

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 23, 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.

Reps. Henderson, Ralph, Schwab and Thimesch were excused on excused absence by the Speaker.

Excused later: Rep. Wolfe Moore

Prayer by Chaplain Brubaker:

Heavenly Father,
thank You for this beautiful day.
For our leaders today,
I pray You will give them godly wisdom
as they tackle the issues at hand.
Help them not to react to the urgent
at the expense of acting on the important.
Keep them from being weary or discouraged
in their various responsibilities.
And rather than trying to accomplish tasks
in their own strength and wisdom,
I pray that each one may learn
to rest in Your love
and be open to listening to your voice.
I pray this, knowing You hear my prayer
and You answer.
And be with the Jayhawks
as You were with the Wildcats.
In Your Son's Name, Amen.

The Pledge of Allegiance was led by Rep. Thompson.

MESSAGES FROM THE SENATE

Announcing passage of **SB 433**.

Announcing adoption of **SCR 1612**.

Announcing passage of **HB 2457, HB 2459**.

Announcing passage of **HB 2571**, as amended, **HB 2579**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill and concurrent resolution were thereupon introduced and read by title:

SB 433, SCR 1612.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 324**, 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 324**.

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 third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 276, AN ACT concerning the state corporation commission; relating to transfers of certain balances in the motor carrier license fees fund to the state highway fund; amending K.S.A. 2017 Supp. 66-1,142 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, Awerkamp, 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, Dirks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, 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, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Carmichael.

Present but not voting: None.

Absent or not voting: Henderson, Ralph, Schwab, Thimesch.

The bill passed.

HB 2526, AN ACT concerning administrative rules and regulations; relating to approval of rules and regulations by the director of the budget; reporting impact on busi-

ness; joint committee on administrative rules and regulations; report made by committee; audit; state rules and regulations board; amending K.S.A. 2017 Supp. 77-416, 77-420, 77-420a, 77-421, 77-422, 77-423 and 77-436 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 26; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., E. Davis, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highland, Hineman, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Neighbor, Orr, Osterman, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Resman, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Wheeler, Whipple, Whitmer, K. Williams.

Nays: Alcalá, Ballard, Burroughs, Carlin, Curtis, Deere, Finney, Frownfelter, Highberger, Hodge, Horn, Kuether, Landwehr, Miller, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, Seiwert, Victors, Ward, Weigel, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Henderson, Ralph, Schwab, Thimesch.

The bill passed, as amended.

SB 294. AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; renewal of licenses; amending K.S.A. 2017 Supp. 8-2404 and repealing the existing section, was considered on final action.

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, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, 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, Good, Hawkins, Helgerson, 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, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, 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: Henderson, Ralph, Schwab, Thimesch.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2778** be passed.

Committee report recommending a substitute bill to **HB 2427** be adopted; and **Sub HB 2427** be passed.

Committee report to **SB 331** be adopted.

On motion of Rep. Baker, **SB 331** be amended, on page 1, in line 16, by striking all after "(1)"; by striking all in line 17; in line 18, by striking all before the semicolon and inserting "Two members of the Kansas legislature who reside in a district adjoining the Flint Hills nature trail, or the members' designees, one to be appointed by the president of the senate and one to be appointed by the speaker of the house of representatives"; in line 22, after "county" by inserting ", or the resident's designee,"; in line 27, after "county" by inserting ", or the resident's designee,"; in line 32, after "county" by inserting ", or the resident's designee,";

On page 2, in line 1, after "county" by inserting ", or the resident's designee,"; in line 6, after "county" by inserting ", or the resident's designee,"; in line 11, after "county" by inserting ", or the resident's designee,"; in line 12, by striking "ocunty" and inserting "county"; in line 13, after "(c)" by inserting "The member appointed in subsection (b) (1) by the speaker of the house of representatives shall serve as the first chairperson of the Flint Hills advisory council and the member appointed in subsection (b)(1) by the president of the senate shall serve as the first vice-chairperson of the council. The position of chairperson and vice-chairperson shall alternate annually upon the first meeting of the council in each calendar year.

