

Journal of the House

NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 8, 2019, 8:30 a.m.

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

The roll was called with 115 members present.

Reps. Kuether and Lewis were excused on verified illness.

Reps. Concannon, Cox, Helgerson, Houser, Huebert, E. Smith, Victors and Whipple were excused on excused absence by the Speaker.

Present later: Rep. Houser.

Prayer by Chaplain Brubaker:

Lord God,
 help us today to be thankful
 for the gift of grace and mercy
 that You give to each one of us.
 You have promised,
 “I will instruct you and teach you
 in the way you should go;
 I will counsel you and watch over you.
 Do not be like the horse or the mule,
 which have no understanding
 but must be controlled by bit and bridle
 or they will not come to you.
 Many are the woes of the wicked,
 but *my* unfailing love surrounds the *one*
 who trusts in *me*.”
 Help each one of us to be teachable today
 and to trust that your love and wisdom is the foundation
 of all our actions and decisions.
 In Christ’s Name I pray, Amen.
 (Psalm 32: 8-10)

The Pledge of Allegiance was led by Rep. Rahjes.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2204, AN ACT concerning the Kansas lottery; relating to the Kansas expanded lottery act; prohibiting the Kansas lottery from entering into or extending an existing

management contract with a lottery gaming facility manager without prior legislative approval, by Committee on Appropriations.

HB 2205, AN ACT concerning home and community-based services; eliminating the client obligation for persons receiving services, by Committee on Appropriations.

HB 2206, AN ACT concerning crimes, punishment and criminal procedure; relating to cruelty to animals; amending K.S.A. 2018 Supp. 21-6412 and repealing the existing section, by Committee on Judiciary.

HB 2207, AN ACT concerning public construction contracts; relating to school districts; requirements for requests for proposals that specify a particular product or installation method; amending K.S.A. 72-1151 and repealing the existing section, by Committee on K-12 Education Budget.

HB 2208, AN ACT concerning crimes, punishment and criminal procedure; relating to sex offenses; creating the crime of sexual extortion; offender registration; amending K.S.A. 2018 Supp. 22-4902 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2209, AN ACT concerning the state board of regents; pertaining to cybersecurity insurance; authorizing the purchase thereof; amending K.S.A. 2018 Supp. 75-4101 and repealing the existing section, by Committee on Insurance.

HB 2210, AN ACT concerning insurance; relating to automobile liability insurance; uninsured motorist coverage and underinsured motorist coverage; amending K.S.A. 40-284 and repealing the existing section, by Committee on Judiciary.

HB 2211, AN ACT concerning motor vehicles; relating to the uniform act regulating traffic; driver's license reinstatement fee; waiver; amending K.S.A. 2018 Supp. 8-2110 and repealing the existing section, by Committee on Judiciary.

HB 2212, AN ACT concerning the multistate tax compact; relating to the apportionment of corporate income; election; amending K.S.A. 79-4301 and 79-4302 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were referred to committees as indicated:

Agriculture: **HB 2173**.

Children and Seniors: **HB 2187**.

Commerce, Labor and Economic Development: **HB 2174, HB 2175, HB 2186**.

Education: **HB 2183**.

Elections: **HB 2176, HB 2189, HCR 5005, HCR 5006**.

Federal and State Affairs: **HB 2190**.

Financial Institutions and Pensions: **HB 2197, HB 2203**.

Health and Human Services: **HB 2184, HB 2185, HB 2198, HB 2199, HB 2200, HB 2201**.

Insurance: **HB 2177, HB 2182**.

Judiciary: **HB 2178, HB 2181, HB 2191, HB 2192, HB 2193, HB 2196**.

Local Government: **HB 2188**.

Taxation: **HB 2194, HB 2195, HB 2202**.

Transportation: **HB 2179, HB 2180**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 22**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 22**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

HB 2033, AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax, rates and ballot authority, Dickinson, Finney, Jackson, Russell and Thomas counties; amending K.S.A. 2018 Supp. 12-187 and 12-189 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 36; Present but not voting: 0; Absent or not voting: 10.

