

# Journal of the House

## FIFTY-FIFTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 29, 2018, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Victors was excused on excused absence by the Speaker.

Excused later: Reps. Blex and Davis.

Prayer by Chaplain Brubaker:

Abba Father,  
today we are grateful for Your unconditional love.  
As we wrap up the business for the day  
and head into a long weekend to celebrate Passover and Easter,  
may each one be reminded of Your grace, mercy and love.  
Not one of us are deserving of Your unmerited favor,  
but we all are so thankful for it.  
It is because of Your great love for mankind  
that we have this Easter weekend to celebrate.  
Please give everyone safe travels,  
and may their time with family and friends  
be filled with love and laughter—  
the kind of love that You have taught us.  
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Hibbard.

### INTRODUCTION OF GUESTS

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

Representative Karleskint asked all Vietnam Veterans to join him at the well.

Good morning colleagues. I rise on this point of personal privilege to recognize National Vietnam Veterans Day.

National Vietnam War Veterans Day is a commemorative holiday in the United States which recognizes the veterans and their families for the sacrifices they made during the Vietnam War. It is also a day to give proper recognition to the men and women who returned home from that war and didn't receive a proper welcome home. Some states have passed resolutions recognizing the Veterans. In 2017, the date of the holiday was

set as March 29<sup>th</sup> by President Trump. The day is known as National Vietnam War Veterans Day.

The Vietnam War was a very divisive and difficult time for the United States and many veterans didn't get the recognition for their service they needed to receive. This is why commemorating this holiday is so important.

Of the 2.7 million who served in Vietnam, more than 58,000 were killed, 304,000 were wounded. It is estimated that over 271,000 Vietnam Veterans suffer from post-traumatic stress disorder. It is also estimated by the Veterans Administration that there are 500 Vietnam Vets dying each day.

Eleven years of combat left its imprint on a generation. Thousands returned home bearing shrapnel and scars, still more were burdened by invisible wounds of PTSD, of Agent Orange, of memories that will never fade.

One of the war's most profound tragedies, is that many of these men and women came home to be shunned, ridiculed, or neglected to face treatment unbecoming their courage. On this National Vietnam Veterans Day, I encourage you to show all who have worn the uniform of the United States the respect and dignity, they deserve.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Hineman, the following resolution was introduced and emergency adopted:

HOUSE CONCURRENT RESOLUTION No. **HCR 5028** –

by Representatives Ryckman, Hineman and Ward

**HCR 5028** – A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2018 regular session of the legislature.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on March 29, 2018, and shall reconvene on April 2, 2018, pursuant to adjournment of the daily session convened on March 29, 2018; and

*Be it further resolved:* That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day during this period of adjournment; and

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during this period of adjournment shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Appropriations: **Sub SB 269**.

Federal and State Affairs: **HB 2793**.

Judiciary: **SB 429**.

K-12 Education Budget: **SB 352, SB 422**.

**MESSAGES FROM THE GOVERNOR**

**HB 2608, HB 2619, HB 2691** approved on March 29, 2018.

**MESSAGES FROM THE SENATE**

The Senate nonconcur in House amendments to **SB 410**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H Sub for SB 307**, requests a conference and has appointed Senators Estes, Billinger and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 260**, requests a conference and has appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H Sub for SB 391**, requests a conference and has appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 260**.

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

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 307**.

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

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 391**.

Speaker pro tem Schwab thereupon appointed Reps. Proehl, Francis and Lusker as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 410**.

Speaker pro tem Schwab thereupon appointed Reps. Vickrey, Dove and Neighbor as conferees on the part of the House.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2734**, AN ACT concerning the Kansas sexually violent predator act; persons in the custody of the secretary for aging and disability services; administrative confinement; amending K.S.A. 2017 Supp. 59-29a02, 59-29a07, 59-29a08, 59-29a11 and 59-29a19 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Ward.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**H Sub for SB 179**, AN ACT concerning children and minors; relating to crisis intervention; creating juvenile crisis intervention centers; amending K.S.A. 2017 Supp. 38-2231, 38-2232, 38-2242, 38-2243, 38-2330 and 75-52,164 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.  
Absent or not voting: Victors.  
The substitute bill passed.

