

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 19, 2019, 11:00 a.m.

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

COMMUNICATION FROM STATE OFFICERS

I, SCOTT SCHWAB, Secretary of State of the State of Kansas, do hereby certify that Alicia Straub, Ellinwood, Kansas, was appointed by the Governor effective March 14, 2019, for the unexpired term of State Representative for the 113th Legislative District, to fill the vacancy created by the resignation of Greg Lewis, and was administered the following oath of office on March 19, 2019.

State of Kansas
County of Shawnee} SS.

I, Alicia Straub, do solemnly swear, or affirm, that I will support the Constitution of the United States, and the Constitution of the State of Kansas, and will faithfully discharge the duties of the office of Kansas House of Representatives, District 113, so help me God.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and cause to be affixed my official seal this 19th day of March, A.D. 2019.

SCOTT SCHWAB
Secretary of State

Speaker Ryckman welcomed Rep. Straub to the House of Representatives.
The House is again organized with 125 members.

The roll was called with 125 members present.

Prayer by Chaplain Brubaker,

Gracious Lord and God,
thank You for this day You have given us.
As our leaders continue to work for the good
of the people of Kansas, remind each one that
servanthood must never let them become passive,
and leadership must never make them become arrogant.
Concern for relationships must never disguise complacency,
and striving for achievement must never make them unkind.

Reliance on grace must never shield disobedience,
 and obedience must never degenerate into legalism.
 Faith must always mean more than mental assent,
 and works must never make them self-righteous.
 Education must never take them down the road to relativity,
 and belief in revelation should not demand
 closed-mindedness or irrationality.
 Because God is just, does not mean He is unforgiving,
 and because God is merciful, does not mean He is permissive.
 Lord, help all of us to live by these principles,
 knowing that to do so, we need your help and wisdom.
 We welcome Rep. Alicia Straub to the legislature.
 Help her in all the adjustments and as she discovers her role here.
 In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Erickson.

INTRODUCTION OF GUESTS

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

Mr. Speaker and Members of the House –

Later today, members of both chambers and many guests to the Capitol will gather on the South Steps to honor Israel and reaffirm the State of Kansas's support for our brothers and sisters in Israel. Kansas's exports to Israel have totaled more than \$721 million since 1996, and Israel now ranks as Kansas's 20th leading trade partner. As an important ally, it's important for us to recognize Israel today.

Joining me on the floor today are:

- Lisa McFarland - Ambassador to Israel appointed by Governor Sam Brownback
- Earl Pickard - Kansan who prayed through Kansas for 7 years before establishing a ministry in Israel for the last 7
- David Epps - Earl's Worship Leader who has gone with Earl to Israel a dozen times
- Mary Humble - Ministered with Earl here in Kansas and in Israel
- Alicia Burnison - Goes to D.C. to represent Kansas and Israel
- Pastor Jim Congdon - Pastor of Topeka Bible Church who also serves on the board of Jews for Jesus. Jim takes groups to Israel every two years
- Kirk & Treva Johnston - Vineyard owners who went to Israel to learn their drip system for Kansas
- Donna Lippoldt – Founder of Culture Shield Network
- Rabbi Zalman Teichtel
- Pastor Dave Depew – a good friend and influence on many of us here from both sides of the aisle

Please join me in honoring these individuals for their work on behalf of Kansans towards the state of Israel.

Rep. Hawkins honored his guests by presenting them with a House certificate.

INTRODUCTION OF GUESTS

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

Thank you, Mr. Speaker,

Today we recognize Kidney and Organ Day at the Capitol. More than 115,000 Americans are on the national transplant waiting list. Too many die before getting a life-saving transplant, making living donation and registered donors important. Today we honor four kidney recipients and five living kidney donors. Some of them might not have been here today if they hadn't had a living donor or a registered donor to give them a second chance at life.