Yeas: Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bishop, Blex, Burroughs, Carlson, W. Carpenter, Claeys, Clark, Croft, Curtis, Dietrich, Donohoe, Ellis, Eplee, Finch, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helmer, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Holscher, Horn, Howard, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Orr, Pannbacker, Parker, F. Patton, Phillips, Probst, Proehl, Rahjes, Ralph, Ruiz, L., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Sutton, Tarwater, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warfield, Warren, Wasinger, Waymaster, Wheeler, K. Williams, Wolfe Moore, Woodard.

Nays: Alcalá, Amyx, Bergquist, Burris, Capps, Carlin, Carmichael, B. Carpenter, Clayton, Collins, Corbet, Delperdang, Dierks, Dove, Erickson, Esau, Finney, Henderson, Highberger, Hodge, Jacobs, Landwehr, Mason, Ohaebosim, Ousley, Owens, Pittman, Resman, Rhiley, Ruiz, S., Stogsdill, Thimesch, Ward, Weigel, Winn, Xu.

Present but not voting: None.

Absent or not voting: Concannon, Cox, Helgerson, Houser, Huebert, Kuether, Lewis, Smith, E., Victors, Whipple.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2033**. This is a local County Option. However with the Finney County sales tax issue there were over 40 percent in the county that voted No to a sales tax increase. It just doesn't seem right to give a quick wink and a nod to retroactively allow a Finney County to keep these taxes without giving those who were wrongfully taxed the opportunity to apply for a tax refund.— KEN CORBET, JOHN CARMICHAEL

MR. SPEAKER: I vote No on **HB 2033**. Although I support the right of local jurisdictions to raise local revenue as their citizens see fit, I cannot support the provision of this bill that endorses the results of a sales tax election conducted without statutory authority. Doing so will only encourage other cities and counties to conduct unauthorized elections and seek approval for them later.— BOOG HIGHBERGER

HB 2034, AN ACT enacting the supported decision-making agreements act; relating to decision-making assistance for adults; amending K.S.A. 2018 Supp. 21-5417 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 101; Nays 15; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, B. Carpenter, W. Carpenter, Claey's, Clark, Clayton, Collins, Corbet, Croft, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Humphries, Jacobs, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Lusk, Lynn, Mason, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Sawyer, Schreiber, Seiwert, Smith, A., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Ward, Warfield, Wasinger, Waymaster, Weigel, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Baker, Carmichael, Curtis, Delperdang, Dierks, Esau, Helmer, Jennings, Long, Mastroni, Phillips, Pittman, Samsel, Warren, Wheeler.

Present but not voting: None.

Absent or not voting: Concannon, Cox, Helgerson, Huebert, Kuether, Lewis, Smith, E., Victors, Whipple.

The bill passed, as amended.

MR. SPEAKER: I vote no on **HB 2034**. While I generally support the intent of HB 2034, as an attorney I have grave concerns about the lack of protections for principals as currently written. There is no fiduciary duty of care owed to the principal, and Sec. 2(k)(7) seems to allow for the unauthorized practice of law. If the bill is in conference committee, I would work to address these and other concerns to make this bill work better for those it is intended to help. — KELLIE WARREN

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2043** be amended on page 2, in line 7, after "(d)" by inserting "Upon request by either the chairperson of the senate standing committee on financial institutions and insurance or the chairperson of the house standing committee on insurance, the commissioner of insurance may include any additional tax credits to the presentation that are not listed in section 1, and amendments thereto, or remove any tax credits from the presentation that no longer have any effect.

(e)";

On page 3, in line 9, after "(d)" by inserting "Upon request by either the chairperson of the senate standing committee on commerce or the chairperson of the house standing committee on commerce, labor and economic development, the secretary of commerce may include any additional tax credits or economic development programs to the presentation that are not listed in section 2, and amendments thereto, or remove any tax credits or economic development programs from the presentation that no longer have any effect.

(e)";

Also on page 3, in line 32, before the semicolon by inserting ". The state historical society shall assist the secretary of revenue in presenting on the historic preservation credit";

On page 4, in line 16, after "(d)" by inserting "Upon request by either the chairperson of the senate standing committee on assessment and taxation or the chairperson of the house standing committee on taxation, the secretary of revenue may include any additional tax credits and exemptions to the presentation that are not listed in section 3, and amendments thereto, or remove any tax credits and exemptions from the presentation that no longer have any effect.

