

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 28, 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.

Excused later: Reps. Dietrich, Gallagher and Karleskint.

Present later: Reps. Dietrich, Gallagher and Schwab.

Prayer by Chaplain Brubaker:

Father God,
 thank You for blessing us with yet another day.
 Help each of us to be good stewards
 of the opportunities that come our way today.
 As our members in this House
 continue with their responsibilities,
 help them to look at themselves,
 their politics, their priorities and this state's interests
 with a new vision in the light of Your Spirit.
 Help them to be wise and patient,
 seeking not immediate political wins,
 but a productive future which will
 provide the stability for our great state.
 Please send Your Spirit upon them
 and imbue them with courage and leadership
 that will bring health and vibrancy to our state.
 In fulfilling their responsibilities,
 provide them with grace to enable them
 to be faithful in their duties
 and conscious of their obligations,
 In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Blex.

INTRODUCTION OF GUESTS

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

Theater has changed since most of us went to school, especially my older colleagues. I had my day on stage, but it was nothing like the performance I went to at my local

Leavenworth High School last fall. I went to a show called Tarzan and the stage set, the sound, the costume design by students, the use of the aisle and other aspects of the theater were amazing – Off-Broadway quality in my estimation.

Today I am proud to sponsor the Educational Theatre and International Thespian Society as we celebrate “Theatre in Our Schools” day at the Capitol. Today we recognize the importance of theatre in our schools and communities and how it impacts lives.

You may wonder why I am the sponsor. Well, a student from Leavenworth High School served as only one of 6 International Thespian Officers last year and I have one of the most dynamic theater program organizers in the state, Ms. Jennifer Morgan. More importantly, across the state, Kansas Thespians maintains 98 active Thespian or Junior Thespian troupes with over 2900 active Junior High and High School Thespian members.

The Kansas Thespians group has become a leader for theatre in our schools across the nation, leading the way in excellence. We recognize today that Kansas Thespians Society has been recognized as a Gold Honor Chapter by The Educational Theatre Association 2017. AND perhaps more remarkable is that Kansas high schools have garnered four of only 11 spots among all other states to perform at The International Thespian Festival this summer.

Not only do we look at our particular excellence in drama, but we take the time to recognize the benefits of theater as an important part of our Kansas curriculum. Students who took four years of classes in the arts scored an average of 92 points higher on their SATs to those that took a year or less. They learn so much about the skills in our Kansas Can initiative around socializing, team work, and other life skills outside of traditional academic curriculum.

With that, in honor of today's “Theatre in our Schools Day” at the Capitol, students from all around Kansas are here today.

In the gallery, we have students from the following High Schools: Leavenworth, Eisenhower, Hayden, Goddard, Olathe South, Olathe North, Salina, Topeka High, Topeka West, Valley Center, and Wichita West.

On the floor with me today, are the Kansas State Thespian State Officers, members of the State Steering Committee and other Thespians.

Emily Martin (Olathe North), Anna Hastings (Olathe South), Audrey Burgoon (Salina), Thomas Yambo-Rios (Leavenworth), Jared Miller (Wichita West), Jayden Wills (Wichita West), Faith Lopez (Leavenworth), Analisa Chavez-Munoz (Hayden), Kat Bacon (Goddard) and Isabel Lazos (Valley Center), Amberly Nash (Goddard), Dominic Santiago (Valley Center), Caleb Rose (Valley Center),

Others in attendance: Chad Nulik from Salina – Kansas Thespians Chapter Director and Jennifer Morgan Beuchat from Leavenworth – Kansas Thespian State Board Public Relations. Let's give these students here and in the gallery and across Kansas a big round of applause.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **SB 301.**

Taxation: **SB 419, SB 449.**

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2542** and has appointed Senators Baumgardner, Alley and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2571** and has appointed Senators Wilborn, Baumgardner and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2579** and has appointed Senators Wilborn, Baumgardner and Haley as conferees on the part of the Senate.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Gallagher, **HR 6055**, A RESOLUTION urging the small business community in Kansas to assist in developing a model for saving for retirement that can be accessible to working Kansans, was adopted.

The following remarks of Rep. Gallagher are spread upon the Journal:

HR 6055 is a resolution urging the small business community in Kansas to assist in developing a model for saving for retirement that is accessible to working Kansans.