**SB 180**, AN ACT concerning law enforcement; relating to hiring practices and consideration of prior employment records; open records act; amending K.S.A. 2017 Supp. 45-220 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.  
Absent or not voting: Victors.  
The bill passed, as amended.

**SB 199**, AN ACT concerning civil procedure; relating to appellate procedure; supersedeas bond requirements; amending K.S.A. 2017 Supp. 60-2103 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 4; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Arnberger, Hodge, Miller, Ward.

Present but not voting: None.  
 Absent or not voting: Victors.  
 The bill passed, as amended.

**SB 261**, AN ACT concerning the judicial branch; relating to docket fees; disposition of docket fees for the fiscal years ending June 30, 2020, and June 30, 2021; appraisal of real property before purchase or disposal by the state or any agency thereof; duties of the judicial administrator and the director of property valuation; amending K.S.A. 2017 Supp. 20-362 and 75-3043a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 13; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, Highland, Hineman, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Neighbor, Ohaebosim, Orr, Osterman, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Wheeler, Whipple, Whitmer, K. Williams, Wolfe Moore.

Nays: Alcalá, B. Carpenter, Helgerson, Hodge, Miller, Ousley, Parker, Pittman, Probst, Seiwert, Ward, Weigel, Winn.

Present but not voting: None.  
 Absent or not voting: Victors.  
 The bill passed, as amended.

**SB 266**, AN ACT concerning the crime victims compensation board; relating to definitions; collateral source; amending K.S.A. 2017 Supp. 74-7301 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch,

Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**SB 279**, AN ACT concerning utilities; relating to the gas safety reliability surcharge, definitions; amending K.S.A. 2017 Supp. 66-2202, 66-2203 and 66-2204 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 25; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelner, Gallagher, Garber, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, Hineman, Hoffman, Holscher, Horn, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phelps, Phillips, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Alcalá, Barker, Bergquist, Burris, B. Carpenter, Crum, S., Dove, Helgerson, Highland, Hodge, Houser, Huebert, Jacobs, K. Jones, Landwehr, Miller, Parker, Pittman, R. Powell, Probst, Resman, Smith, A., Smith, E., Ward, Whitmer.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed.

**SB 281**, AN ACT concerning protection orders; relating to the protection from abuse act; the protection from stalking, sexual assault or human trafficking act; amending K.S.A. 60-3105 and K.S.A. 2017 Supp. 21-5924, 60-3104, 60-31a01, 60-31a02, 60-31a03, 60-31a04, 60-31a05, 60-31a06, 60-31a07, 60-31a08 and 60-31a09 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelner, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert,

Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**SB 288**, AN ACT repealing K.S.A. 69-102 and 69-103; concerning service of process; procuring adjournment for trial, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 39; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., E. Davis, Deere, Dietrich, Ellis, Finch, Francis, Frownfelter, Gallagher, Garber, Gartner, Helgerson, Hibbard, Highberger, Hineman, Holscher, Horn, Houser, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Orr, Ousley, F. Patton, Phelps, Phillips, Probst, Proehl, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, E., S. Swanson, Tarwater, Thimesch, Thompson, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, K. Williams, Winn, Wolfe Moore.

