pittman, Weigel

**Agriculture and Natural Resources Budget:** Schroeder, *Chairperson*; Hibbard, *Vice Chairperson*; Arnberger, Clark, Johnson, Sloan  
 Carlin, *Ranking Minority Member*; Gartner, Ousley

**Appropriations:** Waymaster, *Chairperson*; Campbell, *Vice Chairperson*; Aurand, Claeys, Concannon, Hoffman, Johnson, Jones, Kessinger, Landwehr, Proehl, Ralph, Schroeder, Sutton, Tarwater, Williams  
 Wolfe Moore, *Ranking Minority Member*; Alcala, Ballard, Burroughs, Carlin, Helgerson, Phelps

**Calendar and Printing:** Hineman, *Chairperson*; Ryckman, *Vice Chairperson*; Phillips, Schwab Ward, *Ranking Minority Member*; Frownfelter

**Children and Seniors:** Alford, *Chairperson*; Gallagher, *Vice Chairperson*; Baker, Dietrich, Good, Judd-Jenkins, Markley, Mastroni, Resman  
 Ousley, *Ranking Minority Member*; Curtis, Deere, Murnan

**Commerce, Labor and Economic Development:** Mason, *Chairperson*; Corbet, *Vice Chairperson*; Baker, Claeys, Clayton, Davis, Elliott, Kessinger, Phillips, Ralph, Seiwert, Tarwater  
 Whipple, *Ranking Minority Member*; Carmichael, Probst, Ruiz, Stogsdill

**Corrections and Juvenile Justice:** Jennings, *Chairperson*; Whitmer, *Vice Chairperson*; Becker, Delperdang, Finch, Humphries, Koesten, Smith, E., Swanson  
 Highberger, *Ranking Minority Member*; Deere, Kuether, Weigel

**Education:** Aurand, *Chairperson*; Dierks, *Vice Chairperson*; Arnberger, Dietrich, Dove, Good, Powell, Rooker, Schreiber, Sutton, Tarwater, Vickrey  
 Winn, *Ranking Minority Member*; Crum, Ousley, Stogsdill, Trimmer

**Elections:** Esau, *Chairperson*; Carpenter, *Vice Chairperson*; Awerkamp, Burris, Garber, Good, Orr, Thimesch, Williams  
 Miller, *Ranking Minority Member*; Alcala, Curtis, Parker

**Energy, Utilities and Telecommunications:** Seiwert, *Chairperson*; Garber, *Vice Chairperson*; Alford, Corbet, Cox, Davis, Delperdang, Finch, Markley, Mason, Schreiber, Thimesch  
Kuether, *Ranking Minority Member*; Carmichael, Deere, Gartner, Lusk

**Federal and State Affairs:** Barker, *Chairperson*; Highland, *Vice Chairperson*; Arnberger, Awerkamp, Carpenter, Clayton, Ellis, Houser, Humphries, Jacobs, Karleskint, Lakin, Rooker, Smith, E., Weber, Whitmer  
Ruiz, *Ranking Minority Member*; Henderson, Highberger, Horn, Lusk, Miller, Winn

**Financial Institutions and Pensions:** Kelly, *Chairperson*; Powell, *Vice Chairperson*; Blex, Dietrich, Dove, Elliott, Eplee, Hawkins, Jennings, Patton, Thompson, Vickrey  
Finney, *Ranking Minority Member*; Hodge, Trimmer, Weigel, Whipple

**General Government Budget:** Sutton, *Chairperson*; Weber, *Vice Chairperson*; Dierks, Dietrich, Judd-Jenkins, Resman  
Burroughs, *Ranking Minority Member*; Hodge, Neighbor

**Government, Technology and Security:** Sloan, *Chairperson*; Lewis, *Vice Chairperson*; Baker, Becker, Esau, Gallagher, Koesten, Rafie, Resman  
Curtis, *Ranking Minority Member*; Ohaebosim, Pittman, Probst

**Health and Human Services:** Hawkins, *Chairperson*; Concannon, *Vice Chairperson*; Barker, Blex, Dove, Ellis, Eplee, Kelly, Lakin, Osterman, Powell, Rafie  
Murnan, *Ranking Minority Member*; Crum, Henderson, Holscher, Horn

**Higher Education Budget:** Jones, *Chairperson*; Swanson, *Vice Chairperson*; Brim, Burris, Carpenter, Markley  
Phelps, *Ranking Minority Member*; Probst, Whipple

