

Journal of the House

SIXTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 11, 2017, 10:00 a.m.

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

The roll was called with 123 members present.

Reps. Ballard and Powell were excused on legislative business.

Present later: Rep. Powell.

Excused later: Rep. Proehl.

Prayer by guest chaplain, Jermaine Wilson, pastor, Faith Christian Center International, Leavenworth, and guest of Rep. Deere:

Dear heavenly father, we come before you with thankful and grateful hearts. For you are the creator of heaven and earth. It is he who made us and not we ourselves. Behold how good and how pleasant it is for brethren to dwell together in unity. By the name of our Lord Jesus Christ, that ye all speak the same thing, and that there be no divisions among you; but that ye be perfectly joined together in the same mind and in the same judgement. No weapon formed against our country shall prosper; we are more than conquerors to him who loved us. Neither height nor depth nor anything else in all creation, will be able to separate us from the love of God that is in Christ Jesus our Lord. Blessed is the nation whose God is the Lord; and the people whom he hath chosen for his own inheritance.

If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land. Our country cries out; forgive us of our sins, create in us a clean heart O Lord and renew us with your righteous spirit. The book of the law shall not depart from our mouth, we shall meditate on it day and night, so that we may be careful to do according to all that is written in it. We must be strong and courageous, we must not be afraid, we will not be discouraged, for the Lord our God will be with us wherever we will go. Our Country will stand together in unity, hope, peace and justice for all mankind. In Jesus' Name Amen.

The Pledge of Allegiance was led by Rep. Miller.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2426**.

Federal and State Affairs: **HB 2425**.

MESSAGES FROM THE SENATE

The Senate not adopts the Conference Committee report on **HB 2067**, requests a conference and appoints Senators Tyson, Kerschen and Holland as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2067**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **HB 2067**.

Speaker pro tem Schwab thereupon appointed Reps. Johnson, Phillips and Sawyer as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Phillips, **HR 6032**, by Reps. Phillips, Baker, Carlin, Clark, Concannon, Crum, Dierks, Dietrich, Elliott, Eplee, Finch, Francis, Gartner, Hibbard, Holscher, Judd-Jenkins, Kelly, Kuether, Lewis, Neighbor, Parker, Phelps, Proehl, Schreiber, Swanson, Terrell, Wheeler and Wolfe Moore, as follows, was introduced and adopted:

HR 6032—A RESOLUTION commemorating the 100th anniversary of city management in Kansas.

A RESOLUTION commemorating the 100th anniversary of city management in Kansas and designating June 18, 2017, as 100th Anniversary of City Management in Kansas Day.

WHEREAS, On February 17, 1917, Kansas Governor Arthur Capper signed a bill that authorized the city manager form of government for Kansas cities; and

WHEREAS, On March 9, 1917, electors in Wichita and El Dorado voted to adopt the city manager form of government and hired their first city managers on June 18 and July 1, 1917, respectively; and

WHEREAS, Today, the city or county manager form of government has been adopted by voters in 73 Kansas cities and 2 counties, which serves 24% of the Kansas municipal population; and

WHEREAS, In addition to the city manager form of government, cities in Kansas have an additional 97 cities and 20 counties with professional administrators who serve

over 67% of the Kansas municipal population; and

WHEREAS, The Kansas Association of City/County Management is the professional association that represents more than 192 local government administrators who serve Kansas cities and counties. These administrators promote strengthening the quality of local government through professional management; and

WHEREAS, The School of Public Affairs and Administration at the University of Kansas, the Hugo Wall School of Public Affairs at Wichita State University, and the Master of Public Administration program at Kansas State University prepare graduate students to work as professional city managers, city administrators, county managers and county administrators: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commemorate the 100th anniversary of city management in Kansas, and we designate June 18, 2017, as 100th Anniversary of City Management in Kansas Day to show our admiration for professional city managers, city administrators, county managers and county administrators. We wish them continued success in the future; and

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

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

Today we are commemorating the 100th anniversary of city management in Kansas.

On February 17, 1917, Kansas Governor, Arthur Capper, signed a bill authorizing the city manager form of government for Kansas cities. Then on March 9, 1917, electors in Wichita and El Dorado voted to adopt the city manager form of government and hired their first city managers on June 18 and July 1, 1917, respectively.

The city or county manager form of government has been adopted by voters in 73 Kansas cities and 2 counties, which serves 24% of the Kansas municipal population.

In addition to the city manager form of government, cities in Kansas have an additional 97 cities and 20 counties with professional administrators who serve over 67% of the Kansas municipal population.