This resolution was requested by AARP Kansas. The AARP Public Policy Institute has provided the following statistics regarding Kansans and their access to retirement savings plans and their preparedness for retirement.

Access to an employer-based retirement plan is critical for building financial security later in life. Yet, about 42 percent of Kansas' private sector employees – roughly 423,000 – work for an employer that does not offer a retirement plan. Significant numbers of workers at all levels of earnings and education do not have the ability to use payroll deductions to save for retirement.

Small-business employees are less likely to have a retirement plan. Workers in Kansas businesses with fewer than 100 employees are much less likely to have access to a plan (64 percent without access) than workers in larger businesses (28 percent without access). And, only 20 percent of those who work for businesses with fewer than 10 employees have access to a retirement plan at work.

Workers at all education levels do not have a plan. About 68 percent of workers who did not have a high school degree did not have an employer-provided retirement plan – a much higher percentage than workers with some college (45 percent) or a bachelor's degree or higher (29 percent).

Workers at all earnings levels do not have a plan. More than 338,000 Kansas employees with annual earnings of \$40,000 or less did not have access to a workplace plan. These workers represent about 80 percent of the 423,000 employees without an employer-provided retirement plan.

Access to a plan differs substantially by race and ethnicity. About 56 percent of Hispanic workers and about 45 percent of African Americans lacked access to an employer-provided retirement plan.

Social Security is essential to retirement security, but its average retirement benefit in Kansas is only \$1,281 a month. And, 47.9% of Kansans rely on Social Security for 50 percent or more of their retirement income.

Nearly 45 percent of working-age households in the United States do not own any retirement assets, and among those who do save for retirement in Kansas, the average 401(k) balance is only about \$23,000.

Research shows that offering a person a way to save for retirement through their job dramatically increases their ability to save, and workers are 20 times more likely to save for retirement if they can do so automatically out of their paycheck.

Access to payroll deduction retirement savings plans allows individuals to build their own economic security. Such plans help workers achieve economic security through their own efforts. Greater access could also help improve economic mobility and reduce wealth disparity.

AARP Kansas' data show that, regardless of political affiliation, 68% of those surveyed believe that the state should do more to encourage retirement savings. Half of all households are at risk of financial insecurity in retirement, causing taxpayers to shoulder the burden of ensuring that retirees have their basic needs met through social safety net programs. Kansas could save \$51.7 million on public assistance programs between 2018 and 2032 if lower-income retirees save enough to increase their retirement income by \$1,000 more per year.

Making it easier for small businesses to offer a retirement plan to their workers and making it easier for employees to save their own money for retirement should be a high priority for policymakers. It is in the best interest of Kansas small business employees, Kansas small business owners, taxpayers and for the state of Kansas to take action to enable Kansans to prepare for their futures and allow them to be self-sufficient in retirement, rather than depend on government services.

HR 6055 resolves that the Kansas House of Representatives encourage Kansans to prepare for retirement in a financially secure manner, to develop a retirement plan individually or through the workplace and to support state leaders in taking any and all measures necessary to make this an obtainable goal.

HR 6055 further resolves that we urge Kansas' small business community and employees to join with the Legislature and the State Treasurer to assist in developing a model for saving for retirement through the workplace that is accessible to working Kansans.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ohaebosim, **HR 6057**, by Reps. Ohaebosim and Finney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6057**—

Reps. Ohaebosim and Finney

HR 6057—A RESOLUTION recognizing Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, 58% of Caucasian, 80% of Hispanic and 85% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2015 study

conducted by the National Assessment for Educational Progress (NAEP); and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, The 2015 NAEP study also shows that the gap in proficiency between low-income and high-income Kansas students grew from 24% to 32% over the last 10 years; and

WHEREAS, Storytime Village, Inc., under the leadership of Director Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive in partnerships that provide early childhood development, family engagement involving reading and access to books; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc. inspires children, regardless of their socio-economic background, race or gender, to read by providing them free books and literacy resources; and

WHEREAS, March 28, 2018, is marked as Literacy Day at the Capitol, which will focus on addressing the literacy gap in Kansas by mobilizing high school students to raise their voices through meetings with legislators, panel discussions and an advocacy workshop with the theme: "Why Reading Matters": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

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

INTRODUCTION OF GUESTS

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

This year marks Storytime Village's fourth annual Literacy Day at the Capitol. The event is sponsored by the Kansas African American Affairs Commission and Butler Community College. Joining Storytime Village for this impactful day are high school students from throughout the state, including Literacy Champions from the Independent School and students from East High School in Wichita, KS. The East High School choir will be featured during the Literacy Champions Luncheon at noon.

