

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 27, 2018, 10:00 a.m.

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

The roll was called with 124 members present.

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

Prayer by guest chaplain, Dr. Cynthia Wolford, Senior Pastor, Greater Faith Christian Church, Wichita and guest of Rep. Finney.

Our gracious Heavenly Father. We thank You for the blessing of a brand new day. We dare not take for granted this gift and honor to serve Your people, just as You came not to be served, but to serve.

Bless now these, Your public servants, with wisdom from above and a true commitment to fight for the issues and concerns of the constituents for which they were elected to serve.

As we reflect upon Your service this Holy Week and as we remember Your journey to Calvary's cross, may we never forget the price you paid for all of mankind. Our hearts rejoice at Your blessed resurrection and we declare with contrite hearts, this You do to the least of these, You have done it unto me.

Be pleased with our efforts this day, we pray. Amen.

The Pledge of Allegiance was led by Rep. Kelly.

INTRODUCTION OF GUESTS

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

Good morning colleagues. I rise on this point of personal privilege to celebrate the Benevolent and Protective Order of Elks Clubs 150th Anniversary. I am honored in District 63 to have the 2nd oldest lodge in the state of Kansas, B.P.O.E. Lodge #647. Our lodge in Atchison boasts a membership of over 300 members.

The four cornerstones of our lodge are Charity, Justice, Brotherly Love and Fidelity. And my local lodge lives these cornerstones throughout the year. I'm proud to report that our local Elks Lodge has raised over 3.5 million dollars of cumulative philanthropy through the annual Hoop Shoot, Soccer Shoot, Drug Awareness Program, Christmas

Baskets, Local Scholarships and many Veteran's Services.

And in addition, I'm so happy to announce to the body that my Atchison Lodge will have the first female President ever of the Kansas State Elks Organization in June—Deborah Betts, who is with me here at the well. Also joining me here at the well are the officers and trustees of Lodge #647 Atchison: Deborah Betts, Ron Keller, Larry Beeson, Dave Butler, Katherine Kohler, Steve Betts, Diana Servaes, Dan Senecal and former Kansas House Representative, Aldie Ensminger.

So, colleagues, for the great works and community support provided by our local Elks Clubs and the special recognition for Lodge #647 in Atchison, please join me in congratulating them here today.

Rep. Eplee presented his guests with a framed House certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2790**.

Federal and State Affairs: **HB 2792**.

K-12 Education Budget: **HB 2791**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Finney, **HR 6056**, by Reps. Finney and Elliott, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6056**—

By Reps. Finney and Elliott

HR 6056—A RESOLUTION celebrating the 100th anniversary of the completion of Frank Lloyd Wright's Allen House.

WHEREAS, The Allen House was completed in 1918 by world-renowned architect Frank Lloyd Wright for newspaper editor, U.S. Senator and Kansas governor Henry J. Allen and his wife, Elsie; and

WHEREAS, The Allen House is known as the last "prairie house" designed by Wright and was considered by Wright to be among his best designs; and

WHEREAS, The Allen House exemplifies Wright's philosophy of living in harmony with nature, and architectural writers who have visited the house consider its living room to be "one of the great rooms of the 20th Century"; and

WHEREAS, The Allen House is maintained by the Allen House Foundation, a nonprofit organization, with the goal of restoring and conserving the house through its adaptive use as a house museum and study center; and

WHEREAS, The Allen House has been a culturally significant attraction in the Wichita area for the past century, and with help from the Allen House Foundation, will continue to have a lasting impact on visitors for years to come: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we celebrate the 100th anniversary of the completion of Frank Lloyd Wright's Allen House and commend the Allen House Foundation for maintaining this important landmark for Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Finney.

INTRODUCTION OF GUESTS

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

Today Representative Elliott and I would like to formally recognize and celebrate the 100th Anniversary of The Henry J. Allen house located at 255 N. Roosevelt in Wichita.

Famous American architect, Frank Lloyd Wright (1867-1959), was commissioned to design the home in 1915 and the house was occupied by early 1918 by Henry and Elsie Allen. Henry Allen, owner and publisher of the Wichita Beacon at the time, now called the Wichita Eagle Newspaper, was Kansas' 21st Governor from (1919-23) and a U.S. Senator from (1929-30).