(e)";

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. 15, by Representative Brenda Dietrich, congratulating Jaybe Shufelberger on being named the 2018-2019 Gatorade Kansas Girls Cross Country Runner of the Year;

Request No. 16, by Representative Ponka-We Victors, honoring Olympic Medalist Billy Mills for having a Kansas school named after him;

Request No. 17, by Representative Ponka-We Victors, congratulating Armando Minjarez for completing the world's largest mural by a single artist in Wichita, Kansas;

Request No. 18, by Representative Ponka-We Victors, congratulating Carole Cadue-Blackwood for being recipient of the 2018 National Indian Education Parent of the Year Award;

Request No. 19, by Representative Brenda Dietrich, commending Cameron McClacherty on achieving the rank of Eagle Scout;

Request No. 20, by Representative Brenda Dietrich, commending Tanner Ham on achieving the rank of Eagle Scout;

Request No. 21, by Representative Brenda Dietrich, commending Isaac Richardson on achieving the rank of Eagle Scout;

Request No. 22, by Representative Brenda Dietrich, commending Luke Wood on achieving the rank of Eagle Scout;

Request No. 23, by Representative Brenda Dietrich, commending Ian Johnson on achieving the rank of Eagle Scout;

Request No. 24, by Representative Brenda Dietrich, commending Logan Wedley on achieving the rank of Eagle Scout;

Request No. 25, by Representative Brenda Dietrich, commending Grant Miller on achieving the rank of Eagle Scout;

Request No. 26, by Representative Brenda Dietrich, commending Trevin Reinert on achieving the rank of Eagle Scout;

Request No. 27, by Representative Brenda Dietrich, commending Caleb Jennings on achieving the rank of Eagle Scout;

Request No. 28, by Representative Fred Patton, commending Riley Sell on achieving the rank of Eagle Scout;

Request No. 29, by Representative Fred Patton, commending Scott Schultz on

achieving the rank of Eagle Scout;

Request No. 30, by Representative Fred Patton, commending Tristan Hahn on achieving the rank of Eagle Scout;

Request No. 31, by Representative Tom Phillips, commending Charlie Sargent on forty-seven years of service with Kansas Farm Bureau;

Request No. 32, by Representative Dave Baker, commending Ed Mueller for a lifetime of volunteer service;

Request No. 33, by Representative Brenda Dietrich, congratulating David and Jurahee Shriver on their 50th wedding anniversary;

Request No. 34, by Representative Barb Wasinger, commending Marshall Perryman on achieving the rank of Eagle Scout;

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. Hawkins, 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 2213, AN ACT concerning insurance; relating to fraudulent insurance acts; amount involved; amending K.S.A. 2018 Supp. 40-2,118 and repealing the existing section; also repealing K.S.A. 2018 Supp. 40-2,118a, by Committee on Corrections and Juvenile Justice.

HB 2214, AN ACT concerning the motor-fuel tax law; relating to the definition of school bus; amending K.S.A. 2018 Supp. 79-3401 and repealing the existing section, by Committee on Transportation.

HB 2215, AN ACT concerning the Kansas state fair board; authorizing the board to establish a nonprofit corporation for the benefit of the state fair; amending K.S.A. 74-520a and repealing the existing section, by Committee on Agriculture.

HB 2216, AN ACT concerning postsecondary education; relating to repayment of student loans; tax credits; establishing the state employee student loan repayment assistance act, by Representative Alcalá.

HB 2217, AN ACT concerning retirement and pensions; enacting the Kansas thrift savings plan act; providing terms, conditions and requirements related thereto; relating to plan document, membership, benefits, contributions and distributions, by Committee on Financial Institutions and Pensions.

HB 2218, AN ACT concerning members of the legislature; relating to retirement and pensions; ending membership in the Kansas public employees retirement system; establishing annual salary; amending K.S.A. 46-137e, 74-4902, 74-4991 and 75-3212 and K.S.A. 2018 Supp. 46-137a and 46-137b and repealing the existing sections, by Committee on Financial Institutions and Pensions.

HB 2219, AN ACT concerning the Kansas open meetings act; relating to recording of proceedings; availability to public; amending K.S.A. 2018 Supp. 75-4318 and repealing the existing section, by Representative Alcalá.

REPORT ON ENGROSSED BILLS

HB 2033, HB 2034, reported correctly engrossed February 7, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Monday, February 11, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*