The theme for Literacy Day at the Capitol is "Why Reading Matters." It will address the literacy achievement gap in the state of Kansas by mobilizing high school students to raise their voices and bring awareness to the critical issue. The day will feature panel discussions, workshops and the opportunity to network and discuss these important issues with state leaders. A Kansas youth will be named the "Outstanding Youth Literacy Advocate" during our Literacy Champions Luncheon.

The mission of Storytime Village, Inc., with the support of parents and the community, is to inspire a lifelong love of reading for underserved Kansas children from birth to age eight.

Since its beginning in 2009, Storytime Village has worked to help the youngest in our communities thrive through partnerships that provide early childhood development, family engagement around reading and access to books.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2308, AN ACT concerning suicide evaluation upon admission to certain treatment facilities, 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.

Sub HB 2398, AN ACT concerning traffic-control devices; relating to the maintenance thereof, counties and townships; amending K.S.A. 2017 Supp. 8-2005 and 68-526 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 substitute bill passed.

HB 2676, AN ACT concerning the developmental disabilities reform act; failure of community service providers to comply with requirements, standards or laws, 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, Claey's, 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.

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

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, B. Carpenter, Claey's, 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, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, 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, Wolfe Moore.

Nays: Burris, Garber, Henderson, Kuether, Winn.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: We vote yes on **HB 2773** even though we completely oppose the inclusion of the “Eddie the Eagle” advertisement for the NRA. The NRA program can be chosen by a school board if they so elect. It should not be given specific reference in this bill over any other gun safety program. We also have concerns that we take time away from curriculum areas such as reading, math, science, or history to include instruction on a topic that can be easily accessed in other forums outside of our public schools. – JERRY STOGSDILL, DENNIS “BOOG” HIGHBERGER, BRETT PARKER, KC OHAEBOSIM, ELIZABETH BISHOP, JARROD OUSLEY, EILEEN HORN, SYDNEY CARLIN, BARBARA BALLARD, NANCY LUSK, CINDY NEIGHBOR, JASON PROBST, STEVE CRUM, VIRGIL WEIGEL, GAIL FINNEY, VIC MILLER, CINDY HOLSCHER, KATHY WOLF MOORE, MONICA MURNAN, BRODERICK HENDERSON, JOHN ALCALA, JOHN CARMICHAEL, JIM GARTNER

MR. SPEAKER: I voted “YES” to **HB 2773**. This bill requires the State Board of Education to develop and adopt statewide Standards for school safety and security plans for each school district. This includes evaluation of the building's infrastructure and attendance centers for compliance with the standards. **HB 2773** also includes training of school district employees on school safety and security policies and procedures and conducting of student drills on emergency situations. This is not the overall answer to school security measures. But, is a good first step in providing a safe and secure learning environment for Kansas Schools. – LEO DELPERDANG, DANIEL HAWKINS

MR. SPEAKER: I vote “NAY” on **HB 2773**. Since 2013, a Kansas “unified school district..... may permit any employee..... to carry a concealed handgun in any [of its] building[s].” This, and the possibility that a school district employee could be carrying a concealed firearm arguably deters or could deter, a mass shooting. Further, an armed employee could stymie a mass shooting. Additionally, **HB 2773** impinges on a school district's ability to, based on local circumstances and with assistance from local law enforcement, better secure its facilities. Since after April 20, 1999, this could and should have been done. Thank you, Mr. Speaker. – JESSE BURRIS, RANDY GARBER

SB 194, AN ACT concerning water; relating to groundwater management districts; user charges; amending K.S.A. 2017 Supp. 82a-1030 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 18; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claey's, Clark, Clayton, Concannon, 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, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint,

Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, 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, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Averkamp, Bergquist, Burris, B. Carpenter, Corbet, Garber, Huebert, Jacobs, K. Jones, Landwehr, Mason, Osterman, R. Powell, Seiwert, Sutton, Tarwater, Thimesch, Whitmer.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed.

