

Journal of the House

FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 15, 2018, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Gallagher was excused on verified illness.

Rep. Markley was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Creator God,
Well it's that time of the year again...
the madness of March...
both here on the House floor as well as the basketball floor.
To build a successful team,
traits such as humility, passion, unity, servanthood and thankfulness
are necessary in order to be winners.
Character is also a necessary trait in that
if you are willing to work with athletes and enhance their character,
then wins will come.
Everyone on the team may not have the same level of experience,
but when you put them together working, something happens.
When the mindset is to honor the weakest player,
they will have the chance to become a strong player.
This formula for success is not just for the ball court,
but if practiced here in the chamber,
can bring about accomplishment and victories for all.
I pray that this may be so.
In Your Name, Amen.

The Pledge of Allegiance was led by Rep. Jacobs.

INTRODUCTION OF GUESTS

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

I am proud to present to you a very special group of people – the 2018 Leadership Wallace County Class.

It's not often that the 120th District gets the opportunity to welcome and recognize citizens from northwest Kansas in the House of Representatives since it takes about 5 1/2 hours to travel to Topeka. It's not for lack of accomplishment, however. In Wallace

County alone we have had a state champion football team and head coach of the year from Weskan and a state champion boys basketball team from Sharon Springs in the last few years. Beyond our schools, we have also had many citizens receive statewide recognition and honors for their professional work and achievements.

Regardless of the award, all successes have one thing in common: leadership, and rural Kansas is not deficient on leadership. I actually believe the smaller your community, the more opportunities you have to step up and be a leader. And we learn that young. We grow up in schools where it is just natural to be involved in everything. You don't choose which sports to go out for... you go out for all of them! The same goes for band and choir, drama, scholar's bowl, 4-H & FFA, and many other activities. Leadership opportunities that begin at an early age lay the foundation for the mentality that you truly CAN do anything if you set your mind to it.

For anyone that has the vision to see a new path and the passion to follow that path regardless of what obstacles life puts in your way, the world is a canvas just waiting for your brush.

There are many quotes about leadership, but one of my favorite comes from General Douglas MacArthur – “A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. They do not set out to be leaders, but become one by the equality of their actions and the integrity of their intent.”

The members of this year's class are: Steven Paul, leader; Nicole Popp, leader; Margaret Figurilli, Lindsey Larson, Michelle Collins, Jessi Schmidt, Erick Bergquist, Michael Chaney and Sharon Rohr.

These leaders represent a wide variety of industries and occupations in Wallace County, but they share some common characteristics. They each have the vision and the passion to make a positive difference in their community.

INTRODUCTION OF GUESTS

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

Colleagues, it is my privilege to introduce to you several outstanding students from Yates Center High School. First, I would like to introduce the 2017 State Champions in 2A Cross Country: Colin Bedell, Braydon Gauding, Austin Moffet, Asher Seivers, Kobe Forsyth, Jordan Smith, Hadley Splechter and Coach Rex McVey.

Not only did this group of young men excel in their sport, but their achievements in the classroom have been exemplified by also winning the 2A Scholars Bowl. Scholar Bowl members include: Kobe Forsyth, Julius Hodges, Nolan Jones, Josh King, Jordan Smith, Hadley Splechter and Coach Collette Jacobs.

I would also like to recognize Principal Karl Hamm and Superintendent Greg Brown and congratulate them for interweaving academics and athletics to develop a well-rounded student body.

Join me in congratulating these Yates Center Wildcats!

Rep. Hibbard presented the teams with framed House certificates in honor of their achievements.

INTRODUCTION OF GUESTS

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

Today it is my privilege to welcome the Kansas Regional Afterschool Ambassadors and the Kansas Enrichment Network to the Capitol today.

Eighty percent of youth's time is spent outside of the regular school day. After-school, before school and summer learning opportunities help keep Kansas youth safe, inspire them to learn and support working families. These programs provide a broad array of additional services designed to reinforce and complement the regular academic studies such as: hands-on experiments that excite students about science, technology, engineering and math, access to physical activity, drug and violence prevention programs, formal and informal mentoring, counseling programs, art, music, health and wellness activities, and technology education programs.

More than 70,000 students in Kansas participate in after school programs, yet 132,000 would participate in a program if one were available. For every one student enrolled in a program, two are waiting to get in.

The Kansas Regional Afterschool Ambassadors are working hard to create and sustain these wonderful out of school opportunities for youth in their communities. I encourage you to reach out to learn more about these youth, the Kansas Regional Afterschool Ambassadors, and the Kansas Enrichment Network.

On behalf of these organizations, with me today are: Rachel Willis, Jennifer Anderson, Tony Yungeberg, Kristina Mason, Kellar Musser, KC Kong, Tina Bulleigh, Issac Clark, Kevin Jones, Thaliah Lopez, Kamara Lewis.

Please join me in thanking them for their important work on behalf of Kansas kids.

INTRODUCTION OF GUESTS

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

I want to welcome the senior government class of 2018 from Fairfield High School to the Capitol. They are here to shadow legislators in the House and Senate today.

