Journal of the House

SEVENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 19, 2017, 10:00 a.m.

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

The roll was called with 116 members present.
Reps. Becker, DeGraaf and Stogsdill were excused on verified illness.
Rep. Tarwater was excused on legislative business.
Reps. Aurand, Burroughs, Dove, Jennings and Thompson were excused on excused absence by the Speaker.
Excused later: Rep. Davis.

Prayer by guest chaplain, the Rev. Michael De Haan, pastor, Wanamaker Woods Church of the Nazarene, Topeka:

> Heavenly Father,
> We come before You today to offer You our thanks and praise. We are grateful for Your blessings and know that without Your grace we would be lost and without hope. So today we offer a prayer of thanksgiving for all that You have done.
> We pray for Your guidance today. May we be people who seek Your favor and who do Your will. We ask for Your wisdom in all we say and do, so that there may be peace and justice in our land.
> Protect us from violence, pride, discord, and every evil way. Help us to be united in our passion and purpose. And may we always be thankful and trust in Your unfailing love.
> In Christ's Name we pray,
> Amen.

The Pledge of Allegiance was led by Rep. Swanson.

On motion of Rep. Hineman, the House recessed until 10:45 a.m.

LATE MORNING SESSION
The House met pursuant to recess with Speaker pro tem Schwab in the chair.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2102**, **H Sub for SB 86**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Barker, the House concurred in Senate amendments to **HB 2102**, AN ACT concerning counties; dealing with the board of county commissioners; concerning certain appointments by the board of county commissioners; amending K.S.A. 19-206 and K.S.A. 2016 Supp. 75-2550 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcala, Alford, Arnberger, Awerkamp, Baker, Ballard, Barker, Bishop, Blex, Brim, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, 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, 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, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, S. Swanson, Terrell, Thimesch, 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: Aurand, Becker, Burroughs, DeGraaf, Dove, Jennings, Stogsdill, Tarwater, Thompson.

INTRODUCTION OF ORIGINAL MOTIONS

Roll call was demanded on motion of Rep. Ward, in accordance with subsection (a) of House Rule 1503, to move **HB 2410** to the first order of business on General Orders today; and to suspend Joint Rule 4 (k) of the Joint Rules of the Senate and House of Representatives for the purpose of considering **HB 2410**.

On roll call, the vote was: Yeas 39; Nays 77; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcala, Ballard, Bishop, Carlin, Carmichael, Clayton, Crum, Curtis, Deere, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Kuether, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Ruiz, Sawyer, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Awerkamp, Baker, Barker, Blex, Brim, Campbell, Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Davis, Delperdang, Dierks, Dietrich,

Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Markley, Mason, Mastroni, Orr, Osterman, Patton, Phillips, Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Sloan, A. Smith, E. Smith, Sutton, Swanson, Thimesch, Vickrey, Waymaster, Weber, Wheeler, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Aurand, Becker, Burroughs, DeGraaf, Dove, Jennings, Stogsdill, Tarwater, Thompson.

The motions of Rep. Ward did not prevail.

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

COMMITTEE OF THE WHOLE

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

Recommended that:

Committee report to **SB 201** be adopted; on motion of Rep. Ward to amend **SB 201** Rep. Barker requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Ward challenged the ruling, the question being "Shall the Rules Chair be sustained?"

Roll call was demanded.

On roll call, the vote was: Yeas 72; Nays 42; Present but not voting: 0; Absent or not voting: 11.

Yeas: Alford, Arnberger, Awerkamp, Baker, Barker, Blex, Brim, Campbell, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Delperdang, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Francis, Garber, Good, Hawkins, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Lakin, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Orr, Osterman, F. Patton, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Thimesch, Trimmer, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Nays: Alcala, Ballard, Bishop, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dierks, Finney, Frownfelter, Gallagher, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hodge, Holscher, Koesten, Kuether, Lusk, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Phillips, Rooker, Ruiz, Sloan, S. Swanson, Terrell, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Aurand, Becker, Burroughs, E. Davis, DeGraaf, Dove, Jennings, Stogsdill, Tarwater, Thompson, Victors.

The Rules Chair was sustained and the amendment of Rep. Ward was ruled not germane.

Also, on motion of Rep. Schreiber, **SB 201** be amended as amended by House Com-

mittee, on page 2, in line 25, after "(1)" by inserting "(A)"; following line 32, by inserting:

"(B) The term "consumer telephone call" shall not include a call made solely for the purpose of communicating with a consumer about services already being received and maintenance of those services.";

Also on page 2, in line 39, before the semicolon by inserting ". For purposes of this subsection, an express request or express written agreement includes the implied consent or agreement resulting from a consumer providing a telephone number to a utility company, local exchange carrier, telecommunications carrier or video services provider as contact information"; and the bill be passed as amended.

REPORT ON ENROLLED BILLS

HB 2041, **S Sub for HB 2053**, **HB 2054** reported correctly enrolled, properly signed and presented to the Governor on May 19, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Monday, May 22, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*