

# Journal of the House

## FORTY-FIRST DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, March 9, 2018, 9:00 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. Carpenter and Delperdang were excused on legislative business.

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

Prayer by guest chaplain, Jim Fruth, Executive Pastor, Lenexa Baptist Church, Lenexa, and guest of Rep. Esau.

Heavenly Father, I ask this morning, that you would go before these men and women who have committed to serving the citizens of the State of Kansas. Lord, I would ask that you give them wisdom and patience as they seek what is best for all of the people they serve. Father, I ask that you bless them with your presence as they seek to legislate on behalf of others. Lord, help them learn from each other. I pray that all of us would be learning from you, that we would be seeking to understand what is best, and what is pleasing in your sight. We know Lord that it may not be what we are comfortable with, what we are familiar with, or even what we agree with. Please allow these servants to hear from you today Father.

And Lord, I ask that you give these men and women safety as they travel back and forth to Topeka and to these chambers. I ask that you preserve and protect their homes and be near to their families. Please give them courage and encouragement as they sacrifice on the behalf of others. Father, thank you for your good hand of favor that has been on this state many times throughout our history. I pray Father God, that our best days as Kansans are ahead of us, and that this state can be a shining example to our country.

I ask these things this morning, in Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Alford.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2773**.

Health and Human Services: **HB 2774**.

**MESSAGES FROM THE GOVERNOR**

**HB 2439** approved on March 9, 2018.

**MESSAGES FROM THE SENATE**

Announcing passage of **HB 2435**.

**CONSENT CALENDAR**

No objection was made to **HB 2598, SB 267, Sub SB 414**, appearing on the Consent Calendar for the first day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2572**, AN ACT concerning the department of commerce; relating to the disclosure of economic development incentive program data, tax credit programs and certain property tax exemptions; required database; amending K.S.A. 2017 Supp. 75-5133 and 79-3234 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Ballard, Barker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, 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, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Baker, Becker, Good, Mason, Orr, Smith, E., Wheeler.

Present but not voting: None.

Absent or not voting: B. Carpenter, E. Davis, Delperdang, Gallagher.

The substitute bill passed.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Hawkins, the House concurred in Senate amendments to **HB 2106**, AN ACT concerning treatment facilities; relating to license renewal; amending K.S.A. 2017 Supp. 65-4014 and repealing the existing section.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, Deere, 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, 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, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, 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: None.

Present but not voting: None.

Absent or not voting: B. Carpenter, E. Davis, Delperdang, Gallagher.

On motion of Rep. Waymaster, the House concurred in Senate amendments to **HB 2362**, AN ACT concerning the department of revenue; relating to the division of alcoholic beverage control; fees; establishing the alcoholic beverage control modernization fee and the alcoholic beverage control modernization fund; amending K.S.A. 2017 Supp. 41-317 and 41-2606 and repealing the existing sections.

On roll call, the vote was: Yeas 111; Nays 10; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Awerkamp, Burris, Garber, Jacobs, K. Jones, Landwehr, Osterman, R. Powell, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: B. Carpenter, E. Davis, Delperdang, Gallagher.

On motion of Rep. Barker, the House non-concurred in Senate amendments to **HB 2470** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Barker, Highland and Ruiz as conferees on the part of the House.

On motion of Rep. Mason, the House non-concurred in Senate amendments to **HB 2482** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Mason, Corbet and Whipple as

conferees on the part of the House.

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

### COMMITTEE OF THE WHOLE

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

Recommended that:

Roll call was demanded on motion of Rep. Karleskint to amend **SB 405**, on page 1, following line 6, by inserting:

"New Section 1. (a) (1) Prior to the establishment of poultry processing facilities that process more than 250,000 poultry per year in any county in the state on or after July 1, 2018, the board of county commissioners, by resolution, may permit or deny such facilities to be established within the county. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. The resolution shall take effect 60 days after final publication, unless a valid petition in opposition to the same is filed.

(2) If, within 60 days of the final publication of the resolution, a valid protest petition to submit the resolution to the qualified electors of the county is signed by qualified electors of the county, equal in number to not less than 5% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected and is filed with the county election officer, the county election officer shall submit the question, as established in subsection (c), of whether such poultry processing facilities shall be allowed to be established in such county at the next state, county or special election.

(b) (1) The board of county commissioners, upon a petition filed in accordance with subsection (b)(2), shall submit to the qualified electors of the county a proposition to permit such poultry processing facilities to be established within the county.

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this section shall be filed with the county election officer. The petition shall be signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected. The following shall appear on the petition:

"We request an election to determine whether poultry processing facilities that are used for the processing of more than 250,000 poultry per year shall be allowed to be established in \_\_\_\_\_ county."

