

Journal of the House

SEVENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 18, 2017, 10:00 a.m.

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

The roll was called with 118 members present.

Reps. Becker and Stogsdill were excused on verified illness.

Reps. Lusker and Seiwert were excused on legislative business.

Reps. Arnberger, Claeys and Hawkins were excused on excused absence by the Speaker.

Present later: Reps. Claeys and Hawkins.

Prayer by guest chaplain, Rev. Doyle Pryor, pastor, First Southern Baptist Church, Topeka:

Heavenly Father,

You told us in Jeremiah 29:7 (HCSB) Seek the welfare of the city where I have placed you. Pray to the Lord on its behalf, for when it has prosperity, you will prosper. " The men and women in this chamber are here for such a task. May they seek the welfare and prosperity of our great state. May their agendas be Your agenda. May their choices lead us to life and peace instead of death and division. May those of us who are blessed to be citizens of our wonderful state experience and enjoy prosperity because of their legislation by Your divine guidance. May they most importantly know intimately the One who created it all and orders our steps, the Lord Jesus, who showed them the ultimate example of a servant leader by giving His life for His friends. I know that in this session there is a lot at stake, may they rule well. Protect their integrity, their families, and their fortunes while they are in our service. The stakes are too high, our children too precious, our future too bright, and the needs too many for them to listen to anyone but You during this time.

Thank you Father for granting us an audience through the great name of Jesus Christ we pray, Amen.

The Pledge of Allegiance was led by Rep. Eplee.

INTRODUCTION OF GUESTS

There being no objection. The following remarks of Rep. Trimmer are spread upon the Journal:

I am here to recognize a friend and former colleague who will be inducted into the Kansas Teachers' Hall of Fame in July, Peggy Craig. The Kansas Teachers' Hall of Fame was established in 1977 and serves to honor educators who have devoted their lives to their students. She has traveled to Mexico, Central and South America, Cuba and Spain to learn about the culture of Spanish speaking countries. She brought back all of those experiences to her students.

She has been described as “the ultimate teacher.” Throughout her career, she has been influential in the lives and education of her students, to bilingual education in Kansas, to her professional colleagues and to the profession of public education

Students have commented that, “She is the most caring human being I have ever met.” “In my class, she truly went above and beyond to make sure that each student’s individualized education was unique to them.” “Peggy Craig has continued to be a mentor for me even as I have gone away to college.”

Her colleagues describe her this way, “Peggy is an eager lifetime learner.” “She prepares lessons on world current events, art, music and sports events, always emphasizing language mastery.” “When I first came to WHS, I asked some of my highest achieving students, who I should observe to become a better teacher? Overwhelmingly, they recommended Ms. Craig.” There is no one better in the classroom. I know this to be true, not only from personal experience, but because both of my daughters have taken Spanish from her. They loved her. She was the main reason my oldest daughter went to Mexico to teach for 7 years, and now is completely fluent in Spanish.

Please join me in congratulating Peggy Craig on her induction into the 2017 Kansas Teachers Hall of Fame.

Rep. Trimmer presented Ms. Craig with a framed House certificate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Miller, **HR 6034**, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6034**--

By Representatives Miller, Alcalá, Corbet, Dietrich, Ellis, Gartner,
Highland, Kuether, Patton and Weigel

HR 6034—A RESOLUTION congratulating and commending the Washburn University Debate Team.

WHEREAS, The Washburn University debate team competed in the 24th Annual National Parliamentary Debate Association National Championship held in Colorado Springs, Colorado, and they returned with two teams named co-champions: Ryan Kelly and Kaitlyn Bull; and Will Starks and Quintin Brown; and

WHEREAS, For the fourth time in eight years, the debate team won the Squad Sweepstakes National Championship, which is awarded to teams based on their success

throughout the entire debate season; and

WHEREAS, The debate team scored victories over 63 other nationally ranked, parliamentary-style debate teams to bring home top honors from the invitation-only 17th Annual National Parliamentary Tournament of Excellence (NPTE), which is hosted by Colorado State University. This is the second time the debate team has won this national tournament; and

