

Journal of the House

THIRTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, January 26, 2017, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Kiegerl was excused on verified illness.

Reps. Becker, Henderson, Pittman and Wolfe Moore were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,
Thank You again for another day of life
full of possibilities and opportunities.
Thank You for the privilege of being used by You
in the decision making that impacts so many.
These leaders need Your help in being sure
that they diligently learn, know and understand
that which they ought to do.
At the same time, grant them grace along with the power
to faithfully accomplish the tasks before them.
Enlighten the eyes of their heart,
give them revelation and wisdom,
but most of all give them a spirit of humility
in recognizing they are servants of those they represent.
I ask this in Your Son's Name,
Amen.

The Pledge of Allegiance was led by Rep. Highland

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2170, AN ACT concerning bicycles; relating to safety equipment; lamps and reflectors; amending K.S.A. 8-1592 and repealing the existing section, by Committee on Transportation.

HB 2171, AN ACT concerning school districts; creating the student privacy and protection act, by Committee on Federal and State Affairs.

HB 2172, AN ACT concerning marriage; relating to the recognition of marriages; amending K.S.A. 2016 Supp. 23-2501, 23-2504 and 23-2508 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2173, AN ACT concerning gaming; relating to the Kansas expanded lottery act; making and concerning appropriations for the fiscal year ending June 30, 2018, for the Kansas lottery; relating to the state debtor setoff program; relating to horse and greyhound racing; amending K.S.A. 74-8836 and K.S.A. 2016 Supp. 74-8734, 74-8741, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2174, AN ACT concerning veterans; relating to disabled veteran license plate eligibility; amending K.S.A. 2016 Supp. 8-160 and repealing the existing section, by Committee on Veterans and Military.

HB 2175, AN ACT concerning veterans; relating to disclosure for veterans' benefits and entitlements, by Committee on Veterans and Military.

HB 2176, AN ACT concerning sexual assault evidence collection examinations; relating to parental notification; amending K.S.A. 2016 Supp. 65-448 and repealing the existing section, by Committee on Judiciary.

HB 2177, AN ACT concerning sales and compensating use tax; relating to sourcing of sales, origin sourcing; amending K.S.A. 2016 Supp. 79-3669 and 79-3670 and repealing the existing sections, by Committee on Taxation.

HB 2178, AN ACT concerning income tax; relating to rates; itemized deductions, certain medical expenses; amending K.S.A. 2016 Supp. 79-32,110 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. **HCR 5006**—

By Committee on Federal and State Affairs

A PROPOSITION to repeal section 16 of article 15 of the constitution of the state of Kansas, relating to marriage.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 16 of article 15 of the constitution of the state of Kansas is hereby repealed.

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The constitution of the state of Kansas shall be amended by repealing in its entirety section 16 of article 15, which provides that marriage is constituted by one man and one woman only.

"A vote for this proposition would repeal section 16 of article 15 of the constitution of the state of Kansas in its entirety.

"A vote against this proposition would leave section 16 of article 15 of the constitution of the state of Kansas as it currently exists."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2017, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2161.**

Children and Seniors: **HB 2160.**

Commerce, Labor and Economic Development: **HB 2163, HB 2168.**

Corrections and Juvenile Justice: **HB 2167.**

Education: **HB 2164, HB 2165.**

Elections: **HB 2155, HB 2157, HB 2158, HB 2159.**

Energy, Utilities and Telecommunications: **HB 2166.**

Federal and State Affairs: **HB 2150, HB 2156.**

Health and Human Services: **HB 2149, HB 2151, HB 2152, HB 2154, HB 2169.**

Judiciary: **HB 2153.**

Taxation: **HB 2162.**

Transportation: **HB 2148.**

Veterans and Military: **HB 2147.**

COMMUNICATIONS FROM STATE OFFICERS

From Alexandra Blasi, JD, MBA, Executive Secretary, Kansas Board of Pharmacy; pursuant to K.S.A. 65-4102(b), Report on Substances Proposed for Scheduling, Rescheduling or Deletion.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2026, AN ACT concerning the board of nursing; reinstatement of licenses; fees; amending K.S.A. 2016 Supp. 65-1118 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 14; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Gallagher, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jacobs, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, R. Powell,

Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn.

Nays: Blex, B. Carpenter, Corbet, DeGraaf, Frownfelter, Garber, Houser, K. Jones, Landwehr, Mason, Neighbor, Sutton, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Becker, Henderson, Kiegerl, Pittman, Wolfe Moore.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2025**, **HB 2027**, **HB 2028** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2055** be passed.

Committee on **Insurance** recommends **HB 2043** be passed.

Committee on **Local Government** recommends **HB 2006** be amended on page 1, in line 29, by striking all before the period and inserting "section 2, and amendments thereto"; in line 30, by striking all after "(d)"; by striking all in lines 31 through 36;

On page 2, in line 1, by striking all before "The"; following line 12, by inserting:

"New Sec. 2. (a) The governor, within five days of the election expanding the size of the board of county commissioners as provided in K.S.A. 19-204(c), and amendments thereto, shall declare the date of the special election required under K.S.A. 19-203(c), and amendments thereto. The vacancy election shall be on a day not less than 75 days nor more than 90 days from the date of the election approving the expansion of such county commission.

(b) The county chairperson of each political party that has obtained official recognition shall call a convention for a date not less than 15 days and not more than 25 days after the governor's declaration. Such party shall nominate a candidate to fill the vacancy that has occurred due to the expansion of the size of the board of county commissioners.

