

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 13, 2018, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Dove, Francis and Winn were excused on legislative business.

Reps. Helgerson and Wolfe Moore were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Gracious and loving God,
thank You for the many blessings You give to us each day.
As we get closer to the last day for committee meetings,
the work may seem to increase, and the days grow a bit longer.
Help our leaders to know they can find rest in You,
and that their hope comes from You.
As they consider and decide on many issues,
some may not know how to go or what to do.
Remind them of Your promise that
“whether *they* turn to the right or to the left,
their ears will hear a voice behind *them* saying,
‘this is the way; walk in it.’”
May they know they can trust Your leading,
for You are our refuge, rock and fortress.
This I pray in Your Name, Amen.
(Isaiah 30:21, NIV)

The Pledge of Allegiance was led by Rep. Rahjes.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Health and Human Services: **SB 282**.

Judiciary: **SB 180, SB 288**.

Transportation: **Sub SB 285**.

INTRODUCTION OF GUESTS

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

It is my pleasure to introduce to you Miss Kansas' Outstanding Teen 2017 - Taylor Clark

Taylor Clark was crowned Miss Kansas' Outstanding Teen in June 2017 in Pratt, Kansas. Taylor resides in St. John, Kansas and attends St. John High School. Her parents are Natalie and Bill Clark. Taylor performed a drum solo to "In the Mood/Sing, Sing, Sing" and aspires to obtain a degree in Music Education with the hopes of becoming a Band Director. Taylor is an Honor Student and will spend her year of service as Miss Kansas' Outstanding Teen promoting her personal platform "STEAM for Teens!" as well as Miss America's National Platform, Children's Miracle Network Hospitals. Taylor hopes to positively impact the lives of teens across our state by introducing them to personalized learning through STEAM (Science, Technology, Engineering, Arts, and Mathematics). In her free time, Taylor loves to attend and perform in local plays, and is a history fanatic.

Rep. Lewis presented Miss Clark with a framed House certificate.

INTRODUCTION OF GUESTS

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

Today, I have the honor to welcome seven high school students to the Kansas Capitol and the Senate. The students represent four countries – Germany, Italy, Moldova and Pakistan and are spending an academic year learning about our country first-hand by living with a host family.

This effort is coordinated by the Council on International Education Exchange program (CIEE). The CIEE program is our country's oldest and largest nonprofit study abroad and intercultural exchange organization.

Programs such as this promote citizen diplomacy with an understanding and mutual respect between communities and nations by an exchange of ideas and experiences. While learning about America's society they are educating our children about this culturally diverse world.

Before introducing the students, I wish to thank the CIEE Local Coordinator, Anita Sass, who works to place students with host families. She is accompanying these students today.

Rep. Horn introduced the following students to the body and welcomed them to Kansas:

- Alessandra Maltempi, Italy - Free State High School, Lawrence
- Saskia Nowak, Germany - Lawrence High School, Lawrence
- Fritz Wisser, Germany - Wellsville High School, Wellsville
- Mathes Trauer, Germany - Wellsville High School, Wellsville
- Sophie Simon, Germany - Baldwin High School, Baldwin City
- Iana Cuznetov, Moldova - Lawrence High School, Lawrence
- Prah Haider, Pakistan - Baldwin High School, Baldwin City

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Claeys, **HR 6043**, A RESOLUTION urging the Federal Aviation Administration to accept Kansas' application for the Unmanned Aerial Systems Integration Pilot Program, was adopted.

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

Before us today is **HR 6043**, a resolution supporting the Kansas Department of Transportation application for the FAA Unmanned Aircraft Systems Integration Pilot Program.

Kansas was the first state in the nation to appoint a Director of Unmanned Aircraft Systems, and the first to have an operational Unmanned Traffic Management system in place for state agencies, 138 airports and 37 higher education institutions.

Our UAS Joint Task force is made up of 17 state agencies, universities and associations working together to deliver economic development using safe UAS operational practices.

We are leading the way in this emerging industry, and there would be no better way to punctuate our position in Unmanned Aircraft Systems than to win selection as a state capable of integrating unmanned aircraft systems into the national airspace.

Here in Kansas, we are the Air Capital of the World, not just because of our factories, but based on the expertise of our people. Letters of support have been sent from partners from the entire federal delegation, the office of the governor, the Kansas Senate, our higher education institutions and our private partners (too many to list, but a sample includes) Black and Veatch, Westar Energy, Kansas Farm Bureau, Garmin, Airmap, AT&T, Microsoft and dozens of others.

Your vote today will add the Kansas House of Representatives to the list of supporters of the Kansas application for the FAA Unmanned Aircraft Systems Integration Pilot Program.