The living donors we have here today are Sara Hemphill, Deb Simmons, Cassie Hickel, Priscilla McPheeters and Keyta Kelly. The recipients present are Steve Hemphill, Jim Kelly, Terry Roberts and Michael Kelly. Please join me in welcoming these amazing and fortunate Kansans to the Kansas House of Representatives.

Rep. Amyx presented his guests with House certificates in honor of Kidney and Organ Day.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2401, AN ACT concerning the Kansas general corporation code; relating to quorum for the transaction of business; amendment to articles of incorporation; amending K.S.A. 2018 Supp. 17-6506 and 17-6602 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2402, AN ACT concerning health and healthcare; providing for the authorization of certain business entities to employ physicians and chiropractors; amending K.S.A. 65-2803, 65-2836 and 65-2877a and K.S.A. 2018 Supp. 40-3401 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Federal and State Affairs: **HB 2400**.

MESSAGES FROM THE GOVERNOR

HB 2044 approved on March 18, 2019

COMMUNICATIONS FROM STATE OFFICERS

From Laura Howard, Acting Secretary, Kansas Department for Children and Families; pursuant to K.S. A. 65-176, report of State Inspection of children's institutions.

The complete report is 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. Weigel, **HR 6017**, by Reps. Weigel, Amyx, Barker, Benson, Bishop, Blex, Carlin, Carmichael, Carpenter, Clark, Clayton, Collins, Croft, Delperdang, Dietrich, Ellis, Finney, French, Gartner, Henderson, Hibbard, Highland, Holscher, Jacobs, Karleskint, Kessinger, Lusk, Mason, Mastroni, Parker, Phillips, Pittman, Probst, Rahjes, Resman, Ruiz, Sawyer, Schreiber, Ward, Warfield, Wasinger, Wheeler and Xu, as follows, was introduced and adopted:

HOUSE RESOLUTION NO. **HR 6017**—A RESOLUTION honoring the 100th anniversary of the American Legion and its posts and members in Kansas.

A RESOLUTION honoring the 100th anniversary of the American Legion and its posts and members in Kansas.

WHEREAS, For the past 100 years, American Legion posts have been outstanding community-service organizations in Kansas; and

WHEREAS, On March 15, 1919, American service members serving in the American Expeditionary Force during World War I founded the American Legion in Paris, France, as an organization to serve veterans, service members, and communities. On September 16, 1919, the American Legion was then chartered by the U.S. Congress; and

WHEREAS, On August 9, 1921, the Legion's efforts resulted in the creation of the U.S. Veterans Bureau, the forerunner of the Veterans Administration; and

WHEREAS, On December 15, 1943, Past National Commander Harry W. Colmery wrote a draft that would become the G.I. Bill of Rights, one of the Legion's greatest legislative achievements; and

WHEREAS, The American Legion played a leading and crucial role in the drafting and passing of the Servicemen's Readjustment Act of 1944, otherwise known as the G.I. Bill; and

WHEREAS, The American Legion has influenced national change, won hundreds of benefits for veterans, and created many programs for children and youth; and

WHEREAS, In Kansas, the American Legion has over 40,000 members in more than 500 posts, units, and squadrons; and

WHEREAS, Posts and members in Kansas promote a variety of programs that support the American Legion's goals of mentoring youth, advocating patriotism and honor, promoting national security, and continuing devotion to fellow service members and veterans; and

WHEREAS, Recognizing the special role that the American Legion posts and members in Kansas play in supporting Kansas veterans, the Governor of Kansas designated March 15, 2019, as Kansas American Legion Day; and

WHEREAS, There is no doubt that the American Legion posts and members in Kansas will continue to support Kansas veterans, service members, and communities for the next 100 years: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the American Legion posts and members for their 100 years of service and dedication to Kansans; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send an enrolled copy of this resolution to Representative Weigel.