SB 260, AN ACT concerning audits of state agencies; financial-compliance audits; Kansas lottery security audit; selection of auditor, contracts with; creating the Kansas lottery audit contract committee and the department of administration audit contract committee; creating the department of administration audit services fund; amending K.S.A. 46-1108, 46-1112, 46-1115, 46-1116, 46-1122, 46-1123, 46-1125, 46-1126, 46-1127 and 74-2424 and K.S.A. 2017 Supp. 39-709b, 46-1106, 46-1114, 46-1118, 46-1128, 46-1135, 74-4921, 75-5133 and 79-3234 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 46-1121 and 46-1134, 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 bill passed, as amended.

SB 263, AN ACT concerning industrial hemp; enacting the alternative crop research act; excluding industrial hemp from definition of marijuana and cannabinoids; amending K.S.A. 2017 Supp. 21-5701, 21-5702, 65-4101 and 65-4105 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; 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, 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: Ellis.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed, as amended.

H Sub for SB 307, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; relating to antique amusement ride, limited-use amusement rides and registered agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Carpenter, Clark, Clayton, Concannon, Corbet, Crum, Curtis, 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, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, A. Smith, Stogsdill, Sutton, Swanson, Thimesch, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weber, Weigel, Wheeler, Whipple, Whitmer, Williams, Winn, Wolfe Moore.

Nays: Burris, Claeys, Cox, Jacobs, Jones, Mason, Powell, Ryckman, E. Smith, Tarwater, Vickrey.

Present but not voting: None.

Absent or not voting: Schwab.

The substitute bill passed, as amended.

SB 311, AN ACT concerning reports of abuse; relating to abuse, neglect or exploitation of certain adults; emergency medical services personnel; amending K.S.A.

2017 Supp. 39-1402 and 39-1431 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 bill passed.

H Sub for SB 391, 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, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, 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: Burris.

Present but not voting: None.

Absent or not voting: Schwab.

The substitute bill passed.

SB 410, AN ACT concerning insurance; relating to captive insurance companies; providing for association captive insurance companies, branch captive insurance companies and special purpose insurance captives; rules and regulations; amending K.S.A. 40-4301, 40-4302, 40-4303, 40-4304, 40-4306, 40-4307, 40-4308, 40-4309, 40-4310, 40-4311, 40-4313, 40-4314, 40-4317 and 40-4318 and repealing the existing sections; also repealing K.S.A. 40-4305 and 40-4316, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 15; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, 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, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Murnan, Neighbor, Ohaebosim, Orr, Ousley, F. Patton, Phelps, Phillips, R. Powell, 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: Burris, B. Carpenter, Garber, Good, Hodge, Jacobs, K. Jones, Landwehr, Mason, Miller, Osterman, Parker, Pittman, Probst, Whitmer.

Present but not voting: None.

Absent or not voting: Schwab.

The bill passed, as amended.

SB 428, AN ACT concerning the department of health and environment; relating to regulation of child care facilities; exemption from certain licensure and inspection requirements; amending K.S.A. 65-527 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 bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 279** be passed.

On motion of Rep. Jennings, **SB 328** be amended on page 1, following line 35, by inserting:

"Sec. 2. (a) On January 1, 2019, the department of corrections shall be an eligible employer as defined in K.S.A. 74-4952, and amendments thereto, and shall affiliate on January 1, 2019, with the Kansas police and firemen's retirement system established under K.S.A. 74-4951 et seq., and amendments thereto.

(b) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services, the amount required to satisfy the employer's obligation under this section as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriation. Upon affiliation, the department of corrections shall pay to the system a sum sufficient to satisfy such obligations as certified by the board.

(c) The determination of retirement, death or disability benefits shall be computed upon the basis of credited service, as used in K.S.A. 74-4951 et seq., and amendments thereto, but shall include only participating service with the department of corrections, commencing on and after the effective date of affiliation by the department of corrections with the Kansas police and firemen's retirement system.

