

# Journal of the House

## THIRTY-NINTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, March 13, 2019, 11:00 a.m.

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

The roll was called with 123 members present.

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

Prayer by Chaplain Brubaker:

Almighty God,  
thank You for this day and the refreshing rains  
that help clear the air and give promise of Spring.  
As our leaders continue their work here  
and our basketball teams begin tournament plays,  
I am reminded how coaching techniques can be similar  
to the leadership patterns and skills of this body.  
Coaches pull together people from diverse  
backgrounds, experience, philosophies and talents  
and encourage them to accept responsibility and partner together.  
Our leaders have this same diversity  
yet they partner together to fulfill their responsibility.  
Coaching is not about devising the perfect plan,  
but about paying attention to people,  
believing in them, caring for them,  
and helping them to better themselves.  
Every decision our leaders make must be about  
paying attention to people (constituents)  
and making decisions that allow them to better themselves.  
I pray that You will enable our leaders with  
these coaching and leadership practices.  
In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Ohaebosim.

## INTRODUCTION OF GUESTS

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

The mission of the Veterans of Foreign Wars, or VFW, is *“To foster camaraderie among United States veterans of overseas conflicts. To serve our veterans, the military and our communities. To advocate on behalf of all veterans.”* and the VFW is *“the voice that represents veterans everywhere and defends their rights and benefits. Our representatives stand for veterans every time,”* and the slogan for the VFW Auxiliary, of which I am a member, is to provide *“unwavering support for uncommon heroes.”*

Today, we congratulate and honor the VFW Teacher of the Year for the State of Kansas, Julie Bernard who displays in her classroom the honor to our veterans. The VFW Teacher of the Year program recognizes those educators, who in the classroom, educate, instruct, and provide respect and honor to our veterans. This program recognizes exceptional teachers for instructing their students in Americanism and patriotism. We are honoring Julie Bernard, a third-grade teacher from Bickerdyke Elementary School in Russell, Kansas, for her dedication and devotion to educating her students about American pride and honoring our veterans.

After a vigorous nominating process, Julie was selected by our local VFW post, some of whose members are with us today. She then won at the state level, then proceeded to the National level. She began her career in Beloit, then Osborne, and now, in Russell.

We congratulate Julie not only on her instructional knowledge of heroism and patriotism, we also honor her today for being named the 2018 VFW State of Kansas Teacher of the Year and for competing at the national level. With us today are her husband, Larry Bernard; Andrew Dempewolf, principal for Bickerdyke Elementary School; Shelly Swayne, USD 407 Superintendent; and also, members from our VFW Post #6240 in Russell, Kansas: Michael Allen, James Bowman, Betty Jo Lloyd, Fred Weigel, and my mother and father, Mary Pat and Lance Waymaster.

Thank you, Julie, for providing this education to your students so the vision of the VFW is embedded in our young students at an early age: ensuring *“that veterans are respected for their service, always receive their earned entitlements, and are recognized for the sacrifices they and their loved ones have made on behalf of this great country.”*

Fellow House members, please join me in honoring Julie Bernard as the 2018 VFW Teacher of the Year for the state of Kansas!

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2397**, AN ACT concerning public health and safety; relating to dangerous regulated animals; amending K.S.A. 2018 Supp. 32-1301, 32-1302, 32-1303, 32-1306 and 32-1308 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2398**, AN ACT concerning sales taxation; relating to exemptions; requirements of new exemptions, by Committee on Taxation.

**HB 2399**, AN ACT concerning sales taxation; relating to exemptions; extension for Gove county healthcare endowment foundation, inc.; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2396**.

Judiciary: **HB 2394**.

K-12 Education Budget: **HB 2395**.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2133**, AN ACT concerning alcoholic beverages; relating to delivery of alcoholic liquors; required reporting, penalty, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris, Rhiley.

Present but not voting: None.

Absent or not voting: Pittman.

The bill passed, as amended.