Members of the House of Representatives and their students are: Representative Tory Marie Arnberger – Mia Bevin; Representative Shelee Brim – Laynee Barlow; Representative Blake Carpenter – Alex Pankratz; Representative Erin Davis – Faith Williams; Representative Gail Finney – Malysa Depperschmidt; Representative Susan Humphries – Aubrey Dealy; Representative Adam Lusker – Lane Pike; Representative Joe Seiwert – Tracy Lawrence; Representative Jack Thimesch – Trevor Lobban; Representative Kristey Williams - Katelynn Wilt. I want to thank their instructor, Jody Lubbers, for making this happen each year, as well as the parents who chaperoned.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2777**, **HB 2778**.

Taxation: **HB 2779**.

MESSAGES FROM THE GOVERNOR

HB 2502 approved on March 15, 2018

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2232** and has appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

Announcing passage of **HB 2469**, **HB 2567**; **Substitute for HB 2194**, as amended, and **HB 2476**, as amended.

CONSENT CALENDAR

No objection was made to **HB 2755**, **SB 369** appearing on the Consent Calendar for the first day.

Objection was made to **SB 343** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2516, AN ACT concerning civil actions; relating to immunity from liability; unattended persons and animals, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Smith, A..

Present but not voting: None.

Absent or not voting: Gallagher, Markley.

The bill passed, as amended.

HB 2527, AN ACT concerning crimes, punishment and criminal procedure; creating the crime of unlawful acts involving an automated sales suppression device; sales and use tax, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere,

Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Gallagher, Markley.

The bill passed, as amended.

SB 335, AN ACT concerning financial institutions; relating to banks and banking; including savings and loan associations and savings banks in the state banking code; repealing the savings and loan code; amending K.S.A. 2017 Supp. 9-701, 9-808, 9-809, 9-901a, 9-902, 9-903, 9-904, 9-905, 9-906, 9-907, 9-908, 9-910, 9-911, 9-912, 9-1101, 39-709, 58-3974, 75-3036 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-5101, 17-5102, 17-5201, 17-5202, 17-5203, 17-5204, 17-5205, 17-5206, 17-5207, 17-5208, 17-5209, 17-5210, 17-5211, 17-5212, 17-5213, 17-5214, 17-5215, 17-5216, 17-5217, 17-5218, 17-5219, 17-5220, 17-5221, 17-5225, 17-5225a, 17-5225b, 17-5225c, 17-5226, 17-5227, 17-5228, 17-5229, 17-5230, 17-5301, 17-5302, 17-5303, 17-5304, 17-5305, 17-5306, 17-5307, 17-5308, 17-5309, 17-5310, 17-5311, 17-5312, 17-5313, 17-5314, 17-5315, 17-5316, 17-5317, 17-5318, 17-5319, 17-5320, 17-5321, 17-5322, 17-5323, 17-5324, 17-5325, 17-5326, 17-5327, 17-5328, 17-5329, 17-5401, 17-5402, 17-5403, 17-5404, 17-5405, 17-5406, 17-5407, 17-5408, 17-5409, 17-5410, 17-5412, 17-5413, 17-5414, 17-5415, 17-5416, 17-5417, 17-5418, 17-5419, 17-5420, 17-5421, 17-5422, 17-5423, 17-5424, 17-5425, 17-5426, 17-5427, 17-5428, 17-5429, 17-5430, 17-5501, 17-5501c, 17-5502, 17-5502a, 17-5503, 17-5504, 17-5505, 17-5506, 17-5508, 17-5509, 17-5510, 17-5511, 17-5512, 17-5512a, 17-5513, 17-5514, 17-5515, 17-5516, 17-5517, 17-5519, 17-5520, 17-5521, 17-5522, 17-5523, 17-5524, 17-5525, 17-5526, 17-5527, 17-5528, 17-5529, 17-5530, 17-5531, 17-5532, 17-5533, 17-5534, 17-5535, 17-5536, 17-5537, 17-5538, 17-5539, 17-5540, 17-5541, 17-5542, 17-5543, 17-5544, 17-5545, 17-5546, 17-5547, 17-5548, 17-5549, 17-5550, 17-5551, 17-5552, 17-5553, 17-5554, 17-5555, 17-5556, 17-5557, 17-5558, 17-5559, 17-5560, 17-5561, 17-5562, 17-5563, 17-5564, 17-5565, 17-5566, 17-5567, 17-5568, 17-5569, 17-5570, 17-5571, 17-5572, 17-5601, 17-5602, 17-5603, 17-5604, 17-5605, 17-5606, 17-5607, 17-5609a, 17-5611, 17-5612, 17-5613, 17-5614, 17-5615, 17-5616, 17-5617, 17-5618, 17-5619, 17-5620, 17-5621, 17-5623, 17-5624, 17-5625, 17-5626, 17-5627, 17-5628, 17-5629, 17-5630, 17-5631, 17-5632, 17-5633, 17-5634, 17-5635, 17-5636, 17-5637, 17-5638, 17-5639, 17-5640, 17-5641, 17-5642, 17-5643, 17-5644, 17-5645, 17-5702, 17-5703, 17-5704, 17-5705, 17-5706, 17-5801, 17-5802, 17-5803, 17-5804, 17-5805, 17-5806, 17-5807, 17-5808, 17-5809, 17-5810, 17-5811, 17-5812, 17-5814, 17-5816, 17-5817, 17-5818, 17-5819, 17-5820, 17-5821, 17-5822, 17-5823,

17-5824, 17-5825, 17-5826, 17-5827, 17-5830, 17-5831 and 17-5832 and K.S.A. 2017 Supp. 17-5225d, 17-5610, 17-5701, 17-5828 and 17-5829, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Ward.