(d) Any rights or benefits accruing to any security officer employed by the department of corrections prior to the effective date of affiliation shall be determined pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto. Any security officer who becomes a member pursuant to this section, who has a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto, and who terminates employment prior to attaining a vested benefit pursuant to K.S.A. 74-4963, and amendments thereto, may have such service credited for purposes of computing retirement benefits pursuant to K.S.A. 74-4901 et seq., and amendments thereto. Notwithstanding any provision of K.S.A. 74-4901 et seq., and amendments thereto, to the contrary, if a security officer has a vested retirement benefit pursuant to K.S.A. 74-4963, and amendments thereto, and a vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto, and retires on or after such security officer's normal retirement date under K.S.A. 74-4957a, and amendments thereto, then such security officer shall also be deemed to have retired for the purposes of K.S.A. 74-4901 et seq., and amendments thereto, and shall be eligible for such vested retirement benefit pursuant to K.S.A. 74-4917, and amendments thereto.

(e) Every person who is employed as a security officer on or after the entry date of the department of corrections into the Kansas police and firemen's retirement system

shall become a member of the Kansas police and firemen's retirement system.

(f) Except as otherwise provided by this act, any security officer employed by the department of corrections who becomes a member of the Kansas police and firemen's retirement system shall be subject to all the provisions of K.S.A. 74-4951 through 74-4970, and amendments thereto.

(g) Beginning with the first payment of compensation for services of a security officer after becoming a member of the Kansas police and firemen's retirement system, the employer shall deduct from the compensation of such member 7.15% as the employee contribution to the system. Such deductions shall be remitted, deposited and credited as provided in K.S.A. 74-4965, and amendments thereto.

(h) As used in this section, "security officer" means any person, as certified to the board by the secretary of corrections, who is employed on or after the effective date of this act as an employee of the department of corrections:

(1) Who is in any position in a job class in the corrections officer or juvenile services corrections officer class series, including, but not limited to, corrections officer I (A), corrections officer I (B), corrections officer II, corrections supervisor I, corrections supervisor II, corrections supervisor III, corrections counselor I, corrections counselor II, unit team supervisor, corrections classification administrator, juvenile corrections officer I (A), juvenile corrections officer I (B), captain, major, juvenile corrections officer II, juvenile corrections officer III, special investigator II, unit team manager, chief of security, EAI investigator or EAI investigator supervisor job class, as all such job classes are described on January 1, 2019, in the state job classification plan in effect for the classified service under the Kansas civil service act or who is in a position in any successor job class or classes that have been approved under K.S.A. 75-2938, and amendments thereto, and who have substantially the same duties and responsibilities thereof;

(2) who is promoted prior to or on or after January 1, 2019, from a position in any job class under paragraph (1) to any position in any job class of warden or deputy warden of any correctional institution, training program manager, training technician, superintendent, deputy superintendent, corrections manager I, corrections manager II, staff development specialist, safety and health inspector or safety and health specialist, as such job classes are described on January 1, 2019, in the state job classification plan in effect for the classified service under the Kansas civil service act or to any successor job class or classes that are approved under K.S.A. 75-2938, and amendments thereto, and who have substantially the same duties and responsibilities, if the person was employed and had at least three consecutive years of service in any one or more positions in any one or more job classes described in paragraph (1) immediately preceding promotion to the position in a job class under this paragraph and is located at a correctional institution or a juvenile correctional facility;

(3) who is in any position for which the duties and responsibilities directly and primarily involve operation of power plant facilities within any correctional institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders;

(4) who is in any position for which the duties and responsibilities directly and primarily involve the operation of the correctional industries activity of the department of corrections within a correctional institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders;

(5) who is in any position for which the duties and responsibilities directly and primarily involve supervision of food service or laundry operations within any correctional institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders; or

(6) who is in any position for which the duties and responsibilities directly and primarily involve supervision of maintenance operations within any correctional institution or juvenile correctional facility and involve regular contact with inmates or juvenile offenders.