(d)";

Also on page 2, in line 21, before the comma, by inserting "and vice-chairperson";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

Also, on motion of Rep. Lusker, **SB 331** be amended, on page 3, following line 18, by inserting:

"(e) For any state park listed in subsection (a) containing a recreational trail created pursuant to 16 U.S.C. § 1247(d), the Kansas department of wildlife, parks and tourism shall carry out the duties listed in K.S.A. 58-3212(a)(1) through (a)(11), and amendments thereto."

Also, on motion of Rep. Corbet to amend **SB 331**, the motion did not prevail; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2582** be amended on page 1, in line 15, by striking ", Jr."; by striking all in lines 16 and 17 and inserting:
"P.O. Box 311

El Dorado, KS 67042.....\$86.90";

Also on page 1, by striking all in lines 23 and 24 and inserting:
"P.O. Box 1568

Hutchinson, KS 67504.....\$54.59";

Also on page 1, in line 32, by striking ", Jr.";
On page 2, following line 1, by inserting:
"County Commissioners of Ellis County, KS";

Also on page 2, in line 2, before "County" by inserting "c/o Donna Maskus,"; also in line 2, by striking "Treasurer" and inserting "Clerk"; by striking line 6; following line 7, by inserting "c/o Andre Tyler, Court Administrator";

On page 3, in line 39, by striking "fund" and inserting "account";
On page 4, in line 3, by striking "fund" and inserting "expenditures account"; following line 4, by inserting:
"Shoemaker Home Care, LLC";

Also on page 4, in line 5, before "Elwood" by inserting "c/o"; in line 9, after "operating" by inserting "expenditures"; in line 15, by striking "fund" and inserting "expenditures account"; following line 20, by inserting "c/o Aaron Snodgrass";

Also on page 4, following line 22, by inserting:
"Sec. 9. The Kansas highway patrol is hereby authorized and directed to pay the following amount from a fund that the director of the budget shall determine and certify for moneys improperly seized to the following claimant:
Barbara Reese

1201 N.E. Lime Street

Topeka, KS 66616.....\$3,040.00

Sec. 10. Emporia state university is hereby authorized and directed to pay the following amount from its operating expenditures (including official hospitality) account for reimbursement of personal property damage:
Martin Griffey

14493 S. Shadow

Olathe, KS 66061.....\$1,257.31";

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

Committee on **Federal and State Affairs** recommends **HB 2517** be amended on page 8, in line 8, by striking "during" and inserting ", commencing in"; in line 9, by striking "through fiscal year 2023"; in line 20, by striking "each of the"; also in line 20, by striking "years" and inserting "year"; also in line 20, by striking all after "2020"; in line 21, by striking "2023" and inserting "and each fiscal year thereafter";

On page 10, in line 33, after "thereto" by inserting ", or any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto, or any mental health clinic organized pursuant to the provisions of K.S.A. 65-211 et seq., and amendments thereto, and licensed pursuant to K.S.A. 2017 Supp. 39-2001 et seq., and amendments thereto"; by striking all in lines 40 through 43;

On page 11, by striking all in lines 1 through 7; in line 25, by striking all after "(c)"; by striking all in lines 26 through 37; in line 38, by striking the first "(d)"; also in line 38, by striking the second "(d)" and inserting "(c)";

On page 12, in line 21, by striking all after the period; by striking all in lines 22 through 29; in line 30, by striking "thereto."; in line 41, after "(e)" by inserting "As used in this section:

(1) "Facility owner licensee" shall have the same meaning as that term is defined in K.S.A. 74-8802, and amendments thereto.

(2) "Racetrack gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(3) "Lottery gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(4) "Prize" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto, and any winnings from parimutuel wagering as provided by the Kansas parimutuel racing act in K.S.A. 74-8801 et seq., and amendments thereto.