**Insurance:** Vickrey, *Chairperson*; Dove, *Vice Chairperson*; Corbet, Cox, Elliott, Eplee, Hawkins, Kelly, Orr, Patton, Powell, Smith, A.  
Neighbor, *Ranking Minority Member*; Bishop, Finney, Hodge, Parker

**Interstate Cooperation:** Ryckman, *Chairperson*; Schwab, *Vice Chairperson*; Hineman, Phillips, Thompson  
Ward, *Ranking Minority Member*; Holscher

**Judiciary:** Finch, *Chairperson*; Patton, *Vice Chairperson*; Alford, Becker, Cox, Elliott, Garber, Huebert, Humphries, Jennings, Lakin, Mastroni, Osterman, Ralph, Wheeler, Whitmer  
Carmichael, *Ranking Minority Member*; Bishop, Curtis, Highberger, Hodge, Kuether, Miller

**K-12 Education Budget:** Campbell, *Chairperson*; Huebert, *Vice Chairperson*; Aurand, Hoffman, Jones, Karleskint, Landwehr, Patton, Rooker, Schwab, Smith, A., Vickrey  
Trimmer, *Ranking Minority Member*; Helgerson, Lusk, Sawyer, Winn

**Legislative Budget (House):** Waymaster, *Chairperson*; Davis, *Vice Chairperson*; Hineman, Ryckman, Schwab  
Ward, *Ranking Minority Member*; Frownfelter, Wolfe Moore

**Local Government:** Williams, *Chairperson*; Thimesch, *Vice Chairperson*; Awerkamp, Carpenter, Cox, Lewis, Markley, Orr, Thompson  
Alcala, *Ranking Minority Member*; Bishop, Finney, Phelps

**Rules and Journal:** Finch, *Chairperson*; Aurand, Davis, Patton, Schwab  
Sawyer, *Vice Chairperson*; Trimmer

**Social Services Budget:** Landwehr, *Chairperson*; Clayton, *Vice Chairperson*; Esau, Gallagher, Judd-Jenkins, Weber

Ballard, *Ranking Minority Member*; Lusk, Murnan

**Taxation:** Johnson, *Chairperson*; Phillips, *Vice Chairperson*; Concannon, Corbet, Davis, Eplee, Francis, Hawkins, Kelly, Mason, Proehl, Rafie, Rahjes, Smith, A., Thimesch, Williams

Sawyer, *Ranking Minority Member*; Alcalá, Burroughs, Gartner, Ohaebosim, Ruiz, Wolfe Moore

**Transportation:** Proehl, *Chairperson*; Francis, *Vice Chairperson*; Alford, Brim, Gallagher, Highland, Houser, Jacobs, Mastroni, Rahjes, Schreiber, Wheeler

Lusker, *Ranking Minority Member*; Ballard, Ohaebosim, Pittman, Victors

**Transportation and Public Safety Budget:** Claeys, *Chairperson*; Houser, *Vice Chairperson*; Awerkamp, Delperdang, Kessinger, Koesten

Helgerson, *Ranking Minority Member*; Finney, Parker

**Veterans and Military:** Osterman, *Chairperson*; Clark, *Vice Chairperson*; Brim, Burris, Delperdang, Dierks, Esau, Phillips, Wheeler

Weigel, *Ranking Minority Member*; Gartner, Pittman, Stogsdill

**Water and Environment:** Sloan, *Chairperson*; Rahjes, *Vice Chairperson*; Blex, Francis, Garber, Hibbard, Lewis, Mason, Schreiber, Seiwert, Swanson, Thompson

Victors, *Ranking Minority Member*; Crum, Holscher, Kuether, Probst

## INTRODUCTION OF GUESTS

Speaker Ryckman introduced Dr. John Feehan, President of the Kansas Association of Family Physicians.

Dr. Feehan celebrated 30 years of practicing at Olathe Family Practice this year. He has held numerous leadership positions with Olathe Medical Center, including President of the Medical Staff.

He is a 1976 Bishop Miege High School graduate where he attributes his learned work ethic and discipline due to his being a highly competitive athlete. He continues to nourish this as coach for little league and high school sports. He attended the University of Kansas and received his medical degree from the University of Kansas Medical Center. Dr. Feehan completed his residency in Family Medicine at Goppert Family Medicine in Kansas City. He completed a one-year course through the Society of Teachers of Family Medicine to become a program director during a time when his practice was a teaching satellite. He has just been awarded the AAFP degree of Fellow.

The association sponsors the Doctor of the Day program and provides assistance for health concerns of those serving the Statehouse during the session.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, January 9, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

