

# Journal of the House

THIRTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 25, 2019, 11:00 a.m.

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

## LETTER OF RESIGNATION

To: The Honorable Scott Schwab, Secretary of State  
19 February 2019

Effective February 22, 2019, I, Greg Lewis, hereby resign my position as Representative of the 113<sup>th</sup> District of the Kansas House of Representatives.

GREG LEWIS

The House is temporarily organized with 124 members.

The roll was called with 119 members present.

Rep. Whipple was excused on verified illness.

Rep. Henderson was excused on legislative business.

Reps. Hodge, Huebert and Karleskint were excused on excused absence by the Speaker.

Excused later: Rep. Clayton.

Present later: Rep. Henderson.

Prayer by guest chaplain, Rev. Carl Frazier, Pastor, New Hope and Love Community Church, Topeka, and guest of Rep. Warfield:

Dear Lord,

As we are gathered together this morning in a place where many decisions are made that affect the rich, poor, women, men, youth, people of many colors. My prayer is today that the legislators look down on the least of them and have mercy on their needs and hopes on every vote and law that is passed.

Matthew 25:37-40

“Then the righteous will answer Him, saying, ‘Lord, when did we see You hungry and feed You, or thirsty and give You drink? When did we see You a stranger and take You in, or naked and clothe You? Or when did we see You sick, or in prison, and come to You?’ And the King will answer and say to them, ‘Assuredly, I say to you, inasmuch as you did it to one of the least of these My brethren, you did it to Me.’”

Lord, we are in a state of emergency.

Amos 5:24 “But let justice run down like water, And righteousness like a mighty stream.” Lord, there are many people's hearts that are troubled today and they need justice and righteousness from this injustice system not next year, not next month, not next week, nor tomorrow, but right now. This is my prayer. Amen.

The Pledge of Allegiance was led by Rep. Weigel.

### **PERSONAL PRIVILEGE**

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

Thank you, Mr. Speaker.

As many of you know on February 10, I was injured by a fall on an icy sidewalk as I went out to pick up our Sunday newspaper. I want to let you know that I am recovering, slowly but surely. I am back and so glad to be back.

With your indulgence Mr. Speaker, I would like to express my gratitude to a few folks.

To the prompt response of the EMTs and Fire Department who—as they loaded me into the ambulance—thanked me for my service.

To the Ascension Via Christi St. Francis Trauma Team for their expert care. I am convinced they are the premier Trauma Team in the state.

To the fabulous nurses and aides at St. Francis Hospital for the loving care I received. I could not have asked for better care than they gave me.

To my Democratic colleagues who have stepped up and added the coverage of my committee meetings to their already busy schedules.

To my colleague from Butler County who led the South-Central Kansas Legislative Delegation so capably in my absence.

To my office assistant, Bernie O’Konek, who juggled my calendar, and kept the office running smoothly while I recovered.

To all of you for the cards, notes, calls and prayers for my speedy recovery. Your concern, prayers, and encouragement mean more than I can possibly express. I also received an enormous spathiphyllum--better known as a Peace Lily. It is beautiful, with green lustrous leaves and white blooms. I will so enjoy caring for it. It will remind me that at heart, of course, we truly care for one another.

I also want to thank my husband, Darrel Bishop. Without Darrel’s help I would not be here today. Darrel has had to re-arrange his life in order to help me continue to serve the people who elected me to be here and represent them. His loving support has been the main element that has allowed me to recover as smoothly as I have.

Thank you for allowing me this time, Mr. Speaker.

### **CONSENT CALENDAR**

No objection was made to **HB 2246** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2215**, **HB 2365** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2201** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2201**, AN ACT concerning the department of health and environment; relating to powers, duties and functions; tuberculosis program; updating statutory references necessitated by 2012 executive reorganization order no. 41; amending K.S.A. 65-1161, 65-116k, 65-116l and 65-116m and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgeson, Helmer, Hibbard, Highberger, Highland, Hineman, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Humphries, Jacobs, Jennings, Johnson, 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, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Clayton, Henderson, Hodge, Huebert, Karleskint, Whipple.

The bill passed.

### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2279** be amended on page 2, in line 33, by striking all before the comma and inserting "for a domestic violence offense as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto"; in line 37, by striking all after "The"; by striking all in lines 38 and 39; in line 40, by striking all before the semicolon and inserting "fact that in some cases the person arrested can be released from custody in a short amount of time"; On page 2, in line 41, by striking all after "the"; by striking all in lines 42 and 43;

On page 3, by striking all in lines 1 and 2; in line 3, by striking all before the semicolon and inserting "fact that in some cases a bond condition may be imposed on the person arrested that prohibits contact with the victim for 72 hours, and that if the person arrested contacts the victim during that time, the victim should notify law enforcement immediately"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2171**, **HB 2172**, **HB 2176** be passed.

Committee on **Elections** recommends **HB 2170** be amended on page 1, in line 8, by striking all after the period; by striking all in line 9; in line 10, by striking all before

"Reports"; in line 11, by striking "and only"; in line 12, after the period by inserting "Any candidate for state office may request an exemption from the electronic filing requirement, and the governmental ethics commission executive director may grant an exemption for cause."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2133** be amended on page 1, in line 5, by striking "railroad company,"; in line 8, by striking "containing" and inserting "of known alcoholic liquors shipped by such carrier. The report shall contain"; also in line 8, by striking all after "(1)"; in line 9, by striking all before the second "the"; also in line 9, by striking all after the third "the"; in line 11, by striking "(3)" and inserting "(2)"; also in line 11, by striking "(4)" and inserting "(3)"; in line 12, by striking "(5)" and inserting "(4)"; in line 13, by striking "(6)" and inserting "(5)"; in line 14, by striking "(7)" and inserting "(6)"; in line 18, by striking all after "any"; in line 23, by striking "railroad company,"; in line 24, after "that" by inserting "willfully"; and the bill be passed as amended.

Committee on **Financial Institutions and Pensions** recommends **HB 2203** be amended on page 7, in line 28, after "(8)" by inserting "(a) Except as provided in subsection (8)(b).";

On page 8, following line 1, by inserting:

"(b) For members who retired on and after July 1, 2016, and on or before July 1, 2019, if determined by the retirement system that a retirant entered into a prearranged agreement for employment with a participating employer prior to such retirant's retirement date and the subsequent 60-day waiting period, or the 180-day waiting period under subsection (10), and upon being notified of the violation, the retirant terminated such employment, the provisions of subsection (a) shall not apply. If any retirant had benefits suspended prior to July 1, 2019, such benefits shall be reimbursed by the retirement system, if the retirant terminated such prearranged employment in accordance with the provisions of this act.";

On page 1, in the title, in line 4, after the semicolon by inserting "certain retirants from penalties; authorizing reimbursement of certain suspended retirement benefits"; and the bill be passed as amended.

Committee on **Rural Revitalization** recommends **HB 2112** 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 2387**, AN ACT concerning insurance; relating to health insurance; requiring the state healthcare benefits program to accept participation as a provider by any willing pharmacist, by Committee on Appropriations.

## COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Rahjes to replace Rep. Heubert on Committee on Education on February 25, 2019.

Also, Rep. Dietrich will serve as the chair of Committee on Education on February 25, 2019.

On motion of Rep. Hawkins, the House recessed until 3:00 p.m.

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AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Finch in the chair.

**REPORTS OF STANDING COMMITTEES**

Committee on **Children and Seniors** recommends **HB 2346** be amended on page 2, in line 5, after "student" by inserting "enrolled"; in line 7, by striking "resides and"; in line 8, after "student" by inserting "enrolled"; and the bill be passed as amended.

Committee on **Children and Seniors** recommends **HB 2360** be amended on page 1, in line 12, after "have" by inserting "supervised or"; in line 15, after "have" by inserting "supervised or"; in line 20, after "except" by inserting "such businesses or"; also in line 20, by striking all after "organizations"; in line 21, by striking all before "65-516" and inserting "that are subject to the provisions of K.S.A. 39-970,"; also in line 21, after "65-516" by inserting "or 65-5117"; also in line 21, after "thereto" by inserting " , or K.S.A. 2018 Supp. 39-2009 or 75-53,105, and amendments thereto";

On page 2, in line 6, after "authorized" by inserting "to"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2314** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2223** be amended on page 1, in line 14, after "and" by inserting "the manufacture for or sale of wine to"; also in line 14, by striking "permits" and inserting "licenses";

On page 3, in line 40, by striking "permits" and inserting "licenses"; in line 41, by striking "permit" and inserting "license"; in line 42, by striking "permit" and inserting "license"; in line 43, by striking "permit" and inserting "license";

On page 4, in line 2, by striking the first "permit" and inserting "license"; also in line 2, by striking the second "permit" and inserting "license"; in line 3, by striking "permit" and inserting "license"; in line 5, by striking the first "permit" and inserting "license"; also in line 5, by striking the second "permit" and inserting "license"; in line 7, by striking "permit" and inserting "license"; in line 8, by striking "permit" and inserting "license"; in line 11, by striking "permit" and inserting "license"; in line 15, by striking "Permits" and inserting "Licenses"; also in line 15, by striking "one year" and inserting "two years"; following line 16, by inserting:

"(f) If the producer licensee is also licensed as a club or drinking establishment, the producer's license shall allow the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act. If the producer licensee is also licensed as a cereal malt beverage licensee, the producer's license shall allow the sale of cereal malt beverage and beer not exceeding 6% alcohol by volume for consumption on the licensed premises as authorized by the Kansas cereal malt beverage act.";

Also on page 4, in line 17, by striking "annual"; also in line 17, by striking "permit" and inserting "license"; also in line 17, by striking "\$100" and inserting "\$200"; following line 17, by inserting:

"(h) The officers, directors, shareholders or managers of a producer licensee shall

meet the qualifications of K.S.A. 41-311(a), and amendments thereto.

(i) The producer licensee shall secure a license bond under the liquor control act in an amount of \$500, conditioned on the faithful compliance of all of the provisions of the law, rules and regulations relating to the payment of the liquor drink tax due under Kansas law, and with all of the provisions of the law, rules and regulations relating to the payment of the Kansas liquor enforcement tax due under Kansas law.";

Also on page 4, in line 18, by striking "(g)" and inserting "(j)"; also in line 18, by striking "permit" and inserting "license"; in line 19, by striking "permit" and inserting "license"; in line 27, by striking "permit" and inserting "license"; in line 31, by striking "permit" and inserting "license"; following line 33, by inserting:

"(l) Wine produced by the farm winery for the producer licensee shall be counted toward the minimum Kansas content requirement. The label for such wine as filed with the trade and tax bureau, United States department of the treasury, may be owned either by the producer or the farm winery.

(m) (1) Nothing in this section shall be construed to prohibit a person from possessing alcoholic liquor or cereal malt beverage not purchased from the licensee on the premises licensed pursuant to this section.

(2) Nothing in this section shall prevent a licensee from adopting a policy prohibiting the possession of alcoholic liquor or cereal malt beverage not purchased from the licensee on the licensee's premises licensed pursuant to this section.";

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

On page 1, in the title, in line 1, after "producer" by striking "permits" and inserting "licenses"; and the bill be passed as amended.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2354** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2354," as follows:

"Substitute for HOUSE BILL NO. 2354

By Committee on Commerce, Labor and Economic Development

"AN ACT concerning labor and employment; relating to high school work-based learning programs; liability for students and employers; amending K.S.A. 72-18,101 and 72-18,102 and repealing the existing sections.";

And the substitute bill be passed.

(Sub **HB 2354** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2336** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2018** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2018," as follows:

"Substitute for HOUSE BILL NO. 2018

By Committee on Corrections and Juvenile Justice

"AN ACT creating the Kansas criminal justice reform commission; relating to duties and membership; report to legislature.";

And the substitute bill be passed.

(Sub **HB 2018** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2048** be amended on page 3, in line 19, after the period by inserting:

"(A)";

Also on page 3, also in line 19, by striking "crime" and inserting "misdemeanor"; in line 22, after "comparable" by inserting "person"; following line 24, by inserting:

"(B) (i) In designating a felony crime as person or nonperson, an out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if one or more of the following circumstances is present as defined by the convicting jurisdiction in the elements of the out-of-state offense:

- (a) Death or killing of any human being;
- (b) threatening or causing fear of bodily or physical harm or violence, causing terror, physically intimidating or harassing any person;
- (c) bodily harm or injury, physical neglect or abuse, restraint, confinement or touching of any person, without regard to degree;
- (d) the presence of a person, other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance;
- (e) possessing, viewing, depicting, distributing, recording or transmitting an image of any person;
- (f) lewd fondling or touching, sexual intercourse or sodomy with or by any person or an unlawful sexual act involving a child under the age of consent;
- (g) being armed with, using, displaying or brandishing a firearm or other weapon, excluding crimes of mere unlawful possession; or
- (h) entering or remaining within any residence, dwelling or habitation.
- (ii) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if the elements of the out-of-state felony conviction or adjudication necessarily prove that a person was present during the commission of the offense that resulted in the out-of-state conviction. For purposes of this clause, the person present must be someone other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance. The presence of a person includes physical presence and presence by electronic or telephonic communication.

(iii) An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as nonperson if the elements of the offense that resulted in the out-of-state conviction or adjudication do not require proof of any of the circumstances in subparagraph (B)(i) or (ii).";

On page 4, in line 10, by striking all after "(j)"; by striking all in lines 11 through 20; in line 21, by striking "(k)"; following line 23, by inserting:

"(k) The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively."; and the bill be passed as amended.

Committee on **Education** recommends **HB 2144** be amended on page 1, in line 21, by striking "through 3" and inserting "and 2"; in line 22, by striking "71-204,"; also in line 22, by striking ", 71-406, 71-407 and 71-612"; by striking all in lines 26 through 36;

On page 2, by striking all in lines 1 through 16; in line 17, by striking "Sec. 2" and inserting "Section 1"; in line 18, by striking "are fully"; in line 19, by striking all before

"state" and inserting "transfer to all"; also in line 19, by striking "institution" and inserting "institutions"; in line 21, by striking all after "website"; by striking all in line 22; in line 23, by striking all before the period and inserting "and shall be accessible through a link on the state board of regent's website"; in line 24, by striking "3" and inserting "2"; in line 25, by striking all after "information"; by striking all in line 26; in line 27, by striking all before "on";

On page 3, in line 10, by striking all after "(g)"; by striking all in lines 11 through 13; in line 14, by striking "(h)"; in line 23, after "for" where it appears for the first time, by inserting "all institutional"; by striking all in lines 33 through 43;

And by redesignating subsections accordingly;

On page 4, by striking all in lines 1 through 19; in line 20, by striking "5" and inserting "3"; in line 25, by striking "which shall be" and inserting "and for purposes"; by striking all in lines 31 through 43;

By striking all on pages 5 and 6;

On page 7, by striking all in lines 1 through 36; in line 37, by striking "9" and inserting "4"; also in line 37, by striking "71-204,"; also in line 37, by striking ", 71-406, 71-407 and 71-612 are" and inserting "is"; in line 39, by striking "10" and inserting "5";

On page 1, in the title, in line 1, by striking all after "to"; in line 2, by striking all before the second semicolon and inserting "publication of financial information"; in line 3, by striking all before "amending"; also in line 3, by striking "71-204,"; also in line 3, by striking all after "71-301"; in line 4, by striking all before the second "and"; also in line 4, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2238** be amended on page 1, in line 5, by striking "3" and inserting "5"; in line 17, by striking the colon; by striking all in line 18; in line 19, by striking "(2)";

On page 2, in line 21, by striking ", drain any pond or ponds of water,"; following line 34, by inserting:

"(f) In assessing the cost of removal and abatement of a nuisance, the county shall subtract from the total cost of the abatement or removal incurred by the county the value of the property removed or abated. If the value of the property removed or abated is greater than the cost of the abatement or removal incurred by the county, the county shall pay the owner the difference. If the value of the property is contested, the property owner may request a hearing before the governing body or its designated representative prior to the 30 days following receipt of notice of costs due and payable under subsection (d).";

On page 3, following line 10, by inserting:

"Sec. 5. Nothing in the Sedgwick county urban area nuisance act shall apply to land, structures, machinery and equipment, or motor vehicles used for agricultural purposes.";

Also on page 3, in line 11, by striking "5" and inserting "6"; and the bill be passed as amended.



**REPORT ON ENGROSSED BILLS**

**HB 2007, HB 2085, HB 2101, HB 2119** reported correctly engrossed February 21, 2019.

On motion of Rep. Hawkins, the House adjourned until 9:00 a.m., Tuesday, February 26, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

