

# Journal of the House

## FIFTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 22, 2018, 11:00 a.m.

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

The roll was called with 125 members present.

Prayer by guest chaplain, The Reverend Dr. Dane Sommer, Director of Ministry, Children's Mercy Hospital, Kansas City and guest of Rep. Markley.

O great and glorious God, we open our hearts and souls to your grace and love. We may envision you in different ways, we may call you by different names, yet we are unified – as President Lincoln said – by the imperative to “own [our] dependence upon the overruling power of God.”

We ask for a blessing upon this assembly. Help us realize that the air in this chamber is different than anywhere else: it is sacred, it is holy. Unified, we breathe in the concerns of the disempowered and downtrodden. We breathe in the needs of those who are fragile and forgotten. We breathe in the vision that all people have equal value in your eyes and in your embrace.

We pray for all the children and young people of our great state and every child everywhere, that all children will have health and wholeness, that those who are broken will be surrounded with healing resources, and that the innocence and resilience of every child will be protected.

Bless every Member of this Beloved House that they may serve with grace and a sense of divine empowerment. And bless the proceedings of this day, as we pray in your holy name. Amen.

The Pledge of Allegiance was led by Rep. Markley.

### INTRODUCTION OF GUESTS

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

It is my honor, on behalf of the 490,000 students in our public school classrooms in this great state of Kansas, to introduce to you some truly outstanding teachers who are masters of their craft. “Master” is the operative word here.

These 7 teachers standing before you know how to create an exceptional learning experience for students to carry with them throughout their lives. They are outstanding teacher leaders in their buildings, they are admired for their unique and innovative classroom instruction, and they are fully engaged in their communities.

Emporia State University established the Kansas Master Teacher awards in 1954. The awards are presented annually to teachers who have served the profession long and well and are simply the “best of the best.”

These are remarkable educators who love what they do and are passionate about making a positive difference in the lives of their students.

It is my honor to introduce the 2018 Kansas Master Teachers of the Year who are from all across our state and who represent 160 years of classroom experience.

With us today we have:

- Connstance Allmond, Special Education teacher at El Dorado Middle School
- Deanna K. Burton, social studies teacher at Susan B. Anthony Middle School in Manhattan
- Abby Cornelius, library media specialist at Blue Valley North High School in Overland Park
- Todd Flory, fourth-grade teacher Wheatland Elementary School in Andover
- Chitra Harris, science teacher at Wichita South High School
- Matthew Irby, science teacher at Emporia High School
- Kimberly S. Schneweis, visual arts teacher at Hays Middle School.

Also, joining the honorees, is Ken Weaver, Dean, Emporia State University. Please join me in recognizing these exceptional teachers one more time.

Rep. Dietrich presented each Master Teacher with a House certificate in recognition of their achievement.

## INTRODUCTION OF GUESTS

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

Good morning colleagues.

I would like to share with you a personal interest story about a couple of young men we have watched grow up.

Kendall and Kolby Beitz weighed just a little over two pounds each when they were born. Their mother has been a lifelong friend of ours and their father wrestled on the same team as our son for Eureka in the early 1990's.

A few days after they were born, Cindy and I went to the Neonatal Intensive Care Unit at Wesley Hospital to see them, and though they were very small, they were doing well. I told their mom, Tara, that the biggest problem she was going to have with those boys was to keep them out of the same weight class. I had forgotten that I had made that comment, but Tara reminded me recently that I had.

At a young age, they started wrestling and this past month, we had the opportunity to go to Hays and watch Kendall complete a perfect 44-0 record and win the 106 lb. weight class state championship for the second year and Kolby won his first state

championship in the 113 lb. weight class and finished with a 37-2 record.

Not only are these boys good wrestlers, but they are also very fine young citizens. They have mentored many kids in the junior wrestling program and helped with lots of younger kids in the 4-H program.

In the gallery today are approximately forty 4-H members from Greenwood County whose lives these boys have touched and I ask that you join us in congratulating Kendall and Kolby Beitz, 3-2-1 A State Wrestling Champions.

Rep. Hibbard presented Kendall and Kolby each with a framed House certificate in honor of their championships.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **SB 418**.

Insurance: **HB 2789**.

Local Government: **SB 313**.

Taxation: **HB 2788**.

### MESSAGES FROM THE GOVERNOR

**HB 2469, HB 2567** approved on March 22, 2018.

### MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 375**, requests a conference and has appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 375**.

Speaker Ryckman thereupon appointed Reps. Proehl, Francis and Lusker as conferees on the part of the House.

### CONSENT CALENDAR

No objection was made to **SB 276** appearing on the Consent Calendar for the second day.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 185**, AN ACT concerning economic development; relating to redevelopment districts encompassing federal enclaves, authorization of franchises for the provision of utilities; redevelopment authorities in certain counties, powers of authority; amending K.S.A. 19-4904 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, 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, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, 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: Carmichael, Hodge.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 324**, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to improvements to facilities; performance measurements; recall repairs, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, B. Carpenter, Claeyes, 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, 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, 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: Burris, R. Powell.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 351**, AN ACT concerning health and healthcare; relating to insurance; pharmacy benefits; enacting the Kansas pharmacy patients fair practices act, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, B. Carpenter, Claeyes, 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, 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: Burris.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Barker, the House concurred in Senate amendments to **HB 2650**, AN ACT concerning state emblems; designating the state rock as Greenhorn limestone; the state mineral as galena; the state gemstone as jelinite amber; and the state fish as the channel catfish.

