

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 8, 2017, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Becker was excused on verified illness.

Reps. Clayton and Kiergerl were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Lord God,
For a new day to be used as Your servant,
and servants of the people, we thank You.
Lord, most – if not all – of the focus on these leaders
is based upon what they do or don't do.
Help them to realize that in order to do what is right,
they must be cognizant of who they are—
of their being.
To be the most affective in being good people,
remind them of the attitudes of being that Your Word
gives us in the Gospel of Matthew.
“They are blessed when they are at the end of their rope –
with less of them there is more of God and His rule.
They are blessed when they are content with just who they are—
no more, no less.
That is the moment when they find themselves proud owners
of everything that can't be bought.
They are blessed when they care.
At that moment of being full of care,
they find themselves being cared for.
They are blessed when they get their inside world—
their mind and heart—put right.
Then they can see God in the outside world.
They are blessed when they can show people
how to cooperate instead of compete or fight.
That's when they discover who you really are,
and their place in Your family.”

These attitudes of being I pray for them today
through the help and blessing of Your Son,
Amen.
(Matthew 5, *The Message*)

The Pledge of Allegiance was led by Rep. Blex.

INTRODUCTION OF GUESTS

Rep. Williams was joined by members of Leadership Butler on the House floor.

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

It's my honor to recognize Leadership Butler for all their efforts to improve the lives of residents within Butler County.

Leadership Butler is a non-profit organization chartered in 1988 with the purpose of inspiring leadership among both adults and youth. LB builds networks and skills of our County Leaders by visiting communities within Butler county and learning those civic, business, and even educational challenges that are unique to each city. The program is all about empowering individuals to exercise their leadership through development of skills, personal experiences, and opportunities to engage and participate with a civic cause chosen by each leadership class.

There have been over 850 participants successfully complete the Leadership Butler program.

It's with great pride that I ask you all to join me in recognizing Leadership Butler for the difference they are making in our communities.

INTRODUCTION OF GUESTS

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

On the floor with me today are coaches and players from the Mill Valley High School football team in the De Soto School District which is located in western Shawnee. We are honoring them here today for winning two 5A back-to-back state championships.

I would like to introduce the representatives from the team: Jack Bauer, Brody Flaming, Blaine Boudreaux, Joel Donn, D.J. Graviette, Ben Hartman, Keegan Zars and Head Coach Joel Applebee.

As some of you may know, I retired from teaching at the end of the 2015-2016 school year so the students from Mill Valley have a special place in my heart. Some of the players on the team were once my first graders and my daughter used to babysit Ben!

In 2015, the team finished the season with a 12-1 record and became the Class 5A State Champs!

Other awards included:

23 All-League players

14 Topeka Capital Journal All-State players

Christian Jegen — Simone Award Finalist, Otis Taylor Award, USA Today Kansas Offensive Player of the Year, Kansas Gatorade Player of the Year

Kansas 5A Coach of the Year and Kansas All Class Coach of the Year

In 2016, the team finished the season with a 9-4 overall record and became the Class 5A State Champs again!

Other honors included:

Kansas Football Coaches Association All-State Team: Joel Donn, Ben Hartman, Keegan Zars

Topeka Capital Journal/Wichita Eagle All-State Team: Joel Donn, Keegan Zars

Kansas Shrine Bowl: Keegan Zars

Let's hear it for the Mill Valley Jaguars!

Rep. Brim presented House certificates to team members and a framed House certificate to Coach Applebee.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2307, AN ACT concerning healthcare; relating to withholding life-sustaining treatment from patients under 18 years of age; permission requirements and exceptions; dispute resolution, by Representatives R. Powell, Arnberger, Awerkamp, Blex, Campbell, B. Carpenter, Corbet, DeGraaf, Dove, Eplee, Esau, Humphries, Jacobs, K. Jones, Karleskint, Lakin, Osterman, F. Patton, Proehl, Rafie, Schreiber, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Thompson, Vickrey, Weber, C. and Whitmer.

HB 2308, AN ACT concerning suicide evaluation upon admission to certain treatment of facilities, by Representative Houser.

HB 2309, AN ACT concerning the revised Kansas code for care of children; relating to reports and records concerning a child alleged or adjudicated to be in need of care; amending K.S.A. 2016 Supp. 38-2212 and repealing the existing section, by Committee on Children and Seniors.

HB 2310, AN ACT concerning elections; dealing with municipal elections and other election laws; amending K.S.A. 10-120 and 25-1903 and K.S.A. 2016 Supp. 25-1122 and 25-2110a and repealing the existing sections, by Committee on Elections.

