

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 8, 2018, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Gallagher was excused on verified illness.

Reps. Blex, Davis and Seiwert were excused on excused absence by the Speaker.

Prayer by guest chaplain, Reverend Richard Sundermeyer, pastor, Family Life Church of the Nazarene, Topeka.

Before we begin, today the chaplain of the Kansas House, Rev. Eunice Brubaker, begins chemo treatment. Let us observe a moment of silence to lift her up in our thoughts and prayers.

Almighty God, as we progress forward with the work that is before this legislative body, we continue to seek Your wisdom and direction to make right and just decisions.

The moment we spent in prayer for our chaplain reminds us of the deep need that so many in our great state also have for healing. We never want to forget, omit or neglect them in the circumstances which they face.

Where there is physical need, we ask for hearts of compassion to know how to offer hope and comfort.

Where there is emotional need, we ask for the ability to provide care and concern for their deep-seated needs.

Where there is monetary need, we ask for Your divine provision in order to assist them as they seek to work their way through their circumstances.

Where there is spiritual need, we ask You to move in them and over them so that they will experience the depths of Your shalom...deep-seated contentedness.

Most of all, we ask for Your heart of compassion and love to under-gird everything we are tasked to consider and act on.

We thank You for giving us this day.

In Jesus name I pray these things, Amen.

The Pledge of Allegiance was led by Rep. Wheeler.

INTRODUCTION OF GUESTS

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

In 1888, Winfield Public Schools became the first public school district in the United States to include Orchestra as a part of the regular curriculum. Last Saturday, the Winfield Orchestra program celebrated its 130th year. 170 students are currently enrolled in the Winfield program. Winfield is a 4-A school district.

- The sixth grade orchestra has 40 students enrolled
- The seventh grade orchestra has 26 students enrolled
- The eighth grade orchestra has 27 students enrolled
- The freshman orchestra has 21 students enrolled
- The High School Orchestra has 56 students enrolled

A number of these students are members of the Southwestern College Youth Symphony and or the South Kansas Regional Symphony. A number of them were also named to the South Central KMEA District Honor Orchestra and the KMEA State Honor Orchestra.

Members of the WHS Orchestra at the well today include: Julie Thongsavanh, Mikelo Hall, Madison Thayer, Hannah Siediel, James Yeager, Madeline Stenton, Garrett Martin, Shelley Morin, Chandler Olmstead and Roberta (Robbie) Banks. The remaining members of the orchestra are in the balcony.

Rep. Trimmer presented members of the orchestra with a framed House certificate in recognition of the 130-year tradition of excellence displayed by the Winfield Public Schools Orchestra program.

INTRODUCTION OF GUESTS

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

Good morning, colleagues. Please join me today in recognizing the Kansas Volunteer Commission.

The Kansas Volunteer Commission, one of 52 state service commissions nationwide, engages staff and Governor-appointed Commissioners to achieve its mission of empowering all Kansans to meet community needs through service.

The Kansas Volunteer Commission manages the \$1.4 million AmeriCorps Kansas portfolio, supports mentoring organizations through Kansas Mentors and provides funding, training and resources to volunteer organizations throughout the state.

The Kansas Volunteer Commission determines social needs in our state, sets policy and program priorities, competitively awards grants to local nonprofits and agencies, provides training and technical assistance, monitors grantees to ensure compliance with federal and state laws and helps Kansas tap the power of citizens to solve problems and strengthen our communities.

Joining us today from the Kansas Volunteer Commission are Jessica Noble, Stephanie Kupper, Amy Pinger, Dee McKee, and Hannah Odette. Please join me in welcoming them to the Kansas House of Representatives.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2773, AN ACT concerning school districts; creating the Kansas safe and secure schools act; creating the school safety and security grant fund; making and concerning appropriations for the fiscal year ending June 30, 2019, for the department of education, by Committee on Appropriations.

HB 2774, AN ACT concerning the state health care benefits program; designating employees of certain charitable organizations as eligible for coverage thereto; amending K.S.A. 2017 Supp. 75-6506 and 75-6508 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Appropriations: **HB 2772**.

MESSAGES FROM THE GOVERNOR

From Jeff Colyer, M.D., Governor of the State of Kansas; Executive Order No. 18-10, concerning the Governor's Education Council.

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

COMMUNICATIONS FROM STATE OFFICERS

From The Kansas Board of Regents, Postsecondary Technical Education Authority (TEA); pursuant to K.S.A. 74-32,402(a)(9), FY 2017 Summary Report.

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

MESSAGES FROM THE SENATE

Announcing passage of **HB 2502**; **HB 2470**, as amended.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Mason, **HR 6050**, A RESOLUTION strengthening the sister-state relations between the State of Kansas and Taiwan, was adopted.

INTRODUCTION OF GUESTS

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

Colleagues: This morning, we will vote on the adoption of **HR 6050**, "Strengthening the sister-state relations between the State of Kansas and Taiwan."

