

Journal of the House

TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 20, 2019, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Bishop and Lewis were excused on verified illness.

Reps. Victors and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Creator God,
Thank You for bringing everyone here today safely.
Help us to listen, God, as You speak to us
in ways we often miss—
like the way you speak to us through the snow.
In the quiet after the snowfall,
You remind us to be still and know You are God.
In the beauty of the snowfall,
You remind us of Your creation.
In the nasty slush on the streets,
You remind us of the way we pollute our souls.
Even in the slight sliding of our car in the snow,
You remind us how little control we actually have.
So, in the loud and demanding noise of the world,
speak to us today;
and may we hear Your still small voice
and listen not only with our ears,
but, also with our hearts.
This I pray in Your Name, Amen.

The Pledge of Allegiance was led by Rep. Humphries.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2382, AN ACT concerning certain counties; relating to the abatement of nuisances, by Committee on Federal and State Affairs.

HB 2383, AN ACT concerning the Kansas board of barbering; relating to licensure and regulation of barbers; fees; amending K.S.A. 65-1808, 65-1809, 65-1810, 65-1812,

65-1813, 65-1814, 65-1815, 65-1816, 65-1817, 65-1818, 65-1819, 65-1820a, 65-1821, 65-1822, 65-1824, 65-1825a and 74-1807 and repealing the existing sections; also repealing K.S.A. 65-1828, by Committee on Federal and State Affairs.

HB 2384, AN ACT concerning the Kansas state board of cosmetology; relating to powers, duties and functions thereof; administrative actions; regulation of certain professions; amending K.S.A. 65-1901, 65-1902, 65-1904, 65-1904b, 65-1905, 65-1906, 65-1912 and 74-2703 and repealing the existing sections, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. **HCR 5009**—

By Committee on Federal and State Affairs

HCR 5009—A CONCURRENT RESOLUTION making application to the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States that impose limits on the federal government.

WHEREAS, The founders of our Constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government; and

WHEREAS, The federal government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, The federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

WHEREAS, It is the solemn duty of the states to protect the liberty of our people – particularly for the generations to come – by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power: Now, therefore,

Be it resolved by the Legislature of the state of Kansas, the Senate concurring therein: The legislature of the state of Kansas hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and

Be it further resolved: This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made application on the same subject; and

Be it further resolved: That the Secretary of State shall send an enrolled copy of this resolution to the President and Secretary of the United States Senate and the Speaker and the Clerk of the United States House of Representatives, to the members of the United States Senate and the United States House of Representatives from this state and to the presiding officers of each of the legislative chambers in the several states.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2374, HB 2375, HB 2377.**

Federal and State Affairs: **HB 2376, HB 2378, HB 2379.**

Taxation: **HB 2380, HB 2381.**

COMMUNICATIONS FROM STATE OFFICERS

From Derek Schmidt, Kansas Attorney General; pursuant to K.S.A. 74-7316, Fiscal Year 2018 annual report of the Crime Victims Compensation Board.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

No objection was made to **HB 2070, HB 2123, HB 2143, HB 2199** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2070, AN ACT designating a portion of United States highway 75 as the John Armstrong memorial highway; amending K.S.A. 68-1051 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Lewis, Victors, Winn.

The bill passed.

HB 2123, AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; participant qualifications; amending K.S.A. 74-32,149 and repealing the existing section, was considered on final action.

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

voting: 4.

Yeas: Alcala, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Lewis, Victors, Winn.

The bill passed.

HB 2143, AN ACT concerning insurance; relating to risk-based capital requirements; version of instructions in effect; amending K.S.A. 2018 Supp. 40-2c01 and repealing the existing section, was considered on final action.

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

Yeas: Alcala, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Bishop, Lewis, Victors, Winn.

The bill passed.

HB 2199, AN ACT concerning health and healthcare; relating to preparation of dead bodies; cremation; documentation requirements; funeral director monthly reporting requirements; amending K.S.A. 65-1762 and 65-2426a and repealing the existing sections; also repealing K.S.A. 65-2429, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not

voting: 4.

Yeas: Alcala, Amyx, Arnberger, Baker, Ballard, Barker, Benson, Bergquist, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp.

Present but not voting: None.

Absent or not voting: Bishop, Lewis, Victors, Winn.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2097**, **HB 2105**, **HB 2125**, **HB 2127** be passed.

Committee report to **HB 2087** be adopted; and the bill be passed as amended.

Committee report to **HB 2104** be adopted.

Also, on motion of Rep. Hodge to amend **HB 2104**, Rep. Ralph 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.

REPORTS OF STANDING COMMITTEES

Committee on **Children and Seniors** recommends **HB 2103** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2006** be amended on page 1, following line 7, by inserting:

"New Section 1. (a) Under the authority of this section and the legislative post audit act, and subject to appropriations therefor, the legislative post audit committee shall direct the post auditor and the division of post audit to conduct a systematic and comprehensive review, analysis and evaluation, under the provisions of the legislative post audit act, of each economic development incentive program as identified by the legislative post audit committee pursuant to the definition of economic development incentive program in section 2, and amendments thereto.

(b) The evaluations shall be considered within the meaning of the term audit for purposes of the legislative post audit act and shall be conducted by the post auditor and

the division of legislative post audit pursuant to a schedule developed by the legislative post audit committee, such that all economic development incentive programs shall be reviewed every two years, and new economic development incentive programs shall be reviewed the year after the program commences, and then every two years thereafter. The timing and extent of the evaluations may be subject to adjustment by the legislative post audit committee in a manner consistent with the requirements of this section as necessary to conform with resources available to the post auditor in consideration of the demands of other duties under the legislative post audit act.

(c) In conducting such evaluations, the post auditor and the division of post audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under K.S.A. 46-1106(e), and amendments thereto, and shall be subject to the same duty of confidentiality as provided by the legislative post audit act.

(d) The evaluations shall include:

- (1) A description of the economic development incentive program;
- (2) an assessment of the program's design and administration;
- (3) an estimate of the economic and fiscal impact;
- (4) a return on investment calculation for the economic development incentive program. For purposes of this paragraph, "return on investment calculation" means analyzing the cost to the state or political subdivision for providing the economic development incentive program and analyzing the benefits realized by the state or political subdivision from providing the economic development incentive program;
- (5) other information as requested by the legislative post audit committee; and
- (6) all information, after redaction, as necessary, by the post auditor to remove information confidential under state or federal law, required for publication pursuant to section 3, and amendments thereto, with respect to the program being evaluated.

(e) The post auditor shall prepare and submit a written report with respect to each evaluation to the legislative post audit committee as provided by the legislative post audit act and, in addition, shall prepare and provide any redacted information, with respect to the economic incentive program evaluated, required for publication by the secretary of commerce pursuant to section 3, and amendments thereto, to the secretary of commerce if such information is not otherwise available to the secretary of commerce.

(f) This section shall be a part of and supplemental to the legislative post audit act.;

Also on page 1, in line 8, by striking "Section 1" and inserting "Sec. 2"; also in line 8, by striking "(a)"; also in line 8, by striking "this section" and inserting "sections 2 and 3, and amendments thereto"; in line 9, by striking "(1)" and inserting "(a)"; in line 13, by striking "(2)" and inserting "(b)"; in line 14, by striking "(A)" and inserting "(1)"; in line 16, by striking "(B)" and inserting "(2)"; in line 18, by striking "(C)" and inserting "(3)"; in line 20, by striking "and"; in line 21, by striking "(D)" and inserting "(4)"; in line 26, after "thereto" by inserting " and

(5) any economic development fund, including, but not limited to, the job creation fund established by K.S.A. 74-50,224, and amendments thereto";

Also on page 1, in line 27, by striking "(3)" and inserting "(c)"; in line 31, by striking "(4)" and inserting "(d)"; in line 34, by striking "(5)" and inserting "(e)";

On page 2, in line 6, by striking "(6)" and inserting "(f)"; in line 12, before "(b)" by inserting "New Sec. 3."; also in line 12, by striking "(b)" and inserting "(a)"; in line 24, by striking "(b)" and inserting "(a)"; in line 38, after "recipient, by inserting ". Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement"; by striking all in line 39; in line 40, by striking all before "and";

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

On page 3, by striking all in lines 22 through 27 and inserting:

"(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

- (1) Violate any federal law;
- (2) violate the confidentiality provisions of any agreement executed before July 1, 2019;
- (3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or
- (4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.";

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

On page 6, in line 25, after "commerce" by inserting "that may be disclosed pursuant to the provisions of section 3, and amendments thereto,"; in line 26, by striking "1" and inserting "3";

On page 10, in line 8, after "commerce" by inserting "that may be disclosed pursuant to the provisions of section 3, and amendments thereto,"; in line 9, by striking "1" and inserting "3";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "to" by inserting "economic development incentive program evaluations by legislative post audit,"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2201** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2290** be amended on page 1, in the title, in line 2, by striking "compensating" and inserting "compensation"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2136** be passed.

Committee on **Transportation** recommends **HB 2179** be passed.

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 2385, AN ACT designating the polka as the official state dance of Kansas, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Clark to replace Rep. Seiwert on Committee on Agriculture on February 20, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Thursday, February 21, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

