

# Journal of the House

FORTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, March 12, 2018, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Gallagher, Kuether and Phillips were excused on verified illness.

Rep. Francis was excused on legislative business.

Prayer by guest chaplain, Reverend Richard Brueck, Heartland Community Church, Wichita, and guest of Rep. Humphries.

You are the creator and sustainer of all things, your Word tells us that through You governments rise and fall, and so we ask that you would bless our government, that you would bless the men and women who serve this state and country so diligently. Father we ask that you would give our leaders wisdom and insight that their service might be pleasing in your sight, that their decisions might be for your honor and the people's good. We ask heavenly Father that you would grant us favor in your sight that laws might be passed that would protect the lowly and help the downtrodden, that they would bring comfort and stability to the orphan and help for the helpless. Father, give our leaders a spirit of unity that they might serve with the humility of Christ as they put others before themselves. Give them the sacrificial love of Christ that they would love their neighbor as Christ loved us and gave up His life that we might be forgiven. Lord help these men and women seek the good of this state in a way that is pleasing in your sight, that through their efforts and decisions you would see fit to increase the peace and prosperity of your people, that justice might flow through the streets and peace might reign in our homes, that families might flourish and business might prosper. We ask that you would protect and guide these men and women as they serve your people so faithfully. Give them strength and perseverance, protect their families and loved ones, sustain them in their service we ask.

And we ask it that you might receive honor, that your name might be exalted and that your people might flourish, and we ask it in the name that is above every name, the precious name of our Savior, Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Lusker.

### **INTRODUCTION OF GUESTS**

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

As I considered this Point of Personal Privilege moment I was at first very hesitant to present you with the information I am about to share. But as I meditated and prayed on this the words just came, and I realized I had to take this brief moment in time to thank you Body for the work you do in attempting to direct and help keep our children, young adults safe. You make a difference.

Last Wednesday you took action to pass HB 2758. And while not perfect this bill goes a long way in starting that process of trying to keep our youth at our schools safe and more protected from cyber bullying. I want to personally thank the representative from South Leavenworth who carried the bill and shared his own personal story. And thank you to the Body for passing it.

Standing before you today are senior students of Atchison H.S. and I promise to get to their celebration reason for being here very shortly. I love Atchison High. All 3 of my own children went through Atchison High and it helped set their trajectory. My graduates are doing great things as a result of their time at Atchison High.

But these students here with me and in the gallery have experienced unimaginable loss in the past two months. Two of their classmates have fallen victim to suicide. While both situations were different and complicated - they centered around some of the issues we discussed last Wednesday.

They were students just like these standing before you. They laughed together, played together, joked together, studied together, learned together, cried together, loved together and ultimately lost together. We are processing that loss - that grief. And so, for the lives of Josh and Tanner I would respectfully ask for a moment of silence here on the floor to celebrate their lives.

Atchison Adrenaline is the premiere Varsity Show Choir at our High School in Atchison, KS. They are one of the only competitive Show Choirs in the state.

Adrenaline competes each year in State Contests and Show choir competitions around the country. They have received the highest "Superior" rating in choral performance at State Contest the last 6 years. Adrenaline students have also received many "Superior" ratings at Regional and State solo, ensemble contests. As a show choir, they have also been undefeated in their division for the past 4 years. They consistently place in finals competition, outscoring schools 4 times their size. They have also been nominated for the Aspire Award of Most Promising New Program and are currently ranked in the top 100 competitive Show Choirs in the nation.

Senior Members include: Bruce Dolenz, Teagan Hanson, Libby Harper, Raegan Huntington, Emily Jaloma, Jackson Latner, Piper Myers, Dana Richards, Andie Shults, Derek Thompson, Olivia Wabski, Brennan Wheatley and Nathan Stone.

And their Director is The Amazing Sam Dollins. They are accompanied by Kay Dolenz. The underclassmen of Adrenaline are in the Gallery. I would ask for an unofficial -"Meeting at the Rail" immediately on adjournment to watch and hear Adrenaline in action in our Rotunda.

And now please join me in celebrating the wonderful accomplishments of Adrenaline Show Choir from Atchison, KS. Rep. Eplee presented framed House certificates to the director in recognition of Adrenelines' achievements.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2775**, AN ACT concerning roads and highways; establishing the joint legislative transportation vision task force; relating to the evaluation of the state highway fund and the state highway transportation system; report to the legislature, by Committee on Appropriations.