Nays: Barker, Becker, Bergquist, Burris, B. Carpenter, Corbet, Curtis, Delperdang, Dierks, Dove, Elliott, Eplee, Esau, Finney, Good, Hawkins, Henderson, Highland, Hodge, Hoffman, Huebert, Jacobs, K. Jones, Lewis, Mason, Ohaebosim, Osterman, Parker, Pittman, R. Powell, Rafie, Rahjes, Seiwert, Smith, A., Stogsdill, Sutton, Trimboli, Whipple, Whitmer.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**SB 296**, AN ACT concerning the safety belt use act; relating to evidence of failure to use a safety belt and admissibility in other actions; amending K.S.A. 2017 Supp. 8-2504 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 30; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Becker, Bergquist, Bishop, Brim, Burris, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Cox, Curtis, E. Davis, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Helgerson, Highberger, Highland, Hineman, Holscher, Horn, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Murnan, Neighbor, Ohaebosim, Osterman, Parker, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Stogsdill, Sutton, S. Swanson, Tarwater, Thompson, Trimboli, Trimmer, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wolfe Moore.

Nays: Alcalá, Barker, Blex, Burroughs, Carlin, Corbet, Crum, S., Deere, Hawkins,

Henderson, Hibbard, Hodge, Hoffman, Houser, Jacobs, K. Jones, Judd-Jenkins, Kuether, Lusk, Miller, Orr, Ousley, Pittman, Probst, Seiwert, Smith, E., Thimesch, Vickrey, Ward, Winn.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**SB 310**, AN ACT concerning crimes, punishment and criminal procedure; relating to escape and aggravated escape from custody; definition of escape; amending K.S.A. 2017 Supp. 21-5911 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**SB 328**, AN ACT concerning the department of corrections; relating to correctional institutions and juvenile correctional facilities; prohibiting the outsourcing or privatization of any security operations thereof; allowing existing contracts to be renewed; retirement and pensions; affiliation and membership of certain employees of the department of corrections located at correctional institutions and juvenile correctional facilities in the Kansas police and firemen's retirement system; employee and employer contributions, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 13; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcala, Alford, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burroughs, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Humphries, Jacobs, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley,

Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Raffie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Arnberger, Aurand, Awerkamp, Burris, B. Carpenter, Garber, Huebert, K. Jones, Mason, R. Powell, Sutton, Tarwater, Whitmer.

Present but not voting: None.

Absent or not voting: Victors.

The bill passed, as amended.

**H Sub for SB 336**, AN ACT concerning disclosure of records; relating to legislative review of exceptions to disclosure of public records; disclosure of names of voters; agency records concerning a child fatality; amending K.S.A. 2017 Supp. 9-513c, 25-2422, 38-2212, 40-5007a, 40-5009a, 40-5012a and 45-229 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Raffie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Victors.

The substitute bill passed.

**H Sub for SB 374**, AN ACT concerning driving under the influence; relating to testing; administrative penalties; crimes, punishment and criminal procedure; amending K.S.A. 2017 Supp. 8-235, 8-241, 8-262, 8-285, 8-2,142, 8-2,144, 8-1001, 8-1008, 8-1013, 8-1014, 8-1501, 8-1567, 12-4106, 12-4120, 12-4413, 12-4414, 12-4415, 12-4416, 12-4516, 12-4517, 21-5203, 21-6604, 21-6614, 21-6804, 21-6811, 22-2802, 22-2908, 22-2909, 22-2910, 22-3716, 22-4704, 60-427 and 74-2012 and repealing the existing sections; also repealing K.S.A. 2017 Supp. 8-1025 and 12-4516f, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker,

Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Victors.

The substitute bill passed.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Hawkins, the House concurred in Senate amendments to **HB 2496**, AN ACT concerning nursing; board of nursing; enacting the nurse licensure compact; authorizing criminal history record checks; amending K.S.A. 65-1127 and K.S.A. 2017 Supp. 65-1113, 65-1117, 65-1118, 65-1120 and 74-1106 and repealing the existing sections.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Blex, Brim, Burris, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Horn, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Probst, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Trimmer, Vickrey, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Winn, Wolfe Moore.

Nays: Schwab.

Present but not voting: None.

Absent or not voting: Victors.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **S Sub for S Sub for HB 2386** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Barker, Highland and Ruiz as

conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurrred in Senate amendments to **HB 2523** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurrred in Senate amendments to **HB 2549** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurrred in Senate amendments to **Sub HB 2602** and asked for a conference.

