

Journal of the House

THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 12, 2019, 11:00 a.m.

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

The roll was called with 119 members present.

Rep. Concannon was excused on verified illness.

Reps. Ballard, Pittman, S. Ruiz and Whipple were excused on excused absence by the Speaker.

Excused later: Rep. Johnson.

Prayer by guest chaplain, Dr. Benjamin Heffernan, Pastor, Bethel Community Baptist Church, Ft. Scott, and guest of Rep. Jacobs:

God of heaven and earth, full of wisdom and might, and rich in mercy and goodness, as this governing body begins its day of work, we pause to acknowledge and honor you, the eternal Sovereign who rules in the affairs of men. You sit upon a throne in your absolute authority surrounded by the innumerable host of heaven. Only your counsel shall stand, and only your purposes will not fail. I pray that every member of this governing body would submit to your authority so that what you have deemed "good" none would call "evil" nor would any esteem as good, what you have declared as evil.

Oh gracious King, give to this land the blessing that can come from you alone as we humble ourselves before you! Give your grace to these lawmakers so that they would govern in righteousness and that their decisions would produce peace. Give them success in the difficult task of restraining the wicked desires of our evil hearts.

We thank you, our divine Ruler, that we can come to you for the assistance that we so desperately need through the one mediator between God and men, the man Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Huebert.

INTRODUCTION OF GUESTS

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

Fellow legislators, I have the pleasure of honoring Lakeview Village which is in the heart of District 30 in Lenexa.

Lakeview Village, a locally owned, nonprofit retirement community is the largest continuing care retirement community in Kansas, serving over 700 residents on 100 acres since 1964.

Lakeview Village achieved top marks from U.S. News and World Report. Superior service and care by U.S. News named Lakeview Village as Best Nursing Home AND Best Overall and Short-Stay Rehabilitation on a national evaluation. Ranking them among the top 5% nationwide to receive BOTH honors.

Today, we have with us the leadership of Lakeview Village, who state that it is due to the service and dedication of their staff at Lakeview on a daily basis, that this accomplishment was achieved.

Rep. Woodard introduced his guests representing Lakeview Village:

Jamie Frazier, president & CEO; Mary Schworer, COO; Kathleen Muraski, director of rehabilitation; Pam Hermon, director of health services and Zoe Ninon, director of nursing.

Rep. Woodard presented his guests with a framed House certificate in honor of their outstanding national recognition.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2394, AN ACT concerning crimes, punishment and criminal procedure; relating to abuse of a child; creating the crime of aggravated abuse of a child; criminal penalties; amending K.S.A. 2018 Supp. 21-5602 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2395, AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-1151, 72-1167, 72-3123, 72-3422, 72-4352, 72-4354, 72-5130, 72-5131, 72-5132, 72-5142, 72-5144, 72-5150, 72-5151, 72-5153, 72-5170, 72-5171, 72-5193, 72-5461, 72-5462, 72-6147, 72-6487 and 72-8193 and K.S.A. 2018 Supp. 79-201x, 79-32,117 and 79-4227 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2393**.

Judiciary: **HB 2392**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Schreiber, **HR 6016**, by Reps. Schreiber, Alcalá, Ballard, Carlin, Croft, Highberger, Hoffman, Long, Mastroni, Murnan, Rahjes, Sawyer, Smith, Thompson, Wheeler and Wolfe Moore, as follows, was introduced and adopted:

HOUSE RESOLUTION No. HR 6016—

HR 6016—A RESOLUTION recognizing the Kansas Small Business Development Center's 2019 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (SBDC), a member of America's SBDC, is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting and training and the identification of appropriate resources; and

WHEREAS, In 2019, the Kansas SBDC regional directors and staff selected eight Emerging Businesses of the Year award recipients and eight Existing Businesses of the Year award recipients; and

WHEREAS, The Kansas SBDC's Business of the Year awards recognize Kansas SBDC clients for superior performance; and

WHEREAS, The Business of the Year award recipients have achieved major accomplishments, overcome significant obstacles, demonstrated good corporate citizenship through community contributions, and shown growth and made a positive economic impact in Kansas, based on a record of profitability and on the Kansas SBDC Economic Impact Tracking spreadsheet; and