### CONSENT CALENDAR

No objection was made to **SB 267**, **Sub SB 414** appearing on the Consent Calendar for the second day.

Objection was made to **HB 2598** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 405**, AN ACT concerning the department of health and environment; relating to animal conversion units; poultry facilities; confined feeding facilities; amending K.S.A. 2017 Supp. 65-171d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 37; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Burris, Carlin, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, E. Davis, Delperdang, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Garber, Gartner, Hawkins, Helgerson, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Orr, Osterman, F. Patton, Phelps, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Nays: Ballard, Bishop, Brim, Burroughs, Carmichael, Clayton, Crum, S., Curtis, Deere, Dove, Finch, Finney, Frownfelter, Good, Henderson, Highberger, Hodge, Holscher, Horn, Karleskint, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Pittman, Probst, Ruiz, Sloan, Stogsdill, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Francis, Gallagher, Kuether, Phillips.

The bill passed.

## EXPLANATIONS OF VOTE

MR. SPEAKER, I vote No on **SB 405**. This bill has been promoted as a way to create jobs and investment. Yet, long before this legislation, Tyson Foods had laid out plans to build a poultry plant in Kansas, showing the state already is attractive. Furthermore, discussion centered on the demands of industry with less concern for local communities. Amendments offered by Representatives Karleskint and Horn would have equitably balanced the requests of industry with the protection of Kansans – and I would've supported a bill with those provisions. Currently, **SB 405** leans too heavily in favor of one group while largely dismissing the welfare of the broader public. – JASON PROBST

MR. SPEAKER, **SB 405**, also known as the chicken bill is being passed before **SB 414** that is on the consent calendar today, and is known as the egg bill. By voting yes today, we are answering the age old question that the chicken has in fact come before the egg. I vote yes. – SCOTT SCHWAB

MR. SPEAKER, I vote “Aye” on **SB 405**. We, as Kansans, take considerable pride in the fact that our farmers feed an ever-increasing share of the world's population; improving the quality of life thereof. We, also, have grown accustomed to being able to walk into our corner store and find a nearly limitless supply of food, fibre, and protein to feed and nourish our own families. It's unrealistic to believe that either of those is sustainable, if we limit the means of production. I vote “Aye” on **SB 405**. – LES MASON

MR. SPEAKER: While we recognize the possible environmental concerns related to **SB 405** we also recognize the need for economic opportunities and job growth in Kansas. **SB 405** is a necessary first step in allowing farmers the opportunity to add value to their operation and grow the state's economy. This bill also establishes regulations where none currently exist while preserving the rights of local voters to decide for themselves if this industry fits their community. Mr. Speaker we vote YES on **SB 405**. – JOHN WHITMER, LEO DELPERDANG, BLAKE CARPENTER, LESLIE OSTERMAN, FRANK TRIMBOLI, KEITH ESAU, RANDY POWELL

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

**COMMITTEE OF THE WHOLE**

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

Recommended that **HB 2541** be passed.

Committee report to **HB 2650** be adopted; and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** recommends **HB 2427** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2427," as follows:

"Substitute for HOUSE BILL NO. 2427

By Committee on Federal and State Affairs

"AN ACT concerning health and healthcare; relating to powers and duties of the Kansas department for aging and disability services regarding certain providers and facilities; adult care homes; home health aides; providers of disability services; providing for licensure, employment and background checks of employees of such providers and facilities; amending K.S.A. 2017 Supp. 39-970, 39-2009 and 65-5117 and repealing the existing sections."; and the substitute bill be passed.

(**Sub HB 2427** was thereupon introduced and read by title.)

**COMMITTEE ASSIGNMENT CHANGES**

Speaker Ryckman announced the appointment of Rep. Ousley to replace Rep. Bishop on Committee on Judiciary on March 12, 2018.

Also, the appointment of Rep. Stogsdill to replace Rep. Hodge on Committee on Judiciary on March 12, 2018.

Also, the appointment of Rep. Whipple to replace Rep. Pittman on Committee on Veterans and Military on March 13, 2018.

Also, the appointment of Rep. Parker to replace Rep. Pittman on Committee on Transportation on March 13, 2018.

Also, the appointment of Rep. Parker to replace Rep. Whipple on Committee on Higher Education Budget on March 12, 2018.

**REPORT ON ENGROSSED BILLS**

**HB 2106, HB 2362** reported correctly engrossed March 9, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Tuesday, March 13, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