**SB 17**, AN ACT concerning motor vehicles; relating to driver's licenses, motorcycles, requiring class M license for temporary permits; amending K.S.A. 2018 Supp. 8-235 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 101; Nays 22; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Amyx, Arnberger, Baker, Ballard, Barker, Benson, Bishop, Burroughs, Carlin, Carlson, Carmichael, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Esau, Finch, Finney, Francis, French, Frownfelter, Gartner, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, F. Patton, Phillips, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Smith, A., Smith, E., Stogsdill, Sutton, Thimesch, Thomas, Thompson, Toplikar, Victors, Ward, Warfield, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter,

Erickson, Garber, Helmer, Humphries, Jacobs, Landwehr, Mason, Owens, Rhiley, Seiwert, Tarwater, Vickrey, Waggoner, Warren, Wasinger.

Present but not voting: None.

Absent or not voting: Pittman.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote NO on **Senate Bill 17**. I am supportive of motorcycle Driver Safety and Training.

I disagree with taking away individual freedom of choice, being forced to satisfy requirements for the state “M” endorsement.

Also, this bill does not cover Driver of Vehicles such as all-terrain vehicles (ATV), golf carts, electric scooters, e-bikes and mopeds. – BILL RHILEY

**SB 39**, AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to warranty services, compensation; amending K.S.A. 2018 Supp. 8-2415 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burris.

Present but not voting: None.

Absent or not voting: Pittman.

The bill passed.

**SCR 1606**, A CONCURRENT RESOLUTION condemning the enactment of the Reproductive Health Act by the state of New York, because it violates the life and well-being of a woman and her unborn child, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 38; Present but not voting: 0; Absent or not voting: 1.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Hibbard, Highland, Hineman, Hoffman,

Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Murnan, Orr, Owens, Pannbacker, F. Patton, Phillips, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams, Wolfe Moore.

Nays: Alcalá, Amyx, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Neighbor, Ohaebosim, Ousley, Parker, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Pittman.

The resolution was adopted.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: As the mother of triplets, I cannot take part in the indirect condemnation a woman in a situation where she is carrying twins and one dies and she chooses to abort the non-viable, dead baby so as not to endanger the life and health of the other twin and/or herself. I vote no because the underlying assumption of the resolution is that there is never a legitimate case where the life and health of the mother and/or another baby could be in serious risk. I am voting against **SCR 1606** as a statement in support of life. – NANCY LUSK

MR. SPEAKER: We vote no on **SCR 1606**. We should be concerned about Medicaid expansion in KANSAS, funding schools in KANSAS, providing a secure work environment in KANSAS prisons, and transportation funding in KANSAS. Where are the bills that address these issues for KANSAS- not in New York- For these reasons we vote no on **SCR 1606**. – FRED A WARFIELD, ELIZABETH BISHOP, SUSAN RUIZ, CINDY NEIGHBOR

MR. SPEAKER: I vote NO today on **SCR 1606**. With all the issues facing Kansas concerning our schools, our lack of healthcare for tens of thousands of Kansans, our crumbling infrastructure, our economy, our responsibilities to our foster children and many others, I find it irresponsible and indefensible that we spend taxpayer money working on issues that are the concern and responsibility of the state of New York. I believe our constituents have sent us to Topeka to deal with the issues facing the state of Kansas and not to waste time and resources lecturing and interfering with the legislative process in other states. – JERRY STOGSDILL, RUI XU, JIM GARTNER

MR. SPEAKER: I vote no on **SCR 1606**. Rather than focusing on the condemnation of New York's policies, we should be working toward funding our children's educations, expanding Medicaid, fixing our failed foster care system in which children are missing and dying, resolving the crisis in our prison system, and addressing the many other issues facing our state. We were elected here in Kansas to serve the people of Kansas, not to waste time and tax dollars worrying about what other states decide to do for their constituents. Thank you, Mr. Speaker. – CINDY HOLSCHER, TOM SAWYER, MIKE AMYX,

BRODERICK HENDERSON, JASON PROBST, VIRGIL WEIGEL, PAM CURTIS, LOUIS E. RUIZ, KC OHAEBOSIM, DAVID BENSON, EILEEN HORN, STEPHANIE CLAYTON, BRANDON WOODARD, VALDENIA E. WINN, TOM BURROUGHS