(i) As used in this section, references to the department of corrections include correctional institutions as defined by K.S.A. 75-5202, and amendments thereto, and juvenile correctional facilities as defined by K.S.A. 2017 Supp. 38-2302, and amendments thereto, unless the context requires otherwise.";

Also on page 1, in line 36, following "after", by inserting "the date upon which the director of the budget and the director of legislative research certify that the appropriation described in section 2(b) has been made for fiscal year 2019 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the department of corrections; relating to"; in line 4, after "renewed" by inserting "; retirement and pensions; affiliation and membership of certain employees of the department of corrections located at correctional institutions and juvenile correctional facilities in the Kansas police and firemen's retirement system; employee and employer contributions" ; and the bill be passed as amended.

Committee report to **SB 261** be adopted.

Also, on motion of Rep. Miller to amend **SB 261**, the motion did not prevail; and the bill be passed as amended.

Committee report to **SB 266** be adopted; and the bill be passed as amended.

Committee report to **SB 281** be adopted; and the bill be passed as amended.

Committee report to **SB 310** be adopted; and the bill be passed as amended.

Committee report to **SB 180** be adopted.

Also, on motion of Rep. Carmichael to amend **SB 180**, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2734** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 336** be adopted; and **H Sub for SB 336** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 433**, as amended by Senate Committee, be amended on page 4, by striking all in lines 26 through 40; in line 41, by striking "41-2614 and"; also in line 41, by striking "are" and inserting "is";

On page 5, in line 1, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after "Supp."; in line 3, by striking

"sections" and inserting "section"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2793, AN ACT concerning gaming; relating to the Kansas expanded lottery act; authorizing sports wagering; amending K.S.A. 2017 Supp. 21-6403, 74-8702, 74-8710, 74-8716, 74-8734, 74-8741, 74-8751, 74-8752, 74-8760 and 74-8766 and repealing the existing sections, by Committee on Federal and State Affairs.

On motion of Rep. Hineman, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **H Sub for SB 56**, requests a conference and has appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 284**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 348**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 282**, requests a conference and has appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **Sub SB 272**, requests a conference and has appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

Announcing passage of **Sub SB 269, SB 352, SB 422, SB 429**.

Announcing passage of **HB 2516**.

Announcing passage of **HB 2386**, as amended by **S Sub for S Sub for HB 2386**.

Announcing passage of **HB 2496**, as amended, **HB 2523**, as amended, **HB 2549**, as amended, **Sub HB 2602**, as amended, **HB 2639**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 269, SB 352, SB 422, SB 429.

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 331**, requests a conference and has appointed Senators Kerschen, Estes and Francisco 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 **H Sub for SB 56**.

Speaker Ryckman thereupon appointed Reps. Sloan, Lewis and Curtis as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **Sub SB 272**.

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

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 282**.

Speaker Ryckman thereupon appointed Reps. Hawkins, Concannon and Murnan as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 284**.

Speaker Ryckman thereupon appointed Reps. Kelly, Powell and Finney as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 348**.

Speaker Ryckman thereupon appointed Reps. Vickrey, Dove and Neighbor as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 331**.

Speaker Ryckman thereupon appointed Reps. Hoffman, Thompson and Carlin as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Sutton, the House nonconcurrred in Senate amendments to **Sub HB 2129** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Sutton, Weber and Burroughs as conferees on the part of the House.

On motion of Rep. Mason, the House concurred in Senate amendments to **S Sub for HB 2184**, AN ACT concerning workers compensation death benefits; initial payments; legal heirs; dependents; funeral expenses; conservatorship; adequacy and equivalency with respect to other benefit limits; high school children over 18 years of age; amending K.S.A. 2017 Supp. 44-510b and repealing the existing section.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, 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, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Raffie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, 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: Concannon, Dietrich, Gallagher, Jacobs, Tarwater.

On motion of Rep. Kelly, the House nonconcurred in Senate amendments to **HB 2444** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Kelly, Powell and Finney as conferees on the part of the House.

On motion of Rep. Proehl, the House nonconcurred in Senate amendments to **HB 2511** and asked for a conference.

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

On motion of Rep. Sloan, the House nonconcurred in Senate amendments to **Sub HB 2556** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Sloan, Lewis and Curtis as conferees on the part of the House.

