

Journal of the House

FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 29, 2018, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Good was excused on verified illness.

Rep. Pittman was excused on legislative business.

Rep. Schwab was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Almighty God and Creator,
Thank You for this day in which we celebrate
the 157th Anniversary of the State of Kansas.
Thank You for watching over this state all these years,
for the many blessings You have bestowed upon us.
Lord, for those who love ice cream,
I am sure they are grateful for former legislators who changed the law
that previously made it illegal to serve ice cream on cherry pie in Kansas!
What was that all about?
Perhaps these legislators could make a significant law like that this year—
like making coffee the official drink of Kansas.
In all seriousness, Lord, we are grateful
for our state – our leaders – our citizens.
We are truly blessed.
And, as for the Sunflower State Showdown, give them a good game - Go Cats.
I pray in Your Name, Amen.

The Pledge of Allegiance was led by Rep. Crum.

CELEBRATION OF KANSAS DAY

In celebration of the 157th birthday of Kansas, Rep. Ballard led the members of the House in singing “Home on the Range.”

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2561, AN ACT concerning education; relating to the Kansas school equity and enhancement act; relating to the transportation weighting; amending K.S.A. 2017 Supp. 72-5148 and repealing the existing section, by Representative Rooker.

HB 2562, AN ACT concerning the legislature; creating the Kansas transparency act; providing audio and video broadcasts of legislative meetings, by Committee on Federal and State Affairs.

HB 2563, AN ACT concerning telecommunications; relating to the Kansas universal service fund; relating to contributions from advanced telecommunications providers; capping distributions for certain telecommunications providers; creating the rural broadband deployment and maintenance account in the Kansas universal service fund; authorizing expenditures from the rural broadband deployment and maintenance account; amending K.S.A. 66-2011 and K.S.A. 2017 Supp. 66-1,187, 66-2008 and 66-2010 and repealing the existing sections, by Representative Sloan.

HB 2564, AN ACT concerning water; relating to the division of water resources; relating to irrigation systems, removal of end guns, by Committee on Water and Environment.

HB 2565, AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas offender registration act; drug offenders; amending K.S.A. 2017 Supp. 22-4902, 22-4905, 22-4906 and 22-4909 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2566, AN ACT concerning crimes, punishment and criminal procedure; relating to controlled substances; possession; amending K.S.A. 2017 Supp. 21-5706 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2567, AN ACT concerning crimes, punishment and criminal procedure; relating to determination of an offender's criminal history classification; amending K.S.A. 2017 Supp. 21-6811 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2568, AN ACT concerning crimes, punishment and criminal procedure; relating to loss values; amending K.S.A. 2017 Supp. 21-5417, 21-5802, 21-5813, 21-5821, 21-5825, 21-5828, 21-5830, 21-5927, 21-6002, 21-6004, 21-6005 and 21-6205 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2558**.

Government, Technology and Security: **HB 2556**, **HB 2560**.

Health and Human Services: **HB 2557**.

Judiciary: **HCR 5022**.

Taxation: **HB 2559**.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2549** from the Committee on Judiciary and referral to the Committee on Health and Human Services.

COMMUNICATIONS FROM STATE OFFICERS

From Mark A. Bruce, Superintendent, Kansas Highway Patrol; pursuant to K.S.A. 0-4117, report regarding state forfeiture funds.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

No objection was made to **HB 2437** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Campbell, Carlin, 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, Garber, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: Carmichael.

Absent or not voting: Good, Pittman, Schwab.

The bill passed.

HB 2439, AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; aggravated battery; involving certain violations of driving under the influence of alcohol or drugs; amending K.S.A. 2017 Supp. 8-262, 8-2,144, 8-1013, 8-1025, 8-1567, 21-5405, 21-5413, 21-6811, 38-2312 and 75-52,148 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, 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, Garber, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Good, Pittman, Schwab.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2439**. In August of 2017, my Godson, "Danny," was tragically killed in a car accident related to drunk driving. Danny was only six years old. I strongly support this bill. As legislators, it is our duty to create laws that hold people accountable not only for their actions, but for their actions that affect others' lives.

— PONKA-WE VICTORS

HB 2482, AN ACT concerning alcoholic beverages; relating to the hours of sale of alcoholic liquor by the drink; amending K.S.A. 2017 Supp. 41-2614 and 41-2640 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Arnberger, Aurand, Awerkamp, Ballard, Barker, Bishop, Brim, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, Delperdang, Elliott, Eplee, Finch, Finney, Frownfelter, Gallagher, Gartner, Hawkins, Highberger, Highland, Hoffman, Holscher, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lusker, Markley, Mason, Neighbor, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Probst, Proehl, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Seiwert, Sloan, Smith, A., Stogsdill, Sutton, Tarwater, Thimesch, Thompson, Ward, Waymaster, Weber, C., Wheeler, Whipple, Whitmer, K. Williams.

Nays: Alcalá, Alford, Baker, Becker, Bergquist, Blex, Burris, Burroughs, Crum, S., Curtis, Deere, Dierks, Dietrich, Dove, Ellis, Esau, Francis, Garber, Helgerson, Henderson, Hibbard, Hineman, Hodge, Horn, Houser, Huebert, Jacobs, K. Jones, Judd-Jenkins, Lewis, Lusk, Mastroni, Miller, Murnan, Ohaebosim, Orr, R. Powell, Rafie, Schroeder, Smith, E., S. Swanson, Trimmer, Vickrey, Victors, Weigel, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Good, Pittman, Schwab.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2470** be amended on page 1, in line 33, by striking the second "and";

On page 2, in line 1, after "ownership" by inserting "; and

(9) the transfer of beer and hard cider manufactured by the licensee pursuant to a contract entered into in accordance with subsection (b) to the contracting microbrewery";

Also on page 2, in line 5, after "beer" by inserting "and hard cider"; in line 13, by striking "brewed" and inserting "and gallons manufactured"; by striking all in lines 16 and 17; 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 bills were introduced and read by title:

HB 2569, AN ACT concerning income taxation; relating to the standard deduction; amending K.S.A. 2017 Supp. 79-32,119 and repealing the existing section, by Committee on Taxation.

HB 2570, AN ACT concerning the grandparents as caregivers program; creating the grandparents as caregivers reimbursement fund; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the Kansas department for children and families, by Committee on Children and Seniors.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Highland to replace Rep. Good on Committee on Elections on January 29.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, January 30, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