CONSENT CALENDAR

No objection was made to **SB 283** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2436** appearing on the Consent Calendar for the second day.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2444** be passed.

Committee report to **HB 2455** be adopted; and the bill be passed as amended.

Committee report to **HB 2456** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2558** 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 **Corrections and Juvenile Justice** recommends **HB 2566** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2608** 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 **Corrections and Juvenile Justice** recommends **HB 2534** be amended on page 1, following line 5, by inserting:

"New Section 1. No person shall operate any motor vehicle under normal road conditions in a manner that, whether from a stationary position or while the motor vehicle is in motion, intentionally causes:

- (a) The tires of the motor vehicle to break traction with the surface of the road;
- (b) the tires to spin leaving marks on the road; or
- (c) squealing of tires.";

Also on page 1, in line 8, by striking the third comma; in line 9, by striking all before the second "or"; by striking all in lines 24 through 31;

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

Also, on page 1, following line 32, by inserting:

"Sec. 3. K.S.A. 2017 Supp. 8-2118 is hereby amended to read as follows: 8-2118.

(a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$105
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed	8-1558	1-10 mph over the

limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	to 8-1560 8-1560a or 8-1560b	limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on di-	8-1524	\$45

vided highway		
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approach- ing vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with re- strictions in road con- struction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering road- way; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian move- ment in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pe- destrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper "U" turn	8-1546	\$75
Unsafe starting of stopped	8-1547	\$45

vehicle		
Unsafe turning or stopping, failure to give proper sig- nal; using turn signal un- lawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75

Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75
Driving over fire hose	8-1582	\$45
Putting glass, etc., on high- way	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snow- mobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of mo- torcycle; seats; passen- gers, bundles	8-1594	\$45
Improper operation of mo- torcycle on laned road way	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handle- bars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye- protection requirements	8-1598	\$45
Unlawful operation of all-ter- rain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro	8-15,106	\$75

utility truck		
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-site utility vehicle	8-15,109	\$75
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45

Improper vehicular hazard warning lamp	8-1722	\$45
Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression release engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45

Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflector	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mirrors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of	8-1909	Pounds Overweight vehicle or combination up to 1000\$40 1001 to 20003¢ per pound 2001 to 50005¢ per pound 5001 to 75007¢ per pound 7501 and over.....10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000\$40 1001 to 20003¢ per pound 2001 to 50005¢ per pound 5001 to 75007¢ per pound 7501 and over.....10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance	66-1,128	\$137

ance for motor carriers	or 66-1314	
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in sub- section (b)(2) of K.S.A. 66-1,130 (b)(2) , and amendments thereto	66-1,129	\$115
<u>Excessive acceleration</u>	<u>Section 1</u>	<u>\$100</u>

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under ~~subsection (a)(4) of K.S.A. 8-1560(a)(4)~~, and amendments thereto.";

Also on page 1, in line 33, by striking "is" and inserting "and K.S.A. 2017 Supp. 8-2118 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "and" by inserting "K.S.A. 2017 Supp. 8-2118 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2541** be passed.

Committee on **Health and Human Services** recommends **HB 2501** be passed.

Committee on **Health and Human Services** recommends **HB 2472** be amended on page 4, in line 4, by striking all after "to"; in line 5, by striking all before "in" and inserting "give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry";

On page 9, in line 10, by striking all after "to"; in line 11, by striking "body" and inserting "give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry";

On page 12, in line 26, by striking all after "to"; in line 27, by striking all before "in" and inserting "give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry";

On page 19, by striking all in lines 15 and 16;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2644** from the Committee on Higher Education Budget and referral to the Committee on Appropriations.

Also, the withdrawal of **HB 2681**, **HB 2699**, **HB 2728**, **HB 2734**, **HB 2550**, **HB 2548** from the Committee on Judiciary and referral to the Committee on Appropriations.

Also, the withdrawal of **HB 2724**, **HB 2625** from the Committee on Judiciary and referral to the Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2572** from the Committee on Commerce, Labor and Economic Development and referral to the Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Ward to replace Rep. Winn on Committee on K-12 Education Budget and Committee on Education on Feb. 13, 2018.

Also, the appointment of Rep. Frownfelter to replace Rep. Carmichael on Committee on Commerce, Labor and Economic Development on February 13, 2018.

Also, the appointment of Rep. Frownfelter to replace Rep. Whipple on Committee on Higher Education Budget on February 13, 2018.

REPORT ON ENROLLED RESOLUTIONS

HCR 5023 reported correctly enrolled and properly signed on February 12, 2018.

HR 6048 reported correctly enrolled and properly signed on February 12, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Wednesday, February 14, 2018.