HB 2311, AN ACT concerning water; relating to water quality protection projects; maintenance requirements, by Committee on Water and Environment.

HB 2312, AN ACT concerning agriculture; relating to administrative procedure; division of water resources; fertilizer; amending K.S.A. 2016 Supp. 2-1201b, 2-1201c, 2-1208a, 82a-737 and 82a-1901 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 82a-1902, by Committee on Water and Environment.

HB 2313, AN ACT concerning the Kansas lottery; dealing with lottery ticket vending machines; repealing the lottery sunset; amending K.S.A. 2016 Supp. 74-8702 and repealing the existing section; also repealing K.S.A. 2016 Supp. 74-8723, by Committee on Federal and State Affairs.

HB 2314, AN ACT concerning economic development; relating to redevelopment districts, use of ad valorem tax revenues, issuance of bonds, by Committee on Taxation.

HB 2315, AN ACT concerning state finances; relating to business entities, annual filing fees; income tax, rates, certain modifications of Kansas adjusted gross income,

community services contributions credit; cigarettes and tobacco products, rates; alcoholic beverages, liquor enforcement, rates; amending K.S.A. 79-3371 and 79-3378 and K.S.A. 2016 Supp. 17-2036, 17-7503, 17-7505, 17-76,139, 56-1a606, 56-1a607, 56a-1201, 56a-1202, 79-32,110, 79-32,117, 79-32,196, 79-32,197, 79-32,198, 79-3310, 79-3310c, 79-3311, 79-3312 and 79-4101 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,199a and 79-32,199b, by Committee on Taxation.

HB 2316, AN ACT concerning the minimum wage; enacting the Kansas working families pay raise act; amending K.S.A. 2016 Supp. 44-1203 and repealing the existing section, by Representative Ward.

HB 2317, AN ACT concerning labor and employment; relating to training requirements for work on electrical transmission lines, by Representative Whipple.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Children and Seniors: **HB 2304**.

Corrections and Juvenile Justice: **HB 2290, HB 2291, HB 2292**.

Elections: **HB 2303**.

Financial Institutions and Pensions: **HB 2289**.

Health and Human Services: **HB 2285, HB 2294, HB 2295, HB 2296, HB 2297, HB 2298, HB 2299, HB 2300**.

Higher Education Budget: **HB 2305**.

Judiciary: **HB 2293, HB 2301, HB 2302, HB 2306**.

K-12 Education Budget: **HB 2288**.

Taxation: **HB 2286, HB 2287**.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2036** from Committee on Commerce, Labor and Economic Development and referral to Committee on Transportation and Public Safety Budget.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

HOUSE RESOLUTION No. **HR 6008**—

By Representative Hawkins

A RESOLUTION designating February 7, 2017, as Multiple Sclerosis Action Day at the Capitol.

WHEREAS, Multiple sclerosis (MS) is a neurological disease of the central nervous system affecting 2.3 million people worldwide; and

WHEREAS, The National Multiple Sclerosis Society – Mid America Chapter reports that nearly 5,000 people are living with MS in Kansas, that the disease generally strikes people in the prime of life, between the ages of 20 and 50, that the cause and course of the often- debilitating symptoms of MS remain unknown and that no cure currently exists; and

WHEREAS, The National Multiple Sclerosis Society has been committed to creating a world free of MS for more than 70 years by heightening public knowledge, awareness

and insight into the disease; and

WHEREAS, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research by investing more than \$900 million into groundbreaking research, and relentlessly pursuing prevention, treatments and a cure for the disease; and

WHEREAS, Funds raised through the National Multiple Sclerosis Society fuel \$42.1 million in funding for 380 research projects at the best medical centers, universities and other institutions throughout the U.S. and abroad, leading to many breakthroughs in the treatment of MS; and

WHEREAS, Stopping MS in its tracks, restoring what has been lost, and ending MS forever is the mission of the National Multiple Sclerosis Society, and one that all Americans and Kansans should support; and

WHEREAS, Walk MS events are scheduled this spring in Kansas City, Hays, Hiawatha, Lawrence, Manhattan, Salina, Topeka and Wichita; and

WHEREAS, The State of Kansas recognizes the importance of finding the cause and cure of MS and expresses its appreciation for the dedication that the National Multiple Sclerosis Society – Mid America Chapter has shown toward creating a world free of MS: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate February 7, 2017, as Multiple Sclerosis Action Day at the Capitol, commend this observance to all of our citizens, and encourage all Kansans to learn more about MS and what they can do to support individuals and their families who struggle with MS; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Hawkins.