INTRODUCTION OF GUESTS

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

Good morning fellow colleagues:

It is a distinct honor to stand before you and ask you to join me in recognizing the American Legion in celebrating the 100 year anniversary of the founding of the Legion (March 15, 1919 – March 15, 2019). The American Legion is the largest war veterans' organization with over 2.3 million members. Founded out of the ashes of World War I in Paris, France, its' mission is to foster Americanism, advocate patriotism and continue to serve our Veterans and military personnel. Here in Kansas, there are over 40,000 members in more than 500 posts. Units are spread across the state in large posts with hundreds of members to small town posts with barely more than one hundred members, but the mission is the same.

Legion programs include serving our veterans in health issues, help in filing for benefits, visiting veterans in VA hospitals and assisting members with educational matters. Legion members also assist with military honors for fallen veterans. The Legion also organizes and funds Boy Scout programs, Legion baseball, oratorical contests, flag lines and many more programs for our veterans.

Some notable members were past presidents Truman, Eisenhower, Kennedy, Johnson, Ford, Reagan, George H. W. Bush, George W. Bush as well as Alvin York who served as an infantry soldier in World War I. The American Legion and its members advocate for all our veterans and their families.

Please join me in recognizing and celebrating the 100 Year Anniversary of the American Legion.

INTRODUCTION OF GUESTS

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

March has been designated as Brain Injury Awareness month to promote public awareness on the extent, causes, consequences, treatment and prevention of traumatic brain injury, and to remind people with brain injuries and their families that they are not alone.

2.8 million adults and children sustain brain injuries each year in the United States; and traumatic brain injury (TBI) is a contributing factor in one-third of all injury-related deaths. More than 5 million Americans, and 54,000 Kansans, are living with disabilities related to brain injury. TBIs can happen to anyone, and are largely the result of falls, motor vehicle crashes, assaults (including among our servicemen and women), sporting-related injuries and occupational injuries.

Each of us received a pie tin invitation to the first floor Rotunda to commemorate those with brain injury, to learn more, and enjoy a piece of pie. Please join me there.

Rep. Ousley presented his guests with a framed House certificate in honor of Brain Injury Awareness month.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6018**—

By Committee on Agriculture

A RESOLUTION requesting the federal government address water quality issues in the Arkansas River Basin in Southeast Colorado and Southwest Kansas and the prevalence of radionuclides in the waters of the Arkansas River Basin.

WHEREAS, The waters of the Arkansas River are declining in quality, due to naturally occurring sources that are exacerbated by irrigation and return flow practices concentrated in the Arkansas River Valley, east of Pueblo, Colorado; and

WHEREAS, In each of the last two years, approximately 10 tons of uranium have been delivered in downstream river flows from Colorado to groundwater in Southwest Kansas. The affected region in Kansas includes Hamilton, Kearny, and Finney counties; and

WHEREAS, Affected communities in Colorado and Kansas require assistance to remedy decades of poor water quality, which continues to worsen; and

WHEREAS, Federal standards on safe drinking water are intended to protect the health and safety of the public. Accordingly, it is within the interest of the federal government to partner with state and local water providers to develop remedies for the Basin; and

WHEREAS, Public assistance is vital to providing safe drinking water to Kansans in the Basin, whose water supply is currently contaminated in affected communities and is threatened to be contaminated in other communities by naturally occurring radionuclides beyond the standards established by the Safe Drinking Water Act, public law 93-523; and

WHEREAS, Without additional funding, Kansas' affected communities cannot develop water management practices and necessary infrastructure to address the water quality concerns; and

WHEREAS, The U.S. Bureau of Reclamation has an established interest in providing alternative fresh water sources to portions of the affected Basin in Colorado. Currently, efforts are underway to accomplish this goal; and

WHEREAS, In 2014, the U.S. Bureau of Reclamation completed an Upper Arkansas River Basin Public Water Supply Alternatives Viability Analysis of Water Supply Alternatives for Hamilton, Kearny, and Finney counties in Kansas. The analysis addressed water quality and availability in the Basin and identified alternatives, including the regionalization of supply pipeline alternatives. However, such supply pipeline alternatives are largely unaffordable due to participants' inability to cover construction costs; and