These managers and administrators enhance the quality of local government through professional management. Three universities in Kansas - the University of Kansas, Wichita State University and Kansas State University - offer programs to prepare graduate students to work as professional public administrators.

The House will commemorate the 100th anniversary of city management in Kansas, and designate June 18, 2017, as 100th Anniversary of City Management in Kansas Day to show our admiration for professional city managers, city administrators, county managers and county administrators.

Joining us today are Doug Bach, County Administrator, Unified Government of Wyandotte County; Ron Fehr, City Manager, Manhattan; Doug Gerber, Interim City Manager, Topeka; Roger Holter, City Administrator, Marion; Lou Leone, City Manager, Kiowa; Cherise Tieben, City Manager, Dodge City; Michael Webb, City Manager, Edwardsville; Trey Cocking, City Manager, Atchison; Nickie Lee, Finance Director, Topeka; Reginald Robinson, Director, KU School of Public Affairs; Ray Hummert, Academic Advisor/External Affairs Director, KU School of Public Affairs; and John Nalbandian, Professor Emeritus, KU School of Public Affairs.

On motion of Rep. Hineman, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate announced the appointment of Senator Estes to replace former Senator LaTurner as a conferee on **HB 2313**

The Senate announced the appointment of Senator Olson to replace Senator Estes as a conferee on **HB 2313**

The Senate adopts the Conference Committee report on **H Sub for SB 40**.

The Senate adopts the Conference Committee report on **SB 149**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2041** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 6, in line 5, after "(c)" by inserting "(1) Prior to July 1, 2018,"; following line 23, by inserting:

"(2) On and after July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments thereto.";

Also on page 6, in line 31, by striking all after the period; by striking all in lines 32 through 41;

On page 38, following line 38, by inserting:

"Sec. 24. K.S.A. 2016 Supp. 20-1a15 is hereby amended to read as follows: 20-1a15. (a) There is hereby established in the state treasury the judicial branch nonjudicial

salary adjustment fund.

(b) All moneys credited to the judicial branch nonjudicial salary adjustment fund shall be used for compensation of nonjudicial officers and employees of the district courts, court of appeals and the supreme court and shall not be expended for compensation of judges or justices of the judicial branch. ~~Moneys in the fund shall be used only to pay for that portion of the cost of salaries and wages of nonjudicial personnel of the judicial branch, including associated employer contributions, which shall not exceed the difference between the amount of expenditures that would be required under the judicial branch pay plan for nonjudicial personnel in effect prior to the effective date of this act and the amount of expenditures required under the judicial branch pay plan for nonjudicial personnel after the cost-of-living adjustments and the adjustments for upgrades in pay rates for nonjudicial personnel approved by the chief justice of the Kansas supreme court for fiscal year 2015. For fiscal years commencing on and after June 30, 2016, moneys in such fund shall be used only for the amount attributable to maintenance of the judicial branch pay plan for nonjudicial personnel for such adjustments and upgrades approved by the chief justice of the supreme court for fiscal year 2015.~~

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the judicial branch nonjudicial salary adjustment fund interest earnings based on:

(1) The average daily balance of moneys in the judicial branch nonjudicial salary adjustment fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the judicial branch nonjudicial salary adjustment fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.";

Also on page 38, in line 39, after the third comma by inserting "20-1a15,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the first semicolon by inserting "disposition of failure to comply with a traffic citation reinstatement fees;" in line 3, after the third comma by inserting "20-1a15,";

And your committee on conference recommends the adoption of this report.

RICHARD E. WILBORN

JULIA LYNN

DAVID HALEY

Conferees on part of Senate

BLAINE FINCH

FRED PATTON

JOHN CARMICHAEL

Conferees on part of House

On motion of Rep. Finch, the conference committee report on **HB 2041** was adopted.

On roll call, the vote was: Yeas 98; Nays 24; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Barker, Becker, Bishop, Blex, Brim, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Waymaster, Weber, C., Weigel, Wheeler, K. Williams, Wilson, Wolfe Moore.

Nays: Awerkamp, Burroughs, B. Carpenter, Crum, S., DeGraaf, Finney, Garber, Helgerson, Henderson, Houser, Jacobs, K. Jones, Ohaebosim, R. Powell, Sawyer, Seiwert, Sutton, Terrell, Vickrey, Victors, Ward, Whipple, Whitmer, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Neighbor, Proehl.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Curtis to replace Rep. Ruiz on Committee on House Taxation on May 11, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Friday, May 12, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