WHEREAS, At the NPTE, three Washburn students were ranked among the best 100 collegiate parliamentary debaters in the United States: Senior Kaitlyn Bull, second; senior Quintin Brown, third; and senior Ryan Kelly, fourth; and

WHEREAS, The debate team defeated 26 other teams from 13 universities to win first and second place at the inaugural National Round Robin of Parliamentary Debate Competition hosted by William Jewell College; and

WHEREAS, The debate team is sponsored and coached by Dr. Kevin O'Leary, Director of Forensics and lecturer of Communications Studies at Washburn University: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate the Washburn University debate team for their success during the 2016-2017 season, and we commend them for the outstanding way in which they represent Washburn University and the State of Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send 5 enrolled copies of this resolution to Representative Miller.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 60** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for Senate Bill No. 60, as follows:

On page 2, by striking all in lines 9 through 17; in line 18, by striking all before "The"; in line 32, after the period by inserting "The secretary of agriculture shall reduce the inspection fee by adopting rules and regulations under this section whenever the secretary determines that the inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act. The secretary may increase the inspection fee by adopting rules and regulations under this section when the secretary finds that such increase is necessary to produce sufficient revenues for the purpose of administering the provisions of this act, except that the inspection fee shall not be increased in excess of the maximum fee prescribed by this section.";

Also, on page 2, following line 32, by inserting:

"Sec. 2. K.S.A. 2016 Supp. 2-2204 is hereby amended to read as follows: 2-2204. (a) Every agricultural chemical which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered by the secretary. The secretary shall have the authority to classify or designate as restricted-use any pesticide registered for sale, use or distribution in the state of Kansas, according to rules and regulations promulgated by the secretary. The secretary may adopt rules and regulations to allow products to be registered for a period not to exceed three years. All registration of products shall expire on December 31 of the year the registration is set to

expire, unless such registration shall be renewed, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated. Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same agricultural chemical may be registered as a single product and additional names and labels shall be added by supplement statements during the current period of registration. Within the discretion of the secretary, or an authorized representative of the secretary, a change in the labeling or formulas of an agricultural chemical may be made within the current period of registration without requiring a reregistration of the product. Any agricultural chemical imported into this state which is subject to the provisions of any federal act providing for the registration and which has been duly registered under the provisions of such federal act, in the discretion of the secretary, may be exempted from registration under this act when such agricultural chemical is sold or distributed in the unbroken immediate container in which such agricultural chemical was originally shipped.

(b) The registrant shall file with the secretary, a statement including: (1) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant; (2) the name of the agricultural chemical; (3) a complete copy of the labeling accompanying the agricultural chemical and a statement of all claims made and to be made for it and a statement of directions for use; and (4) if requested by the secretary, or an authorized representative of the secretary, a full description of the tests made and the results thereof upon which the claims are based.

(c) The secretary may require the registrant to submit a copy of the product label registered by the EPA under the provisions of FIFRA.

(d) Any time the registrant modifies the label, the modified label shall be submitted to the secretary for review and approval prior to implementing the new label in Kansas.

(e) On the date of registration, the registrant shall pay a fee fixed by rules and regulations adopted by the secretary of agriculture. Such fee shall equal an amount per registered agricultural chemical, not to exceed \$150 per year. Such fee shall be deposited in the state treasury and credited as follows: (1) An amount equal to \$100 for each year of registration shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto; and (2) the remainder shall be credited to the agricultural chemical fee fund to be used for carrying out the provisions of this act. The annual fee for each agricultural chemical registered which is in effect on the day preceding the effective date of this act shall continue in effect until the secretary of agriculture adopts rules and regulations fixing a different fee therefor under this subsection. ~~The secretary of agriculture is hereby authorized and empowered, shall reduce the fee imposed by this subsection by adopting rules and regulations whenever it the secretary determines that the fee imposed by this subsection and paid into the state treasury as provided by law is yielding more revenue than is required for the purposes to which such fee is devoted by law, to reduce the fee imposed by this subsection for such period as the secretary shall deem justified by adopting rules and regulations under this subsection but not for less than one year. In the event that the secretary, after reducing such fee, finds that sufficient revenues are not being produced by such reduced fee, the secretary is authorized and empowered may increase the fee by adopting rules and regulations under this subsection, to restore in full or in part such fee to an amount~~

which, in the judgment of the secretary, will produce sufficient revenues for the purposes as provided in this section, but not exceeding the maximum amount of the fee imposed by this subsection.