WHEREAS, In 2015, the U.S. Bureau of Reclamation completed an Arkansas Basin from John Martin Reservoir to Garden City, Kansas, Final Plan of Study, acknowledging the shared water quality problems in Colorado and Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the State of Kansas hereby requests that the Kansas congressional delegation work with the U.S. Congress to provide funding and direction to the U.S. Bureau of Reclamation to

implement the efforts identified in the 2014 and 2015 studies, including, but not limited to:

Further compiling information on existing, usable sources, and projected demands; developing Basin tools, including scientifically defensible hydrologic and economic modeling tools;

completing system reliability and impact analyses to assess the current and future capability of existing natural and manmade infrastructure and operations to meet demands and useable water supply challenges;

identifying adaptation strategies to improve operations and infrastructure and to address current and future water availability and quality challenges in the Basin; and

developing recommendations to address the water quality challenges and to provide reliable, clean sources of drinking water in the affected areas of the Basin; and

Be it further resolved: That we request the Kansas Water Office, Southwest Kansas Groundwater Management District No. 3, and other state and local partners in Kansas and Colorado to work with the U.S. Bureau of Reclamation to complete these tasks and to address the concerns regarding the contamination of the Arkansas River Basin; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to Kansas Governor Laura Kelly, each member of Kansas' congressional delegation, the Kansas Water Office, Southwest Kansas Groundwater Management District No. 3, the Arkansas River Compact Administration, the U.S. Bureau of Reclamation, and the current U.S. Secretary of the Interior.

CONSENT CALENDAR

No objection was made to **SB 40**, **SB 41**, **SB 59** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2188** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

Objection was made to **SB 193** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2188, AN ACT concerning the dissolution of taxing entities; providing for the dissolution of the White Clay watershed district no. 26; relating to the tax lid; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, 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, Pittman, Probst, Proehl, Rahjes, Ralph, Resman,

Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, rep_straub_alicia_1, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2314** be amended on page 2, in line 36, after the second "for" by inserting "sale and for";

On page 3, in line 8, after "for" by inserting "sale and for";

On page 4, following line 16, by inserting:

"(f) If the court determines the property is abandoned pursuant to subsection (e), the court shall order the property immediately sold without delay by public auction in the manner prescribed for sale of property at a judicial tax foreclosure sale pursuant to K.S.A. 79-2801 et seq., and amendments thereto, subject to the provisions of subsection (g). Proceeds of the sale shall be first allocated to court costs, fees and sale costs and then to satisfy any property tax debt. Any proceeds remaining shall be set aside for the property owner.

(g) (1) Any party, other than the petitioning city, may seek to purchase the property pursuant to a public auction under subsection (f). The party shall submit a rehabilitation plan for the property to the court and a petition for temporary possession of the property. A bid by the petitioning organization shall be governed by paragraph (2). The petition for temporary possession shall set forth the party's intent to rehabilitate the property and set forth evidence that the party has adequate resources to rehabilitate the property, but need not meet the petition requirements of subsection (a) or (b). For the purpose of developing such a plan, representatives of the party may be permitted entry onto the property by the court at such times and on such terms as the court may deem appropriate. If the court approves the party's rehabilitation plan and petition for temporary possession, and the party submits the winning bid for the property, the court may grant temporary possession of the property to the party. The grant of title of the property to the party shall be contingent on the party successfully completing the plan of rehabilitation of the property approved by the court, as provided by subsection (h).