Speaker Ryckman thereupon appointed Reps. Aurand, Dierks and Winn as conferees on the part of the House.

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

#### **COMMITTEE OF THE WHOLE**

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

Committee report to **HB 2629** be adopted.

Also, on motion of Rep. Williams to amend **HB 2629**, the motion did not prevail.

The motion to recommend **HB 2629** favorably for passage did not prevail.

Roll call was demanded on motion of Rep. Gartner to amend **HB 2784**, on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2017 Supp. 75-6501 is hereby amended to read as follows: 75-6501. (a) Within the limits of appropriations made or available therefor and subject to the provisions of appropriation acts relating thereto, the Kansas state employees health care commission shall develop and provide for the implementation and administration of a state health care benefits program.

(b) (1) Subject to the provisions of paragraph (2), the state health care benefits program may provide benefits for persons qualified to participate in the program for hospitalization, medical services, surgical services, nonmedical remedial care and treatment rendered in accordance with a religious method of healing and other health services. The program may include such provisions as are established by the Kansas state employees health care commission, including, but not limited to, qualifications for benefits, services covered, schedules and graduation of benefits, conversion privileges, deductible amounts, limitations on eligibility for benefits by reason of termination of employment or other change of status, leaves of absence, military service or other interruptions in service and other reasonable provisions as may be established by the commission. Beginning July 1, 2018, the Kansas state employees health care commission shall maintain available coverage options that include at least one preferred provider organization plan and at least one high-deductible plan. Coverage options

under each plan type shall remain consistent with plan year 2018 levels. No coverage option existing in plan year 2018 may be altered or substantially changed without prior specific authorization by an act of the legislature. Additional coverage options may be made available at the commission's discretion. Employee costs for each coverage option shall remain consistent with plan year 2018 levels through plan year 2020 and shall not be increased by more than 1.5% for any subsequent plan year without prior specific authorization by an act of the legislature.

(2) The state health care benefits program shall provide the benefits and services required by K.S.A. 2017 Supp. 75-6524, and amendments thereto.

(c) The Kansas state employees health care commission shall designate by rules and regulations those persons who are qualified to participate in the state health care benefits program, including active and retired public officers and employees and their dependents as defined by rules and regulations of the commission. Such rules and regulations shall not apply to students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, who are covered by insurance contracts entered into by the board of regents pursuant to K.S.A. 75-4101, and amendments thereto. In designating persons qualified to participate in the state health care benefits program, the commission may establish such conditions, restrictions, limitations and exclusions as the commission deems reasonable. Such conditions, restrictions, limitations and exclusions shall include the conditions contained in subsection (d) of K.S.A. 75-6506, and amendments thereto. Each person who was formerly elected or appointed and qualified to an elective state office and who was covered immediately preceding the date such person ceased to hold such office by the provisions of group health insurance or a health maintenance organization plan under the law in effect prior to August 1, 1984, or the state health care benefits program in effect after that date, shall continue to be qualified to participate in the state health care benefits program and shall pay the cost of participation in the program as established and in accordance with the procedures prescribed by the commission if such person chooses to participate therein.

(d) (1) Commencing with the 2009 plan year that begins January 1, 2009, if a state employee elects the high deductible health plan and health savings account, the state's employer contribution shall equal the state's contribution to any other health benefit plan offered by the state. The cost savings to the state for the high deductible health plan shall be deposited monthly into the employee's health savings account up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. § 223, as amended, for as long as the employee participates in the high deductible plan.

(2) If the employee had not previously participated in the state health benefits plan, the employer shall calculate the average savings to the employer of the high deductible plan compared to the other available plans and contribute that amount monthly to the employee's health savings account up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. § 223, as amended.

(3) The employer shall allow additional voluntary contributions by the employee to their health savings account by payroll deduction up to the maximum annual amount allowed pursuant to subsection (d) of 26 U.S.C. § 223, as amended.