(f) The secretary, or an authorized representative of the secretary, whenever it is deemed essential in the administration of this act, may require the submission of the complete formula or any other data in support of the registration for any pesticide. The complete formula and any other trade secrets submitted to support the registration application shall be considered as confidential. If it appears to the secretary, or an authorized representative of the secretary, that the composition of the product is such as to warrant the proposed claims for the product and if the product and its labeling and other material required to be submitted comply with the requirements of this act, the secretary shall register the product.

(g) If it does not appear to the secretary, or an authorized representative of the secretary, that the product is such as to warrant the proposed claims for it or if the product and its labeling and other material required to be submitted do not comply with the provisions of this act, the secretary shall notify the registrant of the manner in which the product, labeling, or other material required to be submitted fail to comply with the act and rules and regulations adopted pursuant thereto so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant does not make the required changes within 30 days, the secretary may deny registration of the product. In addition, the secretary may deny registration of a product if the application for registration fails to comply with this act or any rule or regulation adopted pursuant thereto. If the secretary denies a registration, the registrant may request a hearing in accordance with the provisions of the Kansas administrative procedure act.

(h) Any pesticide registration canceled or suspended under the provisions of FIFRA shall be considered to be canceled or suspended under provisions of the agricultural chemical act of 1947, unless such cancellation is due to the nonpayment of registration fees required under FIFRA.

(i) If the secretary determines that a registered product fails to meet the claims made on its label, the secretary may suspend or revoke the product registration after a hearing in accordance with the provisions of the Kansas administrative procedure act. In addition, if the secretary determines that a registered product or its labeling fails to comply with this act, or a rule or regulation adopted pursuant to this act, the secretary may suspend or revoke the product registration after a hearing in accordance with the provisions of the Kansas administrative procedure act.

(j) In order to protect the public, the secretary, or a duly authorized representative of the secretary, on the secretary's own motion, may at any time, after written notice to the registrant, suspend or revoke the registration of an agricultural chemical. Any person so notified shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act with regard to the secretary's contemplated action, before any registration is suspended or revoked.

(k) Notwithstanding any other provisions of this act, registration is not required in the case of an agricultural chemical shipped from one plant within this state to another plant within this state operated by the same person.

(l) Any information required to be filed pursuant to this section, may be filed electronically pursuant to rules and regulations promulgated by the secretary.";

On page 13, in line 12, after "and" by inserting "may be up to 6% of such applicable fee amount, but";

On page 21, in line 7, after the first comma by inserting "2-2204,"; in line 8, by striking ", 65-781";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the first comma by inserting "2-2204,";

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

KYLE D. HOFFMAN

KENT THOMPSON

SYDNEY CARLIN

Conferees on part of House

DAN KERSCHEN

BUD ESTES

MARCI FRANCISO

Conferees on part of Senate

On motion of Rep. Hoffman, the conference committee report on **H Sub for SB 60** was adopted.

On roll call, the vote was: Yeas 107; Nays 11; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alcalá, Alford, Aurand, Baker, Ballard, Barker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Lewis, Lusk, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Averkamp, B. Carpenter, Delperdang, Garber, Jacobs, Kuether, Landwehr, R. Powell, Sutton, Thimesch, Whitmer.

Present but not voting: None.

Absent or not voting: Arnberger, Becker, Claeys, Hawkins, Lusker, Seiwert, Stogsdill.

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 adopts the Conference Committee report on **SB 23**.

The Senate adopts the Conference Committee report on **HB 2313**.

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 2280**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2280** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Barker, Highland and Ruiz as conferees on the part of the House.

REPORT ON ENROLLED RESOLUTIONS

HR 6032, HR 6033 reported correctly enrolled and properly signed on May 18, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Friday, May 19, 2017.

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

SUSAN W. KANNARR, *Chief Clerk*.