MR. SPEAKER: Matthew 7:3-4 says “How can you say to your brother, 'Let me take the speck out of your eye,' when all the time there is a plank in your own eye? You hypocrite, first take the plank out of your own eye, and then you will see clearly to remove the speck from your brother's eye.” Mr. Speaker, I vote no on **SCR 1606**. – BRETT PARKER

MR. SPEAKER: I vote No on **SCR 1606**, and commend the legislature of the of the State of New York for its respect for the Constitution of the United States and the right to privacy guaranteed to all of us by the Fourth Amendment. I further commend the members of the New York Senate and State Assembly for their courageous defense of women's reproductive rights. With the intention of providing a personally autographed copy of the March 13, 2019 House Journal to the governor and legislature of the State of New York. I vote No on **SCR 1606**. – JOHN CARMICHAEL

MR. SPEAKER: I vote “yes” on **SCR 1606**. On February 1, 2019, the Representative from Harvey County, with broad support, delivered a strong pro-life message directed to New York. It reflects the values of my District and most Kansans. At minimal taxpayer expense. I commend his efforts.

Today, however, culminates a disappointing process. Kansans expect **common sense, collegiality, teamwork, efficient use of taxpayer resources, and results that help our State**.

On February 11, the Senate introduced **SCR 1606**. Why?

Yesterday, we had multiple amendments that quickly proved futile. How did the 3-hour process that entailed help any Kansan?

I struggle to find answers that meet the aforementioned **Kansas values**– MARK SAMSEL

MR. SPEAKER: I vote Yes on **SCR 1606**. The famous philosopher Dr. Seuss once said, “A person's a person, no matter how small.”

So regardless of physical or political boundaries, I believe all people should have the right to live and enjoy the gift-of-life where God has so divinely placed them, no matter how long or short that life may be. Life should be experienced, cherished and protected by all who have had the privilege to experience it at least once.

Thomas Jefferson had said, “The care of human life and happiness and not their destruction is the first and only legitimate object of good government.” -TREVOR JACOBS, BILL RHILEY

MR. SPEAKER: 2 days ago we all stood in support of Sonia Warshawski and symbolized our sadness at the history of the Holocaust. Today 1/3 of this generation is lost to the Holocaust of abortion. In WWII we finally stood up to the Nazis. Today we need to stand for the unborn babies in every state in the nation. We vote yes on **SCR 1606**. – BARBARA WASINGER, SUSAN HUMPHRIES, CHARLOTTE ESAU

MR. SPEAKER: I vote yes on **SCR 1606**. Kansas was once known as the late-term abortion capital. Pro-life Kansans have worked tirelessly to change hearts, minds, and laws to defend the most helpless among us. Sadly, New York recently moved in the opposite direction.

Today more than ever, it is on you and me to defend the rights of helpless, unborn life.

New York's Reproductive Health Act is a despicable violation of the fundamental right to life. I am proud to take a stand again today to say that life has inherent value and we in Kansas expect all life to be treated with respect, love, and care. – DANIEL HAWKINS

MR. SPEAKER: I vote NO on **SCR 1606** because I trust women and we should mind our own business. DENNIS “BOOG” HIGHBERGER, JARROD OUSLEY

### REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2042** be amended by adoption of the amendments recommended by the House Committee on Corrections and Juvenile Justice as reported in the Journal of the House on January 31, 2019, and the bill, as printed with amendments by House Committee, be passed as amended.

Committee on **Health and Human Services** recommends **SB 61**, as amended by Senate Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **HB 2274** be amended on page 2, in line 11, after "woman," by inserting "in writing, in the manner prescribed by K.S.A. 65-6709, and amendments thereto, and also either"; and the bill be passed as amended.

### COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Murman to replace Rep. Burroughs on Committee on Appropriations on March 13, 2019.

### REPORT ON ENGROSSED BILLS

**HB 2133** reported correctly engrossed March 12, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Thursday, March 14, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