(f) ";

On page 17, following line 43, by inserting:

"New Sec. 11. (a) Any person listed in subsections (b)(1) or (b)(2) may engage or direct a person under 18 years of age to violate the provisions of the Kansas lottery act in order to develop a program or system that determines and encourages compliance with the provisions of such act prohibiting sales of lottery tickets to persons under the age of 18 via lottery ticket vending machines.

(b) No person shall engage or direct a person under 18 years of age to violate any provision of the Kansas lottery act for purposes of determining compliance with the provisions of such act unless such person is:

(1) An officer having authority to enforce the provisions of the Kansas lottery act;

(2) an authorized representative of the attorney general, a county attorney or district attorney; or

(3) a lottery retailer, or such retailer's designee, pursuant to a self-compliance program designed to increase compliance with the provisions of the Kansas lottery act and approved by the executive director.

(c) The provisions of this section shall be part of and supplemental to the Kansas lottery act.";

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

Committee on **Federal and State Affairs** recommends **HB 2766** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2766," as follows:

"Substitute for HOUSE BILL NO. 2766

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; authorizing self-service of beer from automated devices; 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."; and the substitute bill be passed.

(**Sub HB 2766** was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

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

Request No. 69, by Representative John R. Eplee, congratulating Atchison Elks Lodge #647 on 150th and 117th anniversaries and the installation of the first female president, B.P.O.E., Kansas;

Request No. 70, by Representative Jeff Pittman, congratulating Juanita Gnip on her 100th birthday;

Request No. 71, by Representative Jeff Pittman, commending Leavenworth Meals on Wheels for 50 years of serving the Leavenworth community;

Request No. 72, by Representative Jim Kelly, congratulating Juleonna Stevenson for being named a finalist for the Boys & Girls Clubs of America 2018 Kansas Youth of the Year;

Request No. 73, by Representative Jim Kelly, congratulating Jim Faulkner on being named 2018 Boys & Girls Clubs of America Area Council Volunteer of the Year;

Request No. 74, by Representative Jim Kelly, honoring Senior Corps and RSVP volunteers for their continuing and devoted commitment to volunteer service;

Request No. 75, by Representative Sydney Carlin, congratulating Deanna Burton on being named 2018 Kansas Master Teacher of the Year;

Request No. 76, by Representative Shelee Brim, commending Shekinah Bailey for being a Living Kidney Donor in recognition of 2018 Kansas Kidney Awareness and Organ Donation Day;

Request No. 77, by Representative Shelee Brim, commending Angela Zaynaub Chowdhury for being a Living Kidney Donor in recognition of 2018 Kansas Kidney Awareness and Organ Donation Day;

Request No. 78, by Representative Shelee Brim, commending Pat Avila for being a Living Kidney Donor in recognition of 2018 Kansas Kidney Awareness and Organ Donation Day;

Request No. 79, by Representative Shelee Brim, commending Tom Weathers for being a Living Kidney Donor in recognition of 2018 Kansas Kidney Awareness and Organ Donation Day;

Request No. 80, by Representative Shelee Brim, commending Alonzo Jamison for being a Living Kidney Donor in recognition of 2018 Kansas Kidney Awareness and Organ Donation Day;

Request No. 81, by Representatives Valdenia Winn and Broderick Henderson, congratulating Dr. Ricky D. Turner, Pastor of Oak Ridge Missionary Baptist Church, for 20 years of successful service;

Request No. 82, by Representative Jarrod Ousley, honoring the Brain Injury Association of Kansas in recognition of Brain Injury Awareness Month;

Request No. 83, by Representative Les Mason, congratulating McPherson High School Ladies Basketball Team for being 2018 4A-1 State Champions;

Request No. 84, by Representative Bill Sutton, congratulating Jacob Tyson Hoffman on achieving the rank of Eagle Scout;

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.

REPORT ON ENGROSSED BILLS

HB 2526 reported correctly engrossed March 22, 2018.

HB 2650 reported correctly re-engrossed March 22, 2018.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Monday, March 26, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