The Allen House is one of only two Frank Lloyd Wright-designed buildings in Kansas. The other is Wichita State University's Corbin Education Center. Wright designed the house while working on the Imperial Hotel in Tokyo and the square structure, with its enclosed lily pool and garden, has a notably Japanese aesthetic. It is one of the last "Prairie Style" homes built by Wright and is considered one of his finest designs because of its angles, colors, leaded glass, light fixtures and custom furnishings.

Reportedly, the house was designed and built for \$29,000. The Allen House is now priceless as a piece of Wichita's heritage, and a magnet for Wright aficionados from around the world. It is currently run by the Allen House Foundation as a museum under the stewardship of the Wichita Center for the Arts. The house was listed on the National Register of Historic Places on March 7, 1973.

For those of you who may be interested in seeing or learning more about this architectural treasure, it is open for tours or you can visit their website at www.flwrightwichita.org for more information.

Accepting this recognition today for the Allen House Foundation are Mr. Howard Ellington, Executive Director and Restoration Architect; and Ms. Amy Reep, Operations Manager.

Please join us in recognizing the 100th Anniversary of the Henry J. Allen House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2542** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Aurand, Dierks and Winn as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2571** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2579** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **SB 391** be adopted; and **H Sub for SB 391** be passed.

Committee report recommending a substitute bill to **HB 2398** be adopted; and **Sub HB 2398** be passed.

Committee report to **HB 2773** be adopted.

Also, roll call was demanded on motion of Rep. Clayton to amend **HB 2773**, on page 5, in line 19, by striking all after "on"; in line 20, by striking all before the first "any"; also in line 20, by striking "other"; in line 22, by striking all after "on"; in line 23, by striking all before "the"

On roll call, the vote was: Yeas 49; Nays 75; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Ballard, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Cox, Crum, S., Curtis, Dietrich, Finney, Gallagher, Gartner, Good, Henderson, Highberger, Hodge, Holscher, Horn, Karleskint, Kessinger, Koesten, Kuether, Lewis, Lusk, Markley, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Probst, Rafie, Rooker, Ruiz, Sloan, Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, E. Davis, Deere, Delperdang, Dierks, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Garber, Hawkins, Helgerson, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Kelly, Landwehr, Lusker, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, Pittman, R. Powell, Proehl, Rahjes, Ralph, Resman, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Schwab.

The motion of Rep. Clayton to amend did not prevail.

Also, on motion of Rep. Helgerson to amend **HB 2773**, on page 5, following line 37, by inserting:

"Sec. 9. (a) There is hereby imposed a firearm and ammunition fee on the retail sale of firearms and ammunition in the following amounts:

- (1) \$1 for each firearm; and
- (2) \$.01 for each round of ammunition.

(b) The fee imposed by this section shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the fee shall be either separately stated on an invoice, receipt or other similar documentation that is provided to the consumer by the seller, or otherwise disclosed to

the consumer.

(c) For purposes of subsection (b), a retail transaction that is conducted in person by a consumer in a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for the purposes of K.S.A. 79-3673(c)(3), and amendments thereto.

(d) The fee imposed by this section is the liability of the consumer and not of the seller, except that the seller shall be liable to remit all firearm and ammunition fees that the seller collects from consumers pursuant to this section, including all such fees that the seller is deemed to collect where the amount of the charge has not been separately stated in an invoice, receipt or other similar document provided to the consumer by the seller.

(e) All fees collected pursuant to this section shall be remitted to the secretary of revenue. The secretary shall remit all such fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the school safety and security grant fund.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "education" by inserting "; imposing a fee on sales of certain firearms and ammunition, depositing amounts in the school safety and security grant fund" ;Rep. Williams requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Roll call was demanded on motion of Rep. Helgerson to amend.

On roll call, the vote was: Yeas 35; Nays 88; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Ballard, Bishop, Carlin, Carmichael, Clayton, Crum, S., Curtis, Finney, Gartner, Good, Helgerson, Henderson, Highberger, Holscher, Horn, Kuether, Lusk, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Probst, Rooker, Ruiz, Sloan, Stogsdill, Trimmer, Victors, Ward, Weigel, Winn, Wolfe Moore.

Nays: Alford, Aramberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Brim, Burris, Burroughs, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Gallagher, Garber, Hawkins, Hibbard, Highland, Hineman, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lewis, Lusker, Markley, Mason, Mastroni, Orr, Osterman, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whipple, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Landwehr, Schwab.

The motion of Rep. Helgerson to amend **HB 2773** did not prevail.

Also, on motion of Rep. Parker to amend **HB 2773**, Rep. Whitmer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Also, Rep. Whitmer further requested the Parker amendment be divided. The Parker amendment was divided into two parts.

Also, roll call was demanded on Part A of the motion of Rep. Parker to amend **HB 2773**, on page 1, in line 8, before "Section" by inserting "New"; in line 11, by adding \$100,000 to the dollar amount and by adjusting the dollar amount in line 11 accordingly; in line 17, after "plans" by inserting "; *Provided further*, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the operating expenditures (including official hospitality) account, expenditures shall be made by the above agency in an amount not to exceed \$100,000 to conduct surveys and collect data from school districts on measures that would help ensure the safety and security of public schools"; in line 29, before "Sec." by inserting "New"; in line 32, before "Sec." by inserting "New";

On page 2, in line 28, before "Sec." by inserting "New";

On page 3, in line 42, before "Sec." by inserting "New";

On page 4, in line 20, before "Sec." by inserting "New";

On page 5, in line 12, before "Sec." by inserting "New"; in line 35, before "Sec." by inserting "New";

On roll call, the vote was: Yeas 50; Nays 72; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Ballard, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dierks, Finney, Frownfelter, Gallagher, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Judd-Jenkins, Kessinger, Koesten, Kuether, Lusk, Lusker, Markley, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Probst, Rooker, Ruiz, Sawyer, Stogsdill, S. Swanson, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Amberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, E. Davis, Delperdang, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jennings, Johnson, K. Jones, Karleskint, Kelly, Landwehr, Lewis, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Cox, Jacobs, Schwab.

The motion of Rep. Parker, Part A, to amend did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. Parker to amend **HB 2773**, on page 5, following line 37, by inserting:

"Sec. 9. K.S.A. 2017 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. Subject to the provisions of K.S.A. 2017 Supp. 75-7c20, and amendments thereto:

(a) The carrying of a concealed handgun shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general.

(b) Nothing in this act shall be construed to prevent any private employer from restricting or prohibiting by personnel policies persons from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may

prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises.

(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun shall not be liable for any wrongful act or omission relating to actions of persons carrying a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is legally qualified, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

- (1) ~~A unified school district;~~
- (~~2~~)—a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;
- (~~3~~)~~(2)~~ a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (~~4~~)~~(3)~~ a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (~~5~~)~~(4)~~ a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or
- (~~6~~)~~(5)~~ an indigent health care clinic, as defined by K.S.A. 2017 Supp. 65-7402, and amendments thereto.

(e) No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in the duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance. Public employers shall not be liable for any wrongful or negligent act of an employee carrying a concealed handgun that is not being carried in the course and scope of such employee's employment, concerning acts or omissions regarding such handguns.

(f) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (j). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney

general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer, as that term is defined in K.S.A. 2017 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2017 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(g) The provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

(h) For the purposes of this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2017 Supp. 75-7c20, and amendments thereto;

(2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles; and

(3) "public employer" means the state and any municipality as those terms are defined in K.S.A. 75-6102, and amendments thereto, except the term "public employer" shall not include school districts.

(i) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

(j) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

(1) The signs be posted at all exterior entrances to the prohibited buildings;

(2) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;

(3) the signs not be obstructed or altered in any way; and

(4) signs which become illegible for any reason be immediately replaced.

Sec. 10. K.S.A. 2017 Supp. 75-7c10 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "education" by inserting "; prohibiting carrying concealed handguns in public schools; amending K.S.A. 2017 Supp. 75-7c10 and repealing the existing section"

On roll call, the vote was: Yeas 44; Nays 79; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Baker, Ballard, Becker, Bishop, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Finney, Gallagher, Gartner, Good, Helgeson, Henderson, Highberger, Holscher, Horn, Kessinger, Koesten, Kuether, Lusk, Markley, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Probst, Ruiz, Schreiber, Sloan, Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Barker, Bergquist, Blex, Brim, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, E. Davis, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Garber,

Hawkins, Hibbard, Highland, Hineman, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Landwehr, Lewis, Lusker, Mason, Mastroni, Miller, Orr, Osterman, F. Patton, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Sawyer, Schroeder, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Cox, Schwab.