(c) Independent candidates may be nominated by petition of not less than 5% of the qualified electors within the county commission district. Any such petition shall be filed with the county election officer within 25 days of the governor's declaration.";

And by renumbering sections accordingly; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 4, by Representative Kyle Hoffman, congratulating Gina Hoffman on selection as South-Central Kansas Special Education Cooperative Teacher of the Year for 2016;

Request No. 5, by Representative Bill Sutton, commending Andrew Charles Boline for achieving the rank of Eagle Scout;

Request No. 6, by Representative Bill Sutton, commending Benjamin Paul Saw-check for achieving the rank of Eagle Scout;

Request No. 7, by Representative Nancy Lusk, congratulating Broadmoor Bistro students, Chef Brassard and Chef Hoffman for being one of USA Today's Top 10 Slow Food Restaurants that are Sustainable & Scrumptious and for winning the 2016 CAFSE Leadership Innovation Award;

Request No. 8, by Representative Susan Concannon, congratulating Douglas R. Daugherty on his retirement after 42 years in law enforcement and 32 years as Mitchell County Sheriff;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

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 bills were introduced and read by title:

HB 2179, AN ACT concerning teachers; relating to contracts; amending K.S.A. 2016 Supp. 72-5436, 72-5438, 72-5439 and 72-5445 and repealing the existing sections, by Representatives Crum, S., Stogsdill, Alcalá, Arnberger, Ballard, Bishop, Burroughs, Carlin, Carmichael, Curtis, Deere, Elliott, Ellis, Finney, Frownfelter, Gartner, Good, Henderson, Highberger, Hodge, Holscher, Kessinger, Koesten, Kuether, Lusk, Lusker, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Ruiz, Sawyer, Smith, A., Tarwater, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Winn and Wolfe Moore.

HB 2180, AN ACT concerning health maintenance organizations; relating to privilege fees; rate; disposition of moneys; extending the medical assistance fee fund; amending K.S.A. 2016 Supp. 40-3213 and 40-3236 and repealing the existing sections, by Committee on Appropriations.

HB 2181, AN ACT concerning sexual assault evidence collection kits; relating to law enforcement inventory of untested kits; reporting, by Representative Burroughs.

HB 2182, AN ACT concerning economic development; relating to agribusiness development of an industrial hemp industry; enacting the Kansas agricultural industry growth act; amending K.S.A. 2016 Supp. 21-5702 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2183, AN ACT concerning employment; relating to pay statements; amending K.S.A. 44-320 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2184, AN ACT concerning economic development; relating to the STAR bonds financing act; historic theater project costs; establishment of district; adverse effects on county or school district; certain notices; approval for transient guest tax funding; sunset date of the act; amending K.S.A. 2016 Supp. 12-17,162, 12-17,165, 12-17,166, 12-17,169, 12-17,171, 12-17,177 and 12-17,179 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2185, AN ACT concerning employment; relating to local government control over wages, compensation or benefits for construction projects; amending K.S.A. 2016 Supp. 12-16,132 and 19-26,114 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 12-16,131, by Committee on Commerce, Labor and Economic Development.

HB 2186, AN ACT concerning arbitration; enacting the uniform arbitration act of 2000; amending K.S.A. 50-6,100 and 66-1712 and repealing the existing sections; also repealing K.S.A. 5-401, 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-408, 5-409, 5-410, 5-411, 5-412, 5-413, 5-414, 5-415, 5-416, 5-417, 5-418, 5-419, 5-420, 5-421 and 5-422, by Committee on Judiciary.

HB 2187, AN ACT concerning child care facilities; relating to individuals maintaining or residing, working or volunteering therein; background checks; amending K.S.A. 2016 Supp. 65-516 and repealing the existing section, by Committee on Children and Seniors.

HB 2188, AN ACT regulating traffic; concerning right-of-way violations; providing for increased penalties in certain cases, by Committee on Transportation.

HB 2189, AN ACT concerning oil and gas wells; protecting surface owners' property rights; amending K.S.A. 2016 Supp. 55-151 and repealing the existing section, by Committee on Water and Environment.

HB 2190, AN ACT concerning electricity; sale of renewable energy; public utility, definitions, exceptions; amending K.S.A. 66-1,170 and K.S.A. 2016 Supp. 66-104 and repealing the existing sections, by Committee on Energy, Utilities and Telecommunications.

HB 2191, AN ACT concerning the Kansas department of wildlife, parks and tourism; relating to licenses, permits, stamps and other issues of the department; citations; amending K.S.A. 2016 Supp. 32-1001, 32-1041 and 32-1049 and repealing the existing sections, by Committee on Agriculture.

HB 2192, AN ACT renaming Lake Scott state park; amending K.S.A. 2016 Supp. 32-837 and repealing the existing section, by Committee on Agriculture.

HB 2193, AN ACT concerning boating and water activities; relating to boating safety education; amending K.S.A. 2016 Supp. 32-1139 and repealing the existing section, by Committee on Agriculture.

HB 2194, AN ACT concerning motor vehicles; relating to motorcycles; license fees; location for safety courses; amending K.S.A. 2016 Supp. 8-240 and 8-272 and repealing the existing sections, by Committee on Transportation.

HB 2195, AN ACT concerning the Kansas board of examiners in fitting and dispensing of hearing instruments; transferring the powers, duties and functions of the board to the secretary for aging and disability services; amending K.S.A. 74-5803 and K.S.A. 2016 Supp. 74-5804, 74-5805, 74-5806, 74-5807, 74-5808, 74-5810a, 74-5811, 74-5812, 74-5813, 74-5814, 74-5815, 74-5816, 74-5818, 74-5820, 74-5821, 74-5825 and 74-5826 and repealing the existing sections, by Committee on Health and Human Services.

REPORT ON ENGROSSED BILLS

HR 6005 reported correctly engrossed January 25, 2017.

On motion of Rep. Hineman the House adjourned pro forma until 9:00 a.m. on Friday, January 27, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