(e) The commission shall have no authority to assess charges for employer contributions under the student health care benefits component of the state health care benefits program for persons who are covered by insurance contracts entered into by the

board of regents pursuant to K.S.A. 75-4101, and amendments thereto.

(f) Nothing in this act shall be construed to permit the Kansas state employees health care commission to discontinue the student health care benefits component of the state health care benefits program until the state board of regents has contracts in effect that provide student coverage pursuant to the authority granted therefor in K.S.A. 75-4101, and amendments thereto.";

On page 2, in line 29, after "75-6523" by inserting "and K.S.A. 2017 Supp. 75-6501";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to powers, duties and functions thereof; requiring legislative approval before changing coverage options under the state health care benefits program,"; in line 3, after "75-6523" by inserting "and K.S.A. 2017 Supp. 75-6501"

Rep. Sutton requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

On roll call, the vote was: Yeas 48; Nays 76; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcala, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dierks, Dietrich, Ellis, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Judd-Jenkins, Koesten, Kuether, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, F. Patton, Phelps, Pittman, Probst, Rooker, Ruiz, Sawyer, Stogsdill, S. Swanson, Trimmer, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Amberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Brim, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, E. Davis, Delperdang, Dove, Elliott, Eplee, Esau, Finch, Francis, Gallagher, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Karleskint, Kelly, Kessinger, Landwehr, Lewis, Markley, Mason, Mastroni, Orr, Osterman, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Victors.

The motion did not prevail.

Also, on motion of Rep. Hodge to amend **HB 2784**, Rep. Sutton requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and **HB 2784** be passed.

Committee report to **SB 394** be adopted.

Also, roll call was demanded on motion of Rep. Miller, to amend **SB 394** on page 12, following line 12, by inserting:

"Sec. 8. K.S.A. 46-232 is hereby amended to read as follows: 46-232. Except as provided in section 9, and amendments thereto, no state officer or employee shall engage in lobbying ~~his the individual's~~ own state agency, if ~~he the individual~~ accepts compensation specifically attributable to ~~such the~~ lobbying, other than that provided for the performance of ~~his the individual's~~ official duties. Nothing in this section shall prohibit a state officer or employee from lobbying without compensation other than that

which ~~he~~ the individual is entitled to receive for performance of ~~his~~ the individual's official duties.

New Sec. 9. On and after January 1, 2018, no individual shall engage in lobbying or be employed as a lobbyist within one year following:

(a) (1) The date of resignation from or the expiration of a term of any state elected office to which the individual was elected or appointed; or

(2) the date of resignation from or the expiration of a term of an office or employment in an executive capacity as an agency or department head or a senior level staff person to which the individual was appointed by a state elected official.

(b) As used in this section "elected state office or elected state official" means the governor, the lieutenant governor, the secretary of state, the commissioner of insurance and members of the legislature.

(c) This section shall be known as and may be cited as the Kansas integrity in government act.

(d) The governmental ethics commission shall adopt rules and regulations to implement this act. ";

Also on page 12, in line 13, after the first comma by inserting "46-232,";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "lobbying restrictions, "; also in line 2, after the first comma by inserting "46-232,"

Rep. Williams requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

On roll call, the vote was: Yeas 64; Nays 59; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Baker, Ballard, Becker, Bishop, Burroughs, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Cox, Crum, S., Curtis, Deere, Dierks, Ellis, Finney, Francis, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, K. Jones, Judd-Jenkins, Kelly, Koesten, Kuether, Lewis, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Probst, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Stogsdill, S. Swanson, Trimmer, Ward, Weigel, Whipple, Whitmer, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Barker, Bergquist, Blex, Brim, Burris, Concannon, Corbet, E. Davis, Delperdang, Dietrich, Dove, Elliott, Eplee, Esau, Finch, Frownfelter, Garber, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kessinger, Landwehr, Markley, Mason, Mastroni, Osterman, F. Patton, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Hawkins, Victors.