On motion of Rep. Hawkins, the House concurred in Senate amendments to **HB 2590**, AN ACT concerning the state long-term care ombudsman; review by secretary for aging and disability services of the state long-term care ombudsman program; access to certain records; amending K.S.A. 2017 Supp. 75-7302, 75-7303, 75-7304, 75-7306, 75-7309 and 75-7310 and repealing the existing sections.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, 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, 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: Dietrich, Gallagher, Jacobs.

On motion of Rep. Williams, the House nonconcurred in Senate amendments to **HB 2597** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Williams, Thimesch and Alcalá as conferees on the part of the House.

On motion of Rep. Proehl, the House nonconcurred in Senate amendments to **HB 2599** and asked for a conference.

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

On motion of Rep. Hawkins, the House nonconcurred in Senate amendments to **S Sub for HB 2600** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Hawkins, Concannon and Murnan as conferees on the part of the House.

On motion of Rep. Proehl, the House nonconcurred in Senate amendments to **HB 2606** and asked for a conference.

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

On motion of Rep. Williams, the House concurred in Senate amendments to **HB 2628**, AN ACT concerning airport authorities; amending K.S.A. 27-325 and repealing the existing section.

On roll call, the vote was: Yeas 122; Nays 2; 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, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, 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: Carmichael, Highberger.

Present but not voting: None.

Absent or not voting: Dietrich.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 296** be adopted; and the bill be passed as amended.

Committee report to **SB 288** be adopted; and the bill be passed as amended.

Committee report to **SB 199** be adopted.

Also, on motion of Rep. Arnberger to amend **SB 199**, Rep. Carmichael requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 179** be adopted.

Also, on motion of Rep. Hodge to amend **H Sub for SB 179**, Rep. Hawkins requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Hodge challenged the ruling, the question being "Shall the Rules Chair be sustained?"

The Rules Chair was sustained; and **H Sub for SB 179** be passed.

Committee report recommending a substitute bill to **SB 374** be adopted.

Also, roll call was demanded on motion of Rep. Hodge to amend **H Sub for SB 374**, on page 98, following line 25, by inserting:

"Sec. 32. K.S.A. 2017 Supp. 40-3107 is hereby amended to read as follows: 40-3107. Every policy of motor vehicle liability insurance issued or renewed on or after January 1, ~~2017~~ 2018, by an insurer to an owner residing in this state shall:

(a) Designate by explicit description or by appropriate reference of all vehicles with respect to which coverage is to be granted;

(b) insure the person named and any other person, as insured, using any such vehicle with the expressed or implied consent of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of any such vehicle within the United States of America or the Dominion of Canada, subject to the limits stated in such policy;

(c) state the name and address of the named insured, the coverage afforded by the policy, the premium charged and the policy period;

(d) contain an agreement or be endorsed that insurance is provided in accordance with the coverage required by this act;

(e) (1) contain stated limits of liability, exclusive of interest and costs, with respect

to each vehicle for which coverage is granted, not less than \$25,000 because of bodily injury to, or death of, one person in any one accident and, subject to the limit for one person, to a limit of not less than \$50,000 because of bodily injury to, or death of, two or more persons in any one accident, and to a limit of not less than \$25,000 because of harm to or destruction of property of others in any one accident; or

(2) if the owner has an alcohol or drug-related conviction as defined in K.S.A. 8-1013, and amendments thereto, on or after July 1, 2018, and in the immediately preceding five years, contain stated limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is granted, not less than \$100,000 because of bodily injury to, or death of, one person in any one accident and, subject to the limit for one person, to a limit of not less than \$300,000 because of bodily injury to, or death of, two or more persons in any one accident, and to a limit of not less than \$25,000 because of harm to or destruction of property of others in any one accident;

(f) include personal injury protection benefits to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a motor vehicle, not exceeding the limits prescribed for each of such benefits, for loss sustained by any such person as a result of injury. The owner of a motorcycle, as defined by K.S.A. 8-1438, and amendments thereto or motor-driven cycle, defined by K.S.A. 8-1439, and amendments thereto, who is the named insured, shall have the right to reject in writing insurance coverage including such benefits for injury to a person which occurs while the named insured is operating or is a passenger on such motorcycle or motor-driven cycle; and unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy when the named insured has rejected the coverage in connection with a policy previously issued by the same insurer. The fact that the insured has rejected such coverage shall not cause such motorcycle or motor-driven cycle to be an uninsured motor vehicle;