CONSENT CALENDAR

No objection was made to **HB 2109** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2035, AN ACT concerning criminal procedure; relating to post-trial motions, correction of sentence; amending K.S.A. 22-3504 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E.,

Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Becker, Clayton, Kiegerl.

The bill passed.

HB 2053, AN ACT concerning courts; relating to collection of debts owed to the courts; domestic cases; amending K.S.A. 2016 Supp. 20-169 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Becker, Clayton, Kiegerl.

The bill passed, as amended.

HB 2093, AN ACT concerning crimes, punishment and criminal procedure; relating to criminal history; juvenile adjudications; amending K.S.A. 2016 Supp. 21-6810 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 101; Nays 21; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Clark, Concannon, Cox, Crum, S., Curtis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Houser, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Vickrey, Victors, Ward,

Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Barker, B. Carpenter, Claeys, Corbet, E. Davis, Esau, Garber, Good, Highland, Hoffman, Huebert, Jacobs, K. Jones, Landwehr, Mason, Osterman, Schroeder, Seiwert, Sutton, Thimesch, Whitmer.

Present but not voting: None.

Absent or not voting: Becker, Clayton, Kiegerl.

The bill passed, as amended.

HB 2094, AN ACT concerning municipalities; amending K.S.A. 12-2908 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Becker, Clayton, Kiegerl.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2092** be passed.

Committee report to **HB 2067** be adopted; and the bill be passed as amended.

Committee report to **HB 2013** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2048** be amended on page 1, in line 6, by striking all after "Section 1."; by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 3; in line 4, by striking all before the period and inserting: "The state board of education shall:

(a) Implement statewide standards that assure all public school teachers annually receive training and education on identifying likely warning signs indicating that a child may be a victim of sexual abuse;

(b) review and consider statewide social and emotional standards for student education that inform students of the difference between appropriate and inappropriate conduct, actions a child may take to be protected from child sexual abuse and methods for reporting any instance of abuse. The review may include, but not necessarily be limited to:

(1) The age of the students to receive the instruction;

(2) requirements for parental notification and the ability for a parent to exclude a child from such instruction;

(3) best practices in instructional content and delivery methods to achieve desired educational outcome; and

(4) collaboration with subject matter experts and child advocates; and

(c) submit a report of progress and any plan or standards developed with regard to those items listed in subsections (a) and (b) by February 1, 2018, to the legislature";

On page 1, in the title, in line 2, by striking all after "abuse"; in line 3, by striking "law"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2102** be passed.

Committee on **Transportation** recommends **HB 2096** 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 bills were introduced and read by title:

HB 2318, AN ACT concerning arts industries; creating the Kansas arts commission and transferring to it certain functions from the Kansas creative arts industries commission; amending K.S.A. 2016 Supp. 8-1,161, 74-5207, 74-5209, 74-7901, 75-2269, 75-5072 and 79-3221m and repealing the existing sections, by Representative Stogsdill.

HB 2319, AN ACT concerning abortion; relating to the woman's-right-to-know act; relating to certain physician information to be disclosed; amending K.S.A. 2016 Supp. 65-6709 and repealing the existing section, by Representatives Arnberger, Awerkamp, Blex, Cox, DeGraaf, Ellis, Esau, Garber, Highland, Huebert, Humphries, Jacobs, Landwehr, Osterman, Rafie, Rahjes, Vickrey, Weber, C. and K. Williams.

HB 2320, AN ACT concerning criminal procedure; relating to warrants; disclosure; amending K.S.A. 2016 Supp. 22-2302 and repealing the existing section, by Committee on Judiciary.

HB 2321, AN ACT concerning grand juries; relating to sufficiency of petitions; right to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and repealing the existing sections, by Committee on Judiciary.

HB 2322, AN ACT concerning sales taxation; relating to exemptions; certain sales of school supplies, computers and clothing, sales tax holiday; amending K.S.A. 2016

Supp. 79-3606 and repealing the existing section, by Representative K. Jones.

HB 2323, AN ACT concerning retirement and benefits; relating to the Kansas public employees retirement system and systems thereunder; providing a cost-of-living adjustment for certain retirants, by Committee on Appropriations.

HB 2324, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2018, and June 30, 2019, for the department of education; creating the school district finance and quality performance act of 2017; amending K.S.A. 2016 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3607, 72-3711, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2016 Supp. 72-6482, by Committee on Appropriations.

HB 2325, AN ACT concerning labor organizations; relating to fair share charitable fees; enacting the fair share act; amending K.S.A. 44-803 and repealing the existing section, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2065** from Committee on Health and Human Services and referral to Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2053, **HB 2093** reported correctly engrossed February 7, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Thursday, February 9, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