In 2017, Taiwan was Kansas' 12th largest export market in the world and 5th largest export market in Asia, representing a total value of 197 million dollars. The goods Kansas exports to Taiwan include processed food products, agricultural products, computer & electronic products, leather and allied products, and many more.

According to 2015 data, Taiwan contributes a total 26,762 jobs in Kansas. Taiwan-affiliated companies located in Kansas include GARMIN, Hyper Tech Computers, and Sun Marble Company.

An important development, as mentioned in the resolution, is that Kansas and Taiwan signed a memorandum of understanding, in September 2017, on the mutual recognition and exchange of driver licenses. People from Kansas are now granted reciprocity for their driver's license in Taiwan, if they work or study there, and vice versa.

With us, this morning, are Director General Jerry Chang and Forester Lee from the Taipei Economic and Cultural Office in Denver. Mr. Chang has an impressive resume in government service to his nation. His career spans nearly 26 years, and includes assignments in Singapore, Hungary, and New York, to name a few.

Please join me, this morning, in a warm welcome for our honored guests.

INTRODUCTION OF GUESTS

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

Since 1947, Youth of the Year has been the Boys & Girls Clubs of America's premier recognition program, celebrating the extraordinary achievements of Club members. Each year, one exceptional young person from a Boys & Girls Club rises to the role of National Youth of the Year. The National Youth of the Year serves as both an exemplary ambassador for Boys & Girls Club youth and as a strong voice for all of our nation's young people.

The journey to being named National Youth of the Year begins locally and progresses to state, regional, and national levels, with an additional military phase for members of affiliated Youth Centers on U.S. military installations.

With me this morning are the following 2018 Youth of the Year candidates:

Christopher Burrell – Boys & Girls Clubs of South Central Kansas
 Tavian Gray – Boys & Girls Clubs of Hutchinson
 Ruth Gathunguri – Boys & Girls Club of Lawrence
 Juleonna Stevenson – Boys & Girls Club of Coffeyville
 Ivy Auletti – Boys & Girls Club of Manhattan
 Isabel Calle – Fort Riley CYS Boys & Girls Club
 Carlos Vega – Fort Leavenworth CYS Boys & Girls Club

Last night, Ruth Gathunguri was named the state youth of the year who will move on to regional and national competitions, and Isabel Calle was named Kansas military youth of the year. Please join me in congratulating all of these outstanding students!

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2757, AN ACT concerning school districts; relating to teacher contracts; due process; amending K.S.A. 2017 Supp. 72-2252, 72-2253, 72-2254 and 72-2260 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 73; Nays 48; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Alford, Amberger, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Ellis, Finney, Frownfelter, Gartner, Good, Helgerson, Henderson,

Hibbard, Highberger, Hodge, Holscher, Horn, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Phillips, Pittman, Probst, Proehl, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Stogsdill, S. Swanson, Tarwater, Thompson, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Winn, Wolfe Moore.

Nays: Aurand, Awerkamp, Barker, Bergquist, Burris, B. Carpenter, Claeys, Clark, Corbet, Delperdang, Dove, Eplee, Esau, Finch, Francis, Garber, Hawkins, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Landwehr, Mason, Orr, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Ralph, Resman, Ryckman, Schroeder, Schwab, Smith, A., Smith, E., Sutton, Thimesch, Trimboli, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Blex, E. Davis, Gallagher, Seiwert.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2757**. Teachers, like those in my own family, are professionals and culture-makers in our communities. They should be called to highest possible standards. Good teachers do not need state-mandated extra protections, and it does a disservice to the profession to offer state-mandated special protection to those who should not have them. — SUSAN HUMPHRIES

MR. SPEAKER: We vote No on **HB 2757**. Local control should be more than a campaign slogan we all use on our campaign postcards. If we truly believe in it, we should stand by it – not make exceptions when special interest unions declare they want a state mandate. **HB 2757** undermines local control by involving the state in an area that belongs with local school boards that are duly elected by local citizens for the very purpose of deciding these policy questions. We believe in and stand with our quality teachers and against this infringement on local school districts. — JOHN WHITMER, ERIC SMITH, TREVOR JACOBS, MICHAEL HOUSER, BLAKE CARPENTER, LEO DELPERDANG, WILLIE DOVE, KRISTEY WILLIAMS, RANDY POWELL, BRENDA LANDWEHR, EMIL BERGQUIST, JACK THIMESCH, JOHN BARKER, RON HIGHLAND, DANIEL HAWKINS, JOHN RESMAN, KEN RAJHES, KEN CORBET, KYLE HOFFMAN, CHUCK WEBER, KEITH ESAU, LESLIE OSTERMAN, FRANCIS AWERKAMP

MR. SPEAKER: I vote YES on **HB 2757**. Although I do support local control, I also see that our teachers do not feel valued in our great state, which is unfortunate. I do wish that paras and family support workers were a part of this bill, but I do understand that they are hourly employees and do not sign a contract. If this bill is successfully signed into law, then I look forward to no longer hearing that the State of Kansas has a teacher shortage as due process seems to be argued as a recruiting tool. — TORY MARIE ARNBERGER