(g) notwithstanding any omitted or inconsistent language, any contract of insurance which an insurer represents as or which purports to be a motor vehicle liability insurance policy meeting the requirements of this act shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act;

(h) notwithstanding any other provision contained in this section, any insurer may exclude coverage required by subsections (a), (b), (c) and (d) of this section while any insured vehicles are:

(1) Rented to others or used to carry persons for a charge, however, such exclusion shall not apply to the use of a private passenger car on a share the expense basis; or

(2) being repaired, serviced or used by any person employed or engaged in any way in the automobile business. This does not apply to the named insured, spouse or relative residents; or the agents, employers, employees or partners of the named insured, spouse or resident relative; and

(i) in addition to the provisions of subsection (h) and notwithstanding any other provision contained in subsections (a), (b), (c) and (d) of this section, any insurer may exclude coverage:

(1) For any damages for which the United States government might be liable for the insured's use of the vehicle;

(2) for any damages to property owned by, rented to, or in charge of or transported

by an insured, however, this exclusion shall not apply to coverage for a rented residence or rented private garage;

(3) for any obligation of an insured, or the insured's insurer under any type of workers' compensation or disability or similar law;

(4) for liability assumed by an insured under any contract or agreement;

(5) if two or more vehicle liability policies apply to the same accident, the total limits of liability under all such policies shall not exceed that of the policy with the highest limit of liability;

(6) for any damages arising from an intentional act;

(7) for any damages to any person who would be covered for such damages under a nuclear energy liability policy;

(8) for any obligation of the insured to indemnify another for damages resulting from bodily injury to the insured's employee by accident arising out of and in the course of such employee's employment;

(9) for bodily injury to any fellow employee of the insured arising out of and in the course of such employee's employment;

(10) for bodily injury or property damage resulting from the handling of property:

(A) Before it is moved from the place where it is accepted by the insured for movement into or onto the covered auto; or

(B) after it is moved from the covered auto to the place where it is finally delivered by the insured;

(11) for bodily injury or property damage resulting from the movement of property by a mechanical device, other than a hand truck, not attached to the covered auto; and

(12) for bodily injury or property damage caused by the dumping, discharge or escape of irritants, pollutants or contaminants; however, this exclusion does not apply if the discharge is sudden and accidental.

(j) Commencing with the 2026 legislative interim period, and at least every 10 years thereafter, subject to authorization by the legislative coordinating council, a legislative interim study committee shall study the issue of whether the minimum limits of liability in subsection (e) should be adjusted.";

On page 103, in line 19, after the fourth comma by inserting "40-3107,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2 after the second semicolon, by inserting "motor vehicle liability insurance"; in line 7, after the fourth comma by inserting "40-3107,"

On roll call, the vote was: Yeas 46; Nays 75; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Ballard, Bishop, Burroughs, Carlin, Carmichael, B. Carpenter, Clayton, Crum, S., Curtis, Deere, Dierks, Ellis, Finney, Frownfelter, Gartner, Good, Helgerson, Henderson, Hodge, Holscher, Horn, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Probst, Rooker, Ruiz, Sawyer, Schroeder, Sloan, Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Brim, Burris, Claeys, Clark, Concannon, Corbet, Cox, E. Davis, Delperdang, Dietrich, Dove, Elliott, Eplee, Esau, Finch, Francis, Gallagher, Garber, Hawkins, Hibbard, Highberger, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Kelly, Kessinger, Koesten, Kuether, Lewis, Markley, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie,

Rahjes, Ralph, Resman, Schreiber, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Karleskint, Landwehr, Ryckman, Whitmer.

The motion did not prevail; and **H Sub for SB 374** be passed.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Davis to replace Rep. Schwab on Committee on K-12 Education Budget on March 28, 2018.

Also, the appointment of Rep. Ralph to replace Rep. Karleskint on Committee on K-12 Education Budget on March 28, 2018.

REPORT ON ENGROSSED BILLS

Sub HB 2398, HB 2676, HB 2773 reported correctly engrossed March 27, 2018.

HB 2308 reported correctly re-engrossed March 27, 2018.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Thursday, March 29, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