(3) Upon the submission of a valid petition calling for an election pursuant to this subsection, the county election officer shall submit the question, as established in subsection (c), of whether such poultry processing facilities shall be allowed to be established in such county at the next countywide election that occurs more than 60 days after the petition is filed with the county election officer.

(c) In any election established pursuant to this section, the following shall appear on the ballot:

"Shall poultry processing facilities that are used for the processing of more than 250,000 poultry per year be allowed to be established in \_\_\_\_\_ county?"

(d) If a majority of the votes cast and counted are in opposition to allowing such poultry processing facilities to be established in such county, the county election officer shall transmit a copy of the result to the secretary of state, who shall publish in the Kansas register the result of such election and that such poultry processing facilities are not allowed to be established in such county.

(e) If a majority of the votes cast and counted is in favor of the proposition, the county election officer shall transmit a copy of the result to the secretary of state, who shall publish in the Kansas register the result of such election and that such poultry processing facilities are allowed to be established in such county.

(f) The election provided for by this section shall be conducted, and the votes counted and canvassed, in the manner provided by law for question-submitted elections of the county.

(g) As used in this section: (1) "Poultry processing facility" means any facility or section thereof that packs, cans, salts, renders, bones, cuts up or otherwise manufactures poultry into poultry products. "Poultry processing facility" does not include any facility that processes 250,000 poultry or less per year.

(2) "Poultry" means chickens, turkeys, ducks, geese or other fowl.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the department of health and environment; relating to" and inserting "agriculture; relating to"; in line 2, after "facilities" by inserting "and the establishment thereof"

On roll call, the vote was: Yeas 40; Nays 78; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dove, Ellis, Finney, Frownfelter, Good, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Houser, Karleskint, Kuether, Lusk, Murnan, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, Sawyer, Sloan, Stogsdill, Victors, Ward, Whipple, Winn, Wolfe Moore.

Nays: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Burris, Claeys, Clark, Concannon, Corbet, Cox, Dierks, Dietrich, Elliott, Esau, Finch, Francis, Garber, Gartner, Hawkins, Hibbard, Highland, Hineman, Hoffman, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Neighbor, Orr, Osterman, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Weigel, Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: B. Carpenter, E. Davis, Delperdang, Eplee, Gallagher, Huebert, Rooker.

The motion of Rep. Karleskint did not prevail.

Also, roll call was demanded on motion of Rep. Horn to amend **SB 405**, on page 2, in line 28, by striking "0.003" and inserting "0.008"

On roll call, the vote was: Yeas 44; Nays 75; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Ballard, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dierks, Finney, Frownfelter, Good, Helgerson, Henderson,

Highberger, Hodge, Holscher, Horn, Karleskint, Koesten, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Rooker, Ruiz, Sawyer, Sloan, Stogsdill, S. Swanson, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Burris, Claeys, Clark, Concannon, Corbet, Cox, Dietrich, Dove, Elliott, Ellis, Esau, Finch, Francis, Garber, Gartner, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Kelly, Kessinger, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Orr, Osterman, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: B. Carpenter, E. Davis, Delperdang, Eplee, Gallagher, Huebert.  
The motion of Rep. Horn did not prevail; and **SB 405** be passed.

## REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2545** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2545," as follows:

"Substitute for HOUSE BILL NO. 2545

By Committee on Federal and State Affairs

"AN ACT concerning gaming; relating to the Kansas expanded lottery act; relating to the state debtor setoff program; relating to horse and greyhound racing; creating the Kansas horse council fund; amending K.S.A. 74-8836 and K.S.A. 2017 Supp. 74-8702, 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2545** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2537** be passed.

Committee on **Transportation** recommends **SB 294** be passed.

Committee on **Transportation** recommends **SB 324**, as amended by Senate Committee, be amended on page 2, in line 18, by striking all after "(4)"; by striking all in lines 19 through 41; in line 42, by striking all before the period and inserting "A manufacturer shall not use sales or service performance criteria for the purpose of canceling, terminating or non-renewing a franchise agreement or otherwise rely upon such criteria for purposes related to K.S.A. 8-2414 or 8-2416, and amendments thereto, that fail to meet the requirements of this subsection. A standard measuring sales or service performance of any new vehicle dealer of the manufacturer shall not use criteria that:

(A) Are unfair, unreasonable, arbitrary or inequitable; or

(B) do not consider the relevant and material local and state or regional criteria, including prevailing economic conditions affecting the sales or service performance of a vehicle dealer or any relevant and material data and facts presented by the dealer in writing. Relevant and material criteria, data or facts include, but are not limited to: (i) Those motor vehicle dealerships of comparable size and comparable markets; (ii) demographics in the new vehicle dealers area; (iii) geographic and market characteristics in the new vehicle dealer's area; (iv) the proximity of other new vehicle

dealers of the same line and make; (v) the proximity of motor vehicle manufacturing facilities; (vi) the buying patterns and consumer preferences of motor vehicle purchases; and (vii) customer drive time and distance. If such performance measurement criteria are based in whole or in part on a survey, that survey must be based on a statistically significant and valid random sample or must survey a majority of new vehicle retail sales and warranty service customers of the dealer if the survey is one measuring customer satisfaction of the dealer's sales or service operations. A manufacturer, contractor or common entity or an affiliate that enforces against any vehicle dealer any such performance measurement criteria shall, upon the request of the dealer, describe in writing to the dealer, in detail, how the performance measurement criteria were calculated and uniformly applied and shall also provide any data upon which it relied in reaching the performance standard and applying it to the dealer"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 375** be amended on page 1, following line 5, by inserting:

"New Section 1. (a) Notwithstanding any other laws to the contrary, an emergency vehicle may operate at a gross weight not exceeding 86,000 pounds, subject to a maximum weight of:

- (1) 24,000 pounds on a single steering axle;
- (2) 33,500 pounds on a single drive axle;
- (3) 62,000 pounds on a tandem axle;
- (4) 52,000 pounds on a tandem rear drive steer axle.

(b) As used in this section, "emergency vehicle" means a vehicle designed to be used under emergency conditions to:

- (1) Transport personnel and equipment; and
- (2) support the suppression of fires and mitigation of other hazardous situations.";

And by renumbering sections accordingly;  
Also on page 1, in the title, in line 2, after the semicolon by inserting "gross weight limits, emergency vehicles;"; and the bill be passed as amended.

## REPORT OF STANDING COMMITTEE

Your Committee on Calendar and Printing recommends on requests for resolutions and certificates that

**Request No. 39**, by Representative Greg Lewis, congratulating William Clausing on being named to the Kansas Music Educators Association Hall of Fame – 2018;

**Request No. 40**, by Representative Greg Lewis, congratulating Dr. Don Musil on being named 2017 Veterinarian of the Year by the Kansas Veterinary Medical Association;

**Request No. 41**, by Representative Ed Trimmer, congratulating Winfield High School Orchestra on the 130th year of a continuous orchestra program;

**Request No. 42**, by Representative Larry Hibbard, congratulating Kendall Beitz on winning the 2018 3-2-1A Kansas State Wrestling Championship;

**Request No. 43**, by Representative Larry Hibbard, congratulating Kolby Beitz on being 2018 3-2-1A Kansas State Wrestling Runner-up;

**Request No. 44**, by Representative Larry Hibbard, congratulating the Yates Center High School Men's Cross Country Team on being 2017 2A State Champions;

**Request No. 45**, by Representative Larry Hibbard, congratulating the Yates Center High School Scholars Bowl on winning the 2018 2A State Championship;

**Request No. 46**, by Representative John R. Eplee, congratulating Atchison High School Adrenaline Show Choir for 6 consecutive years of outstanding performances and “Superior” ratings;

**Request No. 47**, by Representative Joe Seiwert, commending Master Sergeant Curtis L. Patten for his 24 years of service with the USAF, Kansas Air National Guard;

**Request No. 48**, by Representative Clay Aurand, congratulating Constance Allmond on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 49**, by Representative Clay Aurand, congratulating Deanna K. Burton on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 50**, by Representative Clay Aurand, congratulating Abby Cornelius on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 51**, by Representative Clay Aurand, congratulating Todd Flory on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 52**, by Representative Clay Aurand, congratulating Chitra Harris on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 53**, by Representative Clay Aurand, congratulating Matthew Irby on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 54**, by Representative Clay Aurand, congratulating Kimberly S. Schneweis on being named to the 2018 Class of Kansas Master Teachers;

**Request No. 55**, by Representative Joe Seiwert, commending Pastor Everett Schultz in recognition of ten years of service as guest chaplain for the Kansas House of Representatives;

**Request No. 56**, by Representative Randy Garber, congratulating Elliot Strahm on being a 2018 3A State Wrestling Champion;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

#### **CHANGE OF REFERENCE**

Speaker Ryckman announced the withdrawal of **HB 2755** from the Calendar under the heading General Orders and re-referral to Committee on Taxation.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Monday, March 12, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