The motion of Rep. Miller to amend **SB 394** prevailed.

On motion of Rep. Hineman, rose and reported progress.

On motion of Rep. Hineman, the House recessed until 3:00 p.m.

## AFTERNOON SESCOION

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

**MESSAGES FROM THE SENATE**

The Senate accedes to the request of the House for a conference on **HB 2597** and has appointed Senators Bowers, Fitzgerald and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2129** and has appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub HB 2556** and has appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2600** and has appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2599** and has appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2606** and has appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2511** and has appointed Senators Petersen, Goddard and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2444** and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

The Senate concurs in House amendments to **SB 185**.

Announcing passage of **SB 367, SB 430**, as amended.

Announcing passage of **HB 2028**, as amended by **Senate Substitute for HB 2028; HB 2701** as amended by **Senate Substitute for HB 2701**.

Announcing passage of **HB 2458**, as amended, **HB 2479**, as amended, **HB 2481**, as amended, **HB 2486**, as amended, **HB 2539**, as amended, **HB 2577**, as amended, **HB 2583**, as amended, **HB 2642**, as amended.

**MESSAGES FROM THE SENATE**

Announcing adoption of **HCR 5028**.

Announcing passage of **SB 415**.

Announcing passage of **Sub HB 2147**, as amended, **HB 2477**, as amended, **HB 2488**, as amended, **HB 2492**, as amended

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title:

**SB 367, SB 415, SB 430.**

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

### COMMITTEE OF THE WHOLE

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

Roll call was demanded on motion of Rep. Powell to amend **SB 394** on page 12, following line 12, by inserting:

"New Sec. 8. (a) No moneys appropriated by the legislature shall be expended for the following unless the legislature expressly consents to do so: (1) Employ or contract for the services of a lobbyist; (2) pay membership dues or provide any other type of financial support to an association that employs a lobbyist; (3) pay membership dues or provide any other type of financial support to an association that has an affiliated organization that employs a lobbyist; or (4) give a direct or indirect gift or campaign contribution to any elected official, officer or employee of the state or any municipality.

(b) As used in this section:

(1) "Financial support" means any type of monetary or non-monetary payment, contribution, gift or in-kind exchange, regardless of whether the public entity receives a benefit in return for such payment, contribution, gift or in-kind exchange.

(2) "Gift" means a voluntary transfer of anything of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official state agency business.

(3) "Lobbyist" means the same as defined in K.S.A. 46-222, and amendments thereto.

(4) "Public entity" means the same as "municipality" is defined in K.S.A. 75-6102, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the second semicolon by inserting "prohibiting certain expenditures for lobbying;"

Rep. Miller requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

On roll call, the vote was: Yeas 41; Nays 77; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Awerkamp, Bergquist, Burris, B. Carpenter, Claeys, Clark, Corbet, E. Davis, Delperdang, Dove, Elliott, Ellis, Eplee, Esau, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Mason, Osterman, R. Powell, Rafie, Resman, Ryckman, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Trimboli, Vickrey, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Aurand, Baker, Ballard, Barker, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder,

Sloan, Smith, A., Stogsdill, S. Swanson, Thompson, Trimmer, Waymaster, Weigel, Wheeler, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Arnberger, Blex, Landwehr, Lusk, Rahjes, Victors, Ward.

The motion of Rep. Powell to amend **SB 394** did not prevail.

Also, on motion of Rep. Whipple to amend **SB 394**, Rep. Esau requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Having voted on the prevailing side, Rep. Whitmer moved pursuant to House Rule 2303, that the House reconsider its previous action of adopting the amendment of Rep. Miller on **SB 394** and the bill be returned to that order of business, amendment by Rep. Miller. The motion prevailed.

The question reverted back to the motion of Rep. Miller to amend **SB 394**, HJ page 2708. Roll call was demanded.

On roll call, the vote was: Yeas 58; Nays 65; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcala, Baker, Ballard, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Crum, Curtis, Deere, