

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 2, 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. Sloan was excused on legislative business.

Reps. Good and Kiegerl were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
For this new day You have created
for us to enjoy, we thank You.
The race is on for the next six weeks
to see who can predict the weather more accurately,
a hairy rodent or trained meteorologists.
But no matter what the weather may be doing outside,
inside here, we can anticipate all kinds of climate
as bills get introduced, discussed in committee,
and debated in general session.
There may be days when the atmosphere appears rather cold—
days when it will get pretty heated—
and days when the temperature is just right
and everyone is in agreement.
I ask You, Lord, that through it all,
You help these leaders keep cool heads
while maintaining a heated desire
to make decisions that You deem right for our people.
In Christ's Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Ballard.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2247, AN ACT concerning legal publications; authorizing use of internet websites for legal publications; amending K.S.A. 12-1651 and 64-101 and repealing the existing sections, by Committee on Local Government.

HB 2248, AN ACT concerning consumer protection and common interest communities; amending K.S.A. 2016 Supp. 58-4609 and repealing the existing section, by Committee on Local Government.

HB 2249, AN ACT concerning workers compensation; relating to death benefits for children over the age of 18 enrolled in high school; amending K.S.A. 2016 Supp. 44-510b and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2246**.

Corrections and Juvenile Justice: **HB 2243**.

Health and Human Services: **HB 2244**.

Judiciary: **HB 2239, HB 2240, HB 2245**.

K-12 Education Budget: **HB 2242**.

Taxation: **HB 2235, HB 2237, HB 2238**.

Transportation: **HB 2236**.

Water and Environment: **HB 2241**.

COMMUNICATIONS FROM STATE OFFICERS

From Antonio J. Soave, Secretary of Commerce, Kansas Department of Commerce, in accordance with K.S.A. 2016 Supp. 12,17,169(c)(2)(A); 2017 STAR Bond Annual Report.

From Derek Schmidt, Kansas Attorney General, State of Kansas Office of the Attorney General, pursuant to K.S.A. 60-4117(d)(1); Annual report for Attorney General's State Medicaid Fraud Forfeiture Fund.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Concannon, **HR 6006**, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6006**—

By Representative Concannon

HR 6006—A RESOLUTION recognizing February 3, 2017, as National Wear Red Day.

WHEREAS, Cardiovascular diseases kill one in three women in the United States, yet 80% of cardiac events may be prevented; and

WHEREAS, Cardiovascular diseases and strokes kill one woman every 80 seconds in the U.S.; and

WHEREAS, An estimated 44 million women in the U.S. are affected by cardiovascular diseases; and

WHEREAS, Ninety percent of women have one or more risk factors for developing heart disease; and

WHEREAS, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else was having a heart attack; and

WHEREAS, According to a 2012 study by the American Heart Association, 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women, which has resulted in a greater emphasis by Go Red For Women on providing education to minority women; and

WHEREAS, The American Heart Association's Go Red For Women movement motivates women to learn their family histories and meet with their healthcare providers to determine their risks for cardiovascular disease and stroke; and

WHEREAS, Women involved with the Go Red For Women movement live healthier lives; and

WHEREAS, Go Red For Women encourages women to take charge of their health by knowing and managing these five numbers: Total cholesterol, HDL (good) cholesterol, blood pressure, blood sugar and body mass index (BMI): Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize February 3, 2017, as National Wear Red Day to raise awareness of the importance of the ongoing fight against heart disease and stroke by wearing the color red and urge all citizens to show their support for women by commemorating this day; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send five enrolled copies of this resolution to Representative Concannon.

CONSENT CALENDAR

No objection was made to **HB 2098**, **HB 2132** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2002, AN ACT concerning the division of post audit; relating to purposes for which expenditures may be made by the division; exemption, 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, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, 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, Hawkins, 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, 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: Helgerson.

Present but not voting: None.

Absent or not voting: Good, Kiegerl, Sloan.

The bill passed.

HB 2006, AN ACT concerning counties; relating to the expansion of the board of county commissioners; amending K.S.A. 2016 Supp. 19-203 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, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, 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, 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, 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: Barker.

Present but not voting: None.

Absent or not voting: Good, Kiegerl, Sloan.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Seiwert to amend **HB 2038**, the motion was withdrawn and **HB 2038** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Elections** recommends **HB 2013** be amended on page 3, in line 10, by striking all after "(f)"; by striking all in lines 11 through 14; in line 15, by striking all before the period and inserting "A person who won the primary election as a result of the person's name being written in on the primary ballot shall have such person's name printed on the official general election ballot for national, state, county, township or

municipal office, unless the person notifies, in writing, the secretary of state for national or state office or the county election office for all other offices within 10 days following the canvass of the primary election that the person does not want such person's name on the official general election ballot"; 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 and concurrent resolution were introduced and read by title:

HB 2250, AN ACT concerning taxation; relating to income tax, determination of Kansas adjusted gross income, certain business income; sales and compensating use tax, rate, food and food ingredients; establishing the food sales tax reduction fund; amending K.S.A. 2016 Supp. 79-32,117, 79-32,269, 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2251, AN ACT concerning elections; relating to audits; timing for canvassing; concerning requirements for voting machines; amending K.S.A. 2016 Supp. 25-3104, 25-4403 and 25-4406 and repealing the existing sections, by Representative Ousley.

HB 2252, AN ACT concerning education; amending K.S.A. 2016 Supp. 72-99a03 and 72-99a07 and repealing the existing sections, by Committee on Education.

HB 2253, AN ACT concerning health and health care; relating to scoliosis screening; requiring screening of all pupils enrolled in a school district or accredited nonpublic school, by Committee on Health and Human Services.

HB 2254, AN ACT concerning health and health care; relating to the practice of telehealth; pertaining to persons licensed to practice medicine and surgery and osteopathic medicine and surgery; the state board of healing arts; establishing definitions; licensure requirements; rules and regulations, by Committee on Health and Human Services.

HB 2255, AN ACT concerning insurance; relating to health benefit plans that provide dental services; establishing new requirements relating to information disclosure and claims processing, by Committee on Health and Human Services.

HB 2256, AN ACT concerning elections; dealing with the crime of electioneering; amending K.S.A. 2016 Supp. 25-2430 and repealing the existing section, by Committee on Elections.

HB 2257, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the armed services occupation medal license plate; amending K.S.A. 2016 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Committee on Veterans and Military.

HB 2258, AN ACT concerning criminal procedure; prohibiting psychiatric or psychological examinations; victim of certain offenses, by Committee on Judiciary.

HB 2259, AN ACT concerning crimes, punishment and criminal procedure; relating to preliminary hearings; hearsay; amending K.S.A. 2016 Supp. 22-2902 and repealing the existing section, by Committee on Judiciary.

HB 2260, AN ACT concerning crimes, punishment and criminal procedure; relating to conditions of probation; revocation; amending K.S.A. 2016 Supp. 22-3716 and repealing the existing section, by Committee on Judiciary.

HB 2261, AN ACT concerning sales taxation; relating to exemptions, certain veterans service organizations; amending K.S.A. 2016 Supp. 79-3606 and repealing the existing section, by Representatives Corbet, Alcalá, Clark, Osterman, Phillips and Ruiz.

HB 2262, AN ACT concerning law enforcement; relating to requests for law enforcement assistance from jurisdictions located outside the state of Kansas; amending K.S.A. 2016 Supp. 48-3602 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2263, AN ACT concerning the prison-made goods act of Kansas; relating to the sale of products to contractors and vendors of government entities; amending K.S.A. 2016 Supp. 75-5275 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2264, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; place of certain juvenile offenders; amending K.S.A. 2015 Supp. 38-2361, as amended by section 42 of chapter 46 of the 2016 Session Laws of Kansas and 38-2369, as amended by section 46 of chapter 46 of the 2016 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2265, AN ACT concerning federal law enforcement officers; relating to the definition thereof; amending K.S.A. 2016 Supp. 22-2411 and 74-5602 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2266, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; lump-sum death benefit; amending K.S.A. 74-4989 and K.S.A. 2016 Supp. 74-49,315 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

HB 2267, AN ACT concerning the uniform consumer credit code; relating to consumer loans; amending K.S.A. 16a-2-401, 16a-2-404 and 16a-2-405 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

HB 2268, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; extending sunset date for exemptions; amending K.S.A. 2016 Supp. 74-4914 and 74-4937 and repealing the existing sections; also repealing K.S.A. 2016 Supp 74-4914f, by Committee on Financial Institutions and Pensions.

HOUSE CONCURRENT RESOLUTION No. **HCR 5008**—

By Committee on Water and Environment

HCR 5008— A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, concerning the sales and compensating use tax and the state water plan fund, contributions.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 11 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 14. Sales and compensating use tax; state water plan fund, contributions. Commencing on July 1, 2019, and continuing on a quarterly basis, 0.1% of the sales and compensating use tax collected shall be remitted to the state treasurer and credited to the state water plan fund and such funds shall only be used for water-related purposes."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to provide for adequate funding of the state water plan.

"A vote for this proposition would provide, commencing on July 1, 2019, that 0.1% of the moneys collected from the existing sales and compensating use tax be deposited in the state water plan fund to implement the long-term vision for the future of the water supply in Kansas.

"A vote against this proposition would make no changes in current law with no portion of the existing sales and compensating use tax specifically allocated to the state water plan fund."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2018, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REPORT ON ENGROSSED BILLS

HB 2006 reported correctly engrossed February 1, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Friday, February 3, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