The motion of Rep. Parker, Part B, to amend **HB 2773**, did not prevail and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2487** be passed.

MESSAGES FROM THE SENATE

Announcing passage of **SB 301, SB 419, SB 449**.

Announcing passage of **HB 2129**, as amended by **Senate Substitute for HB 2129, HB 2184** as amended by **Senate Substitute for HB 2184, HB 2600** as amended by **Senate Substitute for HB 2600**.

Announcing passage of **HB 2444**, as amended, **HB 2511**, as amended, **Sub HB 2556**, as amended, **HB 2590**, as amended, **HB 2597**, as amended, **HB 2599**, as amended, **HB 2606**, as amended.

Announcing passage of **HB 2472, HB 2501, HB 2524, HB 2580, HB 2581**.

Announcing rejection of **HB 2419**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 301, SB 419, SB 449.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Ralph to replace Rep. Schwab on Committee on K-12 Education Budget on March 27, 2018.

On motion of Rep. Hineman, the House recessed until 2:15 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 194, SB 311, SB 428** be passed.

Committee report to **SB 263** be adopted; and the bill be passed as amended.

Committee report to **SB 410** be adopted; and the bill be passed as amended.

Committee report to **HB 2753** be adopted and the bill be passed over and retain a place on the calendar.

Committee report to **HB 2676** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 307** be adopted.

On motion of Rep. Whitmer, **H Sub for SB 307** be amended on page 7, in line 24, by striking "a lifeguard" and inserting "an attendant"

Also, on motion of Rep. Pittman to amend **H Sub for SB 307**, the motion did not prevail.

Also, on further motion of Rep. Pittman, be amended on page 1, in line 9, after "No" by inserting "antique amusement ride,"; in line 15, after the third "the" by inserting "antique amusement ride,"; in line 23, after "For" by inserting "antique amusement ride,"; in line 27, after "for" by inserting "antique amusement ride,"; in line 29, after "for" by inserting "antique amusement ride,"; in line 33, after the second "the" by inserting "antique amusement ride,";

On page 2, in line 1, after "no" by inserting "antique amusement ride,"; in line 3, by striking "a" and inserting "an antique amusement ride,"; in line 6, by striking "a" and inserting "an antique amusement ride,"; in line 18, after "," by inserting "'antique amusement ride,'""; in line 23, after the comma by inserting "antique amusement ride,"; in line 27, after the comma by inserting "antique amusement ride,"; in line 38, by striking "a" and inserting "an antique amusement ride,"; in line 42, after the comma by inserting "antique amusement ride,";

On page 3, in line 28, before "limited-use" by inserting "antique amusement rides;

(E) ";

Also on page 3, in line 38, after "(b)" by inserting "'Antique amusement ride" means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

(c) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 6, in line 11, after the comma by inserting "antique amusement ride,"; in line 14, after the comma by inserting "antique amusement ride,"; in line 17, after the comma by inserting "antique amusement ride,"; in line 22, after the comma by inserting "antique amusement ride,"; in line 34, after the comma by inserting "antique amusement ride,";

On page 7, in line 32, after the comma by inserting "antique amusement ride,";

On page 8, in line 9, after the comma by inserting "antique amusement ride,"; in line 19, after the comma by inserting "antique amusement ride,"; in line 30, after the comma by inserting "antique amusement ride,"; in line 32, after the second comma by inserting "antique amusement ride,"; in line 35, after the comma by inserting "antique amusement ride,";

On page 9, in line 21, after the comma by inserting "antique amusement ride,"; in line

23, after the comma by inserting "antique amusement ride,"; in line 28, after the comma by inserting "antique amusement ride,";

On page 11, in line 32, after the comma by inserting "antique amusement ride,";

On page 12, in line 3, after the comma by inserting "antique amusement ride,"; in line 11, after the comma by inserting "antique amusement ride,";

On page 13, in line 4, after the comma by inserting "antique amusement ride,";

On page 1, in the title, in line 2, after "to" by inserting "antique amusement ride," ; and **H Sub for SB 307** be passed as amended.

HB 2764, HB 2594 be passed over and retain a place on the calendar.

Committee report to **SB 260** be adopted; and the bill be passed as amended.

Having voted on the prevailing side pursuant to House Rule 2303, Rep. Barker moved that the House reconsider its previous action in adoption of the Committee of the Whole report recommending **HB 2308** favorably for passage and the bill be reconsidered under that order of business, General Orders. The motion prevailed.

Having voted on the prevailing side, pursuant to House Rule 2302, Rep. Barker moved that the House reconsider its previous action of adoption of the amendment offered by Rep. Wheeler. The motion prevailed.

On reconsideration of the Wheeler amendment, the motion failed.

The motion to recommend **HB 2308** for passage was adopted and the bill be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2644, AN ACT concerning state finances; relating to the program service inventory, integrated budget fiscal process, performance-based budgeting system; postsecondary educational institutions; amending K.S.A. 2017 Supp. 75-3718b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 42; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Aurand, Baker, Ballard, Becker, Bishop, Blex, Brim, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Elliott, Ellis, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Henderson, Hibbard, Highberger, Hineman, Holscher, Horn, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Smith, E., Stogsdill, S. Swanson, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Arnberger, Awerkamp, Barker, Bergquist, Burris, Burroughs, B. Carpenter, Claeys, Corbet, E. Davis, Delperdang, Dietrich, Dove, Esau, Garber, Hawkins, Helgerson, Highland, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Landwehr, Mason, Miller, Osterman, R. Powell, Rafie, Rahjes, Resman, Ryckman, Seiwert, Smith, A., Sutton, Tarwater, Thimesch, Vickrey, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed.

Sub HB 2739, 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, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, 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, 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, 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: Schwab.

The substitute bill passed.

H Sub for SB 56, 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, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, 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, 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, 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: Schwab.
 The substitute bill passed.

Sub SB 272, AN ACT regulating traffic; concerning passing on streets and highways; waste collectors; amending K.S.A. 2017 Supp. 8-2118 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 30; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Arnberger, Aurand, Awerkamp, Barker, Becker, Blex, Burris, B. Carpenter, Corbet, E. Davis, Dove, Garber, Hawkins, Helgerson, Hibbard, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Landwehr, Mason, R. Powell, Resman, Thimesch, Vickrey, Waymaster, Weber, C., Whitmer.

Present but not voting: None.
 Absent or not voting: Schwab.
 The bill passed, as amended.

SB 282, AN ACT concerning the uniform controlled substances act; relating to substances included in schedules I, II and III; concerning CBD products; amending K.S.A. 2017 Supp. 21-5701, 65-4101, 65-4105, 65-4107 and 65-4109 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 3; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, 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, Henderson, Hibbard, Highberger, 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, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K.

Williams, Winn, Wolfe Moore.

Nays: Barker, Highland, Whitmer.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed, as amended.

SB 284, AN ACT concerning financial institutions; updating the Kansas money transmitter act; amending K.S.A. 2017 Supp. 9-512 and 9-513 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 22; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Barker, Burris, B. Carpenter, Corbet, Crum, S., Delperdang, Garber, Good, Hodge, Houser, Huebert, Jacobs, K. Jones, Kuether, Mason, Miller, Sawyer, Sutton, Trimmer, Ward, Whitmer, Winn.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed, as amended.

SB 348, AN ACT concerning insurance; authorizing electronic delivery as the standard method of delivery for certain health benefit plan documents; amending K.S.A. 2017 Supp. 40-5802, 40-5803 and 40-5804 and repealing the existing sections, was considered on final action.

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

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, 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, 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: Schwab.

The bill passed, as amended.

SB 386, AN ACT concerning the behavioral sciences regulatory board; relating to professional counselors; licensure; educational requirements; amending K.S.A. 2017 Supp. 65-5804a and 65-5807 and repealing the existing sections, was considered on final action.

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

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, 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, 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: Schwab.

The bill passed.

REPORT ON ENGROSSED BILLS

HB 2308, Sub HB 2739 reported correctly engrossed March 26, 2018.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Wednesday, March 28, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