On roll call, the vote was: Yeas 114; Nays 11; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, 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, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, 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, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, Winn, Wolfe Moore.

Nays: Aurand, Burris, Carmichael, Garber, Humphries, R. Powell, Schwab, Sutton, Trimboli, Vickrey, K. Williams.

Present but not voting: None.

Absent or not voting: None.

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

### COMMITTEE OF THE WHOLE

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

Recommended that **SB 294** be passed.

Committee report to **HB 2526** be adopted; and the bill be passed as amended.

The motion to recommend **HB 2598** favorably for passage, did not prevail.

### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2468** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2468," as follows:

"Substitute for HOUSE BILL NO. 2468

By Committee on Appropriations

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2017 Supp. 75-2263, 75-4209, 75-6706, 79-4804 and 82a-953a and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2468** was thereupon introduced and read by title.)

Committee on **Children and Seniors** recommends **SB 311** be passed.

Committee on **Children and Seniors** recommends **SB 428**, as amended by Senate Committee of the Whole, be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2739** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2739," as follows:

"Substitute for HOUSE BILL NO. 2739

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; unlawful sexual relations; law enforcement; lewd and lascivious behavior penalties; amending K.S.A. 2017 Supp. 21-5512 and 21-5513 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2739** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **SB 328**, as amended by Senate Committee, be passed.

Committee on **Elections** recommends **SB 394**, as amended by Senate Committee of the Whole, be amended on page 2, in line 21, by striking "\$100" and inserting "\$40";

On page 4, in line 20, by striking "\$100" and inserting "\$40"; in line 30, by striking "\$100" and inserting "\$40";

On page 5, in line 2, by striking "\$100" and inserting "\$40";

On page 6, in line 18, by striking "\$100" and inserting "\$40";

On page 7, in line 1, by striking "\$100" and inserting "\$40";

On page 11, in line 32, by striking "\$100" and inserting "\$40";

On page 12, in line 12, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

Committee on **General Government Budget** recommends **HB 2784** be passed.

Committee on **Government, Technology and Security** recommends **SB 56** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 56," as follows:

"House Substitute for SENATE BILL NO. 56

By Committee on Government, Technology and Security

"AN ACT concerning information systems and communications; creating the Kansas cybersecurity act; establishing the Kansas information security office; relating to executive branch agencies; membership of the information technology executive council; amending K.S.A. 2017 Supp. 75-7202 and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 56** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2734** be amended on page 3, in line 5, after the first "and" by inserting "monitored by"; in line 7, by striking "Professional" and inserting "Conditional release"; also in line 7, by striking all after "individual"; in line 8, by striking all before "to" and inserting "appointed by the court"; in line 10, after the period by inserting "Such monitor shall not be a court services officer.";

On page 5, in line 16, after "receipt" by inserting "and forward the file-stamped copy to the attorney general"; also in line 16, by striking "court" and inserting "attorney general"; in line 18, by striking "filing" and inserting "receipt"; in line 27, after "discharge" by inserting "after a minimum of five years has passed in which the person has been free of violations of conditions of such person's treatment plan, as provided in K.S.A. 59-29a19(e), and amendments thereto";

On page 8, in line 27, by striking all after "(a)"; by striking all in line 28; in line 29, by striking all before "If";

On page 10, in line 8, by striking "professional" and inserting "conditional release"; in line 10, by striking "professional" and inserting "conditional release"; in line 12, by striking "professional" and inserting "conditional release"; in line 13, by striking "professional" and inserting "conditional release"; in line 17, by striking "may" and inserting "shall"; also in line 17, by striking all after "made"; by striking all in lines 18 and 19; in line 20, by striking all before the period and inserting "by sworn affidavit setting forth with specificity the grounds for the entry of such emergency ex parte order provided to the court by personal deliver, telefacsimile communication or electronic means prior to the entry of such order and notice of such request shall be given to the person's counsel, or if the person is unrepresented, to the person"; in line 37, by striking "have" and inserting "has"; in line 41, after "has" by inserting "significantly";

On page 11, by striking all in lines 23 through 43;

By striking all on pages 12 through 17;

On page 18, by striking all in lines 1 through 30; in line 31, by striking the fourth comma and inserting "and"; in line 32, by striking "and 59-29a22";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the probate code; relating to"; in line 4, by striking the fourth comma and inserting "and"; also in line 4, by striking "and"; in line 5, by striking "59-29a22"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 336**, as amended by the Senate Committee of the Whole be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 336," as follows:

"House Substitute for SENATE BILL NO. 336

By Committee on Judiciary

"AN ACT concerning disclosure of records; relating to legislative review of exceptions to disclosure of public records; disclosure of names of voters; agency records concerning a child fatality; amending K.S.A. 2017 Supp. 9-513c, 25-2422, 38-2212, 40-5007a, 40-5009a, 40-5012a and 45-229 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 336** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 391** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 391," as follows:

"House Substitute for SENATE BILL NO. 391

By Committee on Transportation

"AN ACT concerning roads and highways; establishing the joint legislative transportation vision task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature."; and the substitute bill be passed.

(**H Sub for SB 391** was thereupon introduced and read by title.)

#### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6053** reported correctly enrolled and properly signed on March 22, 2018.

On motion of Rep. Phillips, the House adjourned until 9:00 a.m., Friday, March 23, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