Present but not voting: None.

Absent or not voting: Gallagher, Markley.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2749** be adopted; and the bill be passed as amended.

Committee report to **HB 2489** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 260**, as amended by Senate Committee, be amended on page 36, in line 11, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 261** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2017 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit all revenues received from docket fees as follows:

(a) At least monthly to the county treasurer, for deposit in the county treasury and credit to the county general fund:

(1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and 60-3005, and amendments thereto, during the preceding calendar month;

(2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant to K.S.A. 61-

4001, or K.S.A. 61-2704 or 61-2709, and amendments thereto; and

(3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding calendar month.

(b) At least monthly to the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.

(c) At least monthly to the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month for cases filed in the county and a sum equal to \$1 for each fee paid pursuant to K.S.A. 28-170(c), and amendments thereto, during the preceding calendar month for cases filed in the county.

(d) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury and credit to the law enforcement training center fund a sum equal to \$15 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto, during the preceding calendar month.

(e) To the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c) and (d). Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit 0.99% to the judicial council fund. During the fiscal years ending ~~June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019,~~ June 30, 2020, and June 30, 2021, of the remainder, the state treasurer shall deposit and credit the first \$3,100,000 to the electronic filing and management fund created in K.S.A. 2017 Supp. ~~20-1a16~~ 20-1a20, and amendments thereto. During the fiscal year ending June 30, ~~2020~~ 2022, and each fiscal year thereafter, of the remainder, the state treasurer shall deposit and credit the first ~~\$1,000,000~~ \$1,500,000 to the electronic filing and management fund. Of the balance which remains after deduction of the amounts specified in this subsection, the state treasurer shall deposit and credit the remainder to the judicial branch docket fee fund.";

Also on page 1, in line 23, after "Supp." by inserting "20-362 and"; also in line 23, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the judicial branch; relating to docket fees; disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021;"; in line 2, by striking "relating to"; in line 4, after "Supp." by inserting "20-362 and"; also in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 266** be amended on page 1, in line 27, after "means" by inserting "the net financial benefit, after deduction of taxes, legal fees, costs, expenses of litigation, liens, offsets, credits or other deductions from,";

On page 2, in line 8, by striking "any other source" and inserting "damages awarded in a tort action"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 281**, as amended by Senate Committee, be amended on page 2, in line 11, by striking "district"; also in line 11, after "judge" by inserting "of the district court"; in line 15, by striking "district"; also in line 15, after

"judge" by inserting "of the district court"; following line 32, by inserting:

"Sec. 3. K.S.A. 60-3105 is hereby amended to read as follows: 60-3105. (a) When the court is unavailable, a verified petition, accompanied by a proposed order, may be presented to any ~~district judge of the district court~~. The judge may grant relief in accordance with ~~subsection (a)(1), (2), (4) or (5) of K.S.A. 60-3107(a)(1), (2), (4) or (5)~~, and amendments thereto, or any combination thereof, if the judge deems it necessary to protect the plaintiff or minor child or children from abuse. An emergency order pursuant to this subsection may be granted ex parte. Immediate and present danger of abuse to the plaintiff or minor child or children shall constitute good cause for the entry of the emergency order.

(b) An emergency order issued under subsection (a) shall expire on 5:00 p.m. on the first day when the court resumes court business. At that time, the plaintiff may seek a temporary order from the court.

(c) The judge shall note on the petition and any order granted, including any documentation in support thereof, the filing date, together with the judge's signature, and shall deliver them to the clerk of the court on the next day of the resumption of business of the court.";

On page 4, in line 4, by striking "district"; also in line 4, after "judge" by inserting "of the district court"; in line 16, by striking "district"; also in line 16, after "judge" by inserting "of the district court";

On page 7, in line 32, before "K.S.A" by inserting "K.S.A. 60-3105 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "amending" by inserting "K.S.A. 60-3105 and"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 310** be amended on page 2, in line 38, by striking all after "means"; by striking all in lines 39 and 40; in line 41, by striking all before the semicolon and inserting ":

(A) Departure from custody without lawful authority; or

(B) failure to return to custody following temporary leave lawfully granted by:

(i) Express authorization of law;

(ii) order of a court; or

(iii) a custodial official authorized to grant such leave"; and the bill be passed as amended.

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 2780, AN ACT concerning property taxation; relating to valuation, appeals, payment of costs by county, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2516, **HB 2527** reported correctly engrossed March 14, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Friday, March 16, 2018.