(2) The petitioning organization may, but shall not be required to, bid on the property at the public auction. If the petitioning organization submits the winning bid, the court may enter an order approving the rehabilitation plan of the petitioning organization and grant temporary possession of the property to the petitioning organization. The grant of title to the property to the petitioning organization, shall be contingent upon successful completion of the plan of rehabilitation of the property approved by the court, as provided by subsection (h).";

Also on page 4, in line 17, after "If" by inserting "no bid is approved by the court at the public auction pursuant to subsections (f) and (g), and if"; also in line 17, after "petition" by inserting "filed by the petitioning organization or by the governing body of

a city pursuant to subsection (a) or (b)"; in line 18, after "plan" by inserting "submitted with the petition"; in line 27, by striking "an" and inserting "a designated or petitioning"; also in line 27, after "organization" by inserting "or the private party"; in line 36, after "organization" by inserting "or the private party";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2396** be passed.

Committee on **Judiciary** recommends **HB 2137** be passed.

Committee on **Judiciary** recommends **SB 78**, as amended by Senate Committee of the Whole, be amended on page 1, in line 6, before "Section" by inserting "New"; in line 16, by striking "repair"; also in line 16, after "exterior" by inserting "repair and"; in line 31, by striking all after "include"; by striking all in line 32; in line 33, by striking all before "the";

On page 2, in line 12, after "provide" by inserting "a copy of"; in line 13, after "three" by inserting "business";

Also, on page 2, following line 40, by inserting:

"Sec. 2. K.S.A. 2018 Supp. 50-624 is hereby amended to read as follows: 50-624. As used in this act:

(a) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a consumer who cultivates, plants, propagates or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and any and all products raised or produced on farms and any processed or manufactured products thereof.

(b) "Consumer" means an individual, husband and wife, sole proprietor, or family partnership who seeks or acquires property or services for personal, family, household, business or agricultural purposes.

(c) "Consumer transaction" means a sale, lease, assignment or other disposition for value of property or services within this state—~~except insurance contracts regulated under state law~~, to a consumer; or a solicitation by a supplier with respect to any of these dispositions. "Consumer transaction" does not include the disposition of repossessed collateral by any supplier that is subject to and compliant with any state or federal law or rules and regulations with regard to disposition of such repossessed collateral.

(d) "Family partnership" means a partnership in which all of the partners are natural persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related.

(e) "Final judgment" means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(f) "Lender" means a bank, savings and loan association, savings bank, credit union, finance company, mortgage bank, mortgage broker and any affiliate.

(g) "Merchantable" means, in addition to the qualities prescribed in K.S.A. 84-2-314, and amendments thereto, in conformity in all material respects with applicable

state and federal statutes and regulations establishing standards of quality and safety.

(h) "Mortgage trigger lead" means a consumer report obtained pursuant to section 604(c)(1)(B) of the federal fair credit reporting act, 15 U.S.C. § 1681b, where the issuance of the report is triggered by an inquiry made with a consumer reporting agency in response to an application for credit. Any consumer report on an applicant obtained by a lender with whom the applicant has initially applied for credit or who holds or services an existing extension of credit of the applicant who is the subject of the report is not considered a mortgage trigger lead.

(i) "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative or other legal entity.

(j) "Property" includes real estate, goods and intangible personal property.

(k) "Services" includes:

(1) Work, labor and other personal services;

(2) privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, hospital accommodations, funerals and cemetery accommodations; and

(3) any other act performed for a consumer by a supplier.

(l) "Supplier" means a manufacturer, distributor, dealer, seller, lessor, assignor, or other person who, in the ordinary course of business, solicits, engages in or enforces consumer transactions, whether or not dealing directly with the consumer. ~~Supplier does not include any bank, trust company or lending institution which is subject to state or federal regulation with regard to disposition of repossessed collateral by such bank, trust company or lending institution.~~

Sec. 3. K.S.A. 2018 Supp. 50-624 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "estate" by inserting "; consumer protection act; definitions of consumer transaction and supplier; amending K.S.A. 2018 Supp. 50-624 and repealing the existing section"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Croft to replace Rep. Mason on Committee on Federal and State Affairs on March 20, 2019.

REPORT ON ENROLLED BILLS

HB 2174 reported correctly enrolled, properly signed and presented to the Governor on March 19, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Wednesday, March 20, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