WHEREAS, The 2019 Kansas SBDC Emerging Businesses of the Year are: ArtForms Gallery in Pittsburg, owned by Sue Horner, Janet Lewis, Ruth Miller, and Sylvia Shirley; Ellen Plumb's City Bookstore in Emporia, owned by Marcia Lawrence; Gravity Wellness Center in Garden City, owned by Kristi Schmitt; Leeway Franks in Lawrence, owned by Lee and K. Meisel; Lost Creek German Shepherds in Clayton, owned by Taylor and John Meitl; Norsemen Brewing Company in Topeka, owned by Jared and Emily Rudy and Adam and Melissa Rosdahl; Safely Delicious in Overland Park, owned by Lisa Ragan; and Triple Threat Ag Services in Conway Springs, owned by Aaron, Allen, Paul, and Phillip Lange; and

WHEREAS, The 2019 Kansas SBDC Existing Businesses of the Year are: Angela's Wellness Center, LLC in Elkhart, owned by Angela Willey; Bolling's Meat Market & Deli in Iola, owned by Cara Bolling Thomas; Dod Installations in Wichita, owned by Wilt and Tina Dod; Floyd's Inc. in Emporia, owned by John and Ruth Wheeler; Good Energy Solutions in Lawrence, owned by Kevin Good; LaCrosse Furniture Co. in LaCrosse, employee-owned; The Winged Lion in Manhattan, owned by Ralph Diaz; and Wolcott Foods in Kansas City, owned by Ron Tilman; and

WHEREAS, The Kansas SBDC Businesses of the Year serve as examples of the success that the Kansas SBDC and small business owners across Kansas can achieve: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize the Kansas Small Business Development Center's 2019 Businesses of the Year. We wish them all, the Kansas SBDC, and America's SBDC continued success in the future; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 16 enrolled copies of this resolution to Representative Schreiber.

INTRODUCTION OF GUESTS

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

Good morning colleagues:

It is an honor to present the 2019 winners of the Kansas Small Business Development Center existing, emerging and exporting businesses of the year.

The Kansas Small Business Development Centers (KSBDCs) work with small businesses, start-ups and entrepreneurs to help them compete in today's highly competitive global economy. Eight regional centers and two outreach centers combine the resources of a professional staff, the state's best educational institutions, the private sector and government.

The mission of these centers is to help new entrepreneurs realize the dream of business ownership, and to assist existing businesses to remain competitive in the complex marketplace of a global economy.

Small business owners and aspiring entrepreneurs can go to their local center for free face-to-face business consulting and at-cost training, on topics including:

- Writing business plans
- Accessing capital
- Marketing
- Regulatory compliance
- Technology development
- International trade

They can also meet with people on the phone, or online no matter where they are located in the state.

In 2017, the impact of the Kansas SBDCs was:

- 3,019 jobs created/retained
- \$75.2m new business sales
- \$110.9m new business capital

The businesses being recognized today are:

2019 Kansas SBDC Emerging Businesses of the Year are:

- Ellen Plumb's City Bookstore in Emporia, Marcia Lawrence
- Lost Creek German Shepherds in Clayton, Taylor and John Meitl
- Safely Delicious in Overland Park, Lisa Ragan
- Leeway Franks in Lawrence, Lee and K Meisel
- ArtForms Gallery in Pittsburg, Sue Horner, Janet Lewis, Ruth Miller and Sylvia Shirley
- Gravity Wellness Center in Garden City, Kristi Schmitt
- Triple Threat Ag Services in Conway Springs, Aaron, Allen, Paul and Phillip Lange
- Norsemen Brewing Company in Topeka, Jared and Emily Rudy, Adam and Melissa Rosdahl

2019 Kansas SBDC Existing Businesses of the Year are:

- Floyd's, Inc. in Emporia, John and Ruth Wheeler
- LaCrosse Furniture Company in LaCrosse, Employee owned
- Wolcott Foods in Kansas City, Ron Tilman
- Good Energy Solutions in Lawrence, Kevin Good
- Bollings Meat Market and Deli in Iola, Cara Bolling Thomas
- Angela's Wellness Center in Elkhart, Angela Willey
- Dod Installations in Wichita, Wilt and Tina Dod
- The Winged Lion in Manhattan, Ralph Diaz

The owners of these businesses are in the gallery today. Please help me congratulate these outstanding businesses and their owners.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 17**, **SB 39** be passed.

