

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 12, 2018, 11:00 a.m.

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

The roll was called with 120 members present.

Reps. Proehl and Victors were excused on verified illness.

Reps. Cox and Helgerson were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord God in Heaven,
We are grateful for this beautiful day You have given us.
As these leaders address the resolutions and bills before them,
some bills will be passed or defeated just as fast as speed skating.
Other bills may exhaust our leaders as though they
just finished a biathlon.
For some of the resolutions,
leaders may feel like lying down on a sled
and racing through the discussion at top speed
as though in a luge race.
Some of these resolutions may call for the
courage and bravery of snowboarding.
Others may go through as smooth as figure skating.
I do ask that you keep our leaders from
breaking out into a fight as characterized by ice hockey.
They need to keep their teeth!!
As with the Winter Olympics,
there will be some who will win, and some will lose.
But the one thing for them to always remember—
is WHO they are representing.
I ask for Your blessing, Amen.

The Pledge of Allegiance was led by Rep. Waymaster.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2742, HB 2743.**

Children and Seniors: **HB 2744, HB 2745.**

Commerce, Labor and Economic Development: **HB 2741.**

Corrections and Juvenile Justice: **HB 2738, HB 2739.**

Judiciary: **HB 2734, HB 2735, HB 2736, HB 2737.**

Taxation: **HB 2740.**

Water and Environment: **HB 2732, HB 2733.**

MESSAGES FROM THE SENATE

Announcing passage of **SB 180, SB 282, SB 288, and Substitute for SB 285.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 180, SB 282, SB 285, SB 288

CONSENT CALENDAR

No objection was made to **HB 2436** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2531** 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 2531, AN ACT concerning roads and highways; designating a portion of various Kansas and United States highways for members of the Kansas highway patrol killed in the line of duty; amending K.S.A. 68-1024, 68-1027, 68-1044 and 68-1054 and K.S.A. 2017 Supp. 68-1029, 68-1058, 68-10,114 and 68-10,119 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, 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, Pittman, R. Powell, Probst, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Cox, Helgerson, Huebert, Proehl, Victors.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2088** be amended on page 1, in line 6, by striking "2016" and inserting "2017"; in line 13, by striking "2016" and inserting "2017"; in line 19, by striking "2016" and inserting "2017"; in line 22, by striking all after the second comma; in line 23, by striking all before "4-E"; also in line 23, by striking the sixth comma; in line 27, by striking "2016" and inserting "2017"; in line 34, by striking "2016" and inserting "2017";

On page 2, in line 14, by striking "2016" and inserting "2017"; in line 34, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 3, in line 17, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2090** be amended on page 1, in line 6, by striking "2016" and inserting "2017"; in line 10, by striking "2016" and inserting "2017";

On page 3, in line 30, by striking "2016" and inserting "2017"; in line 33, by striking "2016" and inserting "2017"; in line 43, by striking "2016" and inserting "2017";

On page 4, in line 39, after "(1)" by inserting "The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2017 Supp. 21-5706, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison as provided by this section. The defendant's term of imprisonment shall be served in the custody of the secretary of corrections in a facility designated by the secretary. Subject to appropriations therefore, the defendant shall participate in an intensive substance abuse treatment program, of at least four months duration, selected by the secretary of corrections. If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The secretary's determination regarding the availability of treatment resources shall not be subject to review. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

(2) Such defendant's term of imprisonment shall not be subject to modification under paragraph (1) if the defendant has refused to participate in a certified drug treatment program, as provided in K.S.A. 2017 Supp. 75-52,144, and amendments thereto, or an intensive substance abuse treatment program under paragraph (1).

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(g) (1)";

Also on page 4, in line 42, by striking "2016" and inserting "2017";

On page 5, in line 1, by striking "(f)" and inserting "(g)"; in line 5, by striking "(f)" and inserting "(g)"; in line 9, by striking "2016" and inserting "2017"; in line 10, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017"; in line 41, by striking

"2016" and inserting "2017";

On page 6, in line 6, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017";

On page 7, in line 2, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017"; in line 31, by striking "2016" and inserting "2017";

On page 8, in line 16, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; in line 34, by striking "2016" and inserting "2017";

On page 9, in line 5, by striking "2016" and inserting "2017"; in line 23, by striking "2016" and inserting "2017"; in line 29, by striking "2016" and inserting "2017";

On page 11, in line 11, by striking "2016" and inserting "2017"; in line 20, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017"; in line 28, by striking "2016" and inserting "2017"; in line 30, by striking "2016" and inserting "2017"; in line 40, by striking "2016" and inserting "2017";

On page 12, in line 12, by striking "2016" and inserting "2017";

On page 13, in line 27, by striking "2016" and inserting "2017";

On page 14, in line 21, by striking "2016" and inserting "2017";

On page 15, in line 5, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

Committee on **Financial Institutions and Pensions** recommends **SB 283** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2480** be passed.

Committee on **Judiciary** recommends **HB 2459** be amended on page 2, following line 42, by inserting:

"(e) On March 1, 2020, and annually on March 1 thereafter, the Kansas bureau of investigation shall determine whether each agency's financial report matches the agency's seizing report. If the Kansas bureau of investigation determines that an agency's financial report does not substantially match that agency's seizing report or the agency has not submitted a financial report, the Kansas bureau of investigation shall notify such agency of the difference in reports. Such agency shall correct the reporting error within 30 days. If the reporting error is not corrected within 30 days, the Kansas bureau of investigation shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is out of compliance. Upon receipt of such letter, no forfeiture proceedings shall be filed on property seized by such law enforcement agency. When such law enforcement agency has achieved compliance with the reporting requirements, the bureau shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is in compliance and forfeiture proceeding filings may continue pursuant to this act. Annually, on or before April 15, the Kansas bureau of investigation shall report to the legislature any law enforcement agencies in the state that have failed to come into compliance with the reporting requirements in subsection (d)."; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2516** be amended on page 1, in line 12, by striking "a minor or"; in line 14, by striking all after "impaired"; by striking all in line 15; in line 16, by striking all before the period and inserting "or a minor"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Schwab to replace Rep. Proehl on Committee on Appropriations on February 13, 2018.

Also, the appointment of Rep. Holscher to replace Rep. Helgerson on Committee on Transportation Budget on February 12, 13 and 14, 2018.

Also, the appointment of Rep. Ward to replace Rep. Wolfe Moore on Committee on Appropriations on February 13, 2018. Rep. Ward will serve as the Ranking Democrat.

Also, the appointment of Rep. Gartner to replace Rep. Helgerson on Committee on Appropriations on February 13, 2018.

Also, the appointment of Rep. Ward to replace Rep. Helgerson on Committee on Appropriations on February 14, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, February 13, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