MR. SPEAKER: I vote NO on **HB 2757**. I support teachers having legal due process, but I do not support this legislation. Teachers should expect that they will not be terminated without good reason. Meaningful due process should derive from local Boards. I cannot support legislation that allows a single person from outside of a community to usurp Board authority. Communities elect school board members and charge them with this specific responsibility and authority. This legislation is an

unwarranted interference in the local board's authority. We can do better. Hopefully, school districts will embrace due process in Negotiated Agreements to address their stated challenges of recruitment and retention. – BRADLEY RALPH, STEVE HUEBERT, KEVIN JONES, FRED PATTON

HB 2758, AN ACT concerning school districts; relating to publication of bullying policies; amending K.S.A. 2017 Supp. 72-6147 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Houser.

Present but not voting: None.

Absent or not voting: Blex, E. Davis, Gallagher, Seiwert.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: Even though I support the anti-bullying provisions of **HB 2758**, I must vote against forcing our local school boards to implement an unfunded state mandate. I just voted against a bill because it took local control from our school districts. I believe to take a stand means to take a stand. You cannot have it both ways just when it fits your agenda. – MICHAEL HOUSER

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **Sub HB 2572** be adopted.

On motion of Rep. Baker to re-refer **Sub HB 2572** to Committee on Taxation, the motion did not prevail.

On motion of Rep. Elliott to amend **Sub HB 2572**, the motion did not prevail.

On motion of Rep. Whipple to amend **Sub HB 2572**, Rep. Weber requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 194**, **SB 405**, as amended by Senate Committee, be passed.

Committee on **Agriculture** recommends **Substitute for SB 414** 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 **Corrections and Juvenile Justice** recommends **HB 2625** be amended on page 1, in line 19, after "(5)" by inserting "and the Kansas administrative procedure act"; in line 23, by striking "may" and inserting ", other than investigative files, shall";

On page 2, in line 6, by striking "recording" and inserting "record"; in line 17, after the semicolon by inserting "and"; in line 19, by striking the semicolon; by striking all in lines 20 through 30; in line 31, by striking all before the period; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2587**, **HB 2719** be passed.

Committee on **Federal and State Affairs** recommends **HB 2598** 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 **Health and Human Services** recommends **SB 386**, **SB 398** be passed.

Committee on **Insurance** recommends **SB 351**, as amended by Senate Committee of the Whole, be passed.

Committee on **Insurance** recommends **SB 267** 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 **Taxation** recommends **HB 2421** be amended on page 1, in line 6, by striking "2016" and inserting "2017";

On page 37, in line 19, after the period by inserting "The provisions of this subsection shall expire and have no effect on and after July 1, 2023."; in line 20, 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 **Taxation** recommends **HB 2489** be amended on page 1, following line 5, by inserting:

"New Section 1. No taxpayer may file an amended return for any taxable year commencing after December 31, 2007, and ending before January 1, 2017, that: (1) Claims an election under Article III of the multistate tax compact; (2) treats sales in a manner that is inconsistent with K.S.A. 79-3271(h) and 79-3285, as amended by chapter 182 of the 2008 Session Laws of Kansas; or (3) treats business income in a manner that is inconsistent with K.S.A. 79-3271(a), as amended by chapter 182 of the 2008 Session Laws of Kansas.";

On page 4, in line 17, after the period by inserting "For taxable years commencing after December 31, 2007, in the case of sales of business assets, other than sales of tangible personal property sold in the ordinary course of the taxpayer's trade or

business, only the net gain from such sales shall be included in the sales factor."; in line 43, after the period by inserting "Allocable nonbusiness income shall be limited to the total nonbusiness income received that is in excess of any related expenses that have been allowed as a deduction during the income year.";

On page 16, in line 13, by striking "2007" and inserting "2016";

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

Committee on **Taxation** recommends **HB 2753** be amended on page 2, in line 10, after "the" by inserting "Kansas insurance department's"; also in line 10, by striking all after "website"; in line 11, by striking all before the period;

On page 3, in line 13, after "the" by inserting "Kansas department of commerce's"; also in line 13, by striking all after "website"; in line 14, by striking all before the period;

On page 4, in line 20, after "the" by inserting "Kansas department of revenue's"; also in line 20, by striking all after "website"; in line 21, by striking all before the period; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2756** be amended on page 6, in line 12, after "(a)" by inserting "On and after January 1, 2019,";

On page 7, in line 26, by striking "remote sellers" and inserting "main street";

On page 25, in line 36, after "(x)" by inserting "on and after January 1, 2109,"; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2751** from the Committee on Federal and State Affairs and referral to the Committee on Children and Seniors.

On motion of Rep. Hineman, the House adjourned until 9:00 a.m., Friday, March 9, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