Committee report to **HB 2133** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Carmichael to amend **SCR 1606** on page 2, in line 15, by striking all after "children"; by striking all in lines 16 and 17; in line 18, by striking all before the period

On roll call, the vote was: Yeas 37; Nays 81; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Murman, Neighbor, Ohaebosim, Ousley, Parker, Probst, Ruiz, L., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Ballard, Concannon, Johnson, Pittman, Ruiz, S., Whipple.

The motion of Rep. Carmichael to amend **SCR 1606** did not prevail.

Also, on motion of Rep. Benson to amend **SCR 1606**, Rep. Barker requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the

amendment not germane.

Rep. Benson challenged the ruling of the Rules Chair.

Roll call was demanded on Rep. Benson's challenge of the ruling of the Rules Chair, the question being "Shall the Rules Chair be sustained?"

On roll call, the vote was: Yeas 80; Nays 37; Present but not voting: 0; Absent or not voting: 7.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, Carpenter, B., Carpenter, W., Claeys, Clark, Collins, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, Williams.

Nays: Alcalá, Amyx, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Probst, Ruiz, L., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: none.

Absent or not voting: Ballard, Concannon, Hineman, Johnson, Pittman, Ruiz, S., Whipple.

The Rules Chair was sustained.

Also, on motion of Rep. Ward to amend **SCR 1606**, Rep. Hawkins requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Alcalá to amend **SCR 1606**, Rep. Barker requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Also, on further motion of Rep. Alcalá to amend **SCR 1606**, Rep. Barker requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Hodge to amend **SCR 1606**, Rep. Awerkamp requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Rep. Hodge challenged the ruling of the Rules Chair.

Roll call was demanded on Rep. Hodge's challenge of the ruling of the Rules Chair, the question being "Shall the Rules Chair be sustained?"

On roll call, the vote was: Yeas 79; Nays 34; Present but not voting: 0; Absent or not voting: 11.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Corbet, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highberger, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, F. Patton,

Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Alcalá, Amyx, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hodge, Holscher, Horn, Kuether, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Probst, Ruiz, L., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Ballard, Concannon, Cox, Hineman, Johnson, Lusk, Pittman, Ruiz, S., Waggoner, Whipple, Wolfe Moore.

The Rules Chair was sustained.

Also, on further motion of Rep. Hodge to amend **SCR 1606**, Rep. Barker requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Also, on further motion of Rep. Hodge to amend **SCR 1606**, Rep. Barker requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Also, on further motion of Rep. Carmichael to amend **SCR 1606**, Rep. Barker requested a ruling on the amendment being germane to the resolution. The Rules Chair ruled the amendment not germane.

Roll call was demanded on motion to recommend **SCR 1606** favorably for adoption.

On roll call, the vote was: Yeas 78; Nays 5; Present but not voting: 32; Absent or not voting: 9.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Nays: Bishop, Carmichael, Pannbacker, Victors, Winn.

Present but not voting: Alcalá, Amyx, Benson, Burroughs, Carlin, Clayton, Curtis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Ruiz, L., Sawyer, Stogsdill, Thompson, Ward, Warfield, Weigel, Woodard, Xu.

Absent or not voting: Ballard, Concannon, Hineman, Johnson, Pittman, Probst, Ruiz, S., Whipple, Wolfe Moore.

The motion prevailed and **SCR 1606** be adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Rural Revitalization** recommends **HB 2154** 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 2396, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; certified drug abuse treatment programs; amending K.S.A. 2018 Supp. 21-6824 and repealing the existing section, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker pro tem Finch announced the withdrawal of **HB 2018** from the Committee on **Appropriations** and referral to the Committee on **Corrections and Juvenile Justice**.

Also, the withdrawal of **HB 2392** from the Committee on **Judiciary** and referral to the Committee on **Federal and State Affairs**.

REPORT ON ENROLLED RESOLUTIONS

HR 6014, **HR 6015** reported correctly enrolled and properly signed on March 12, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, March 13, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks*.

SUSAN W. KANNARR, *Chief Clerk*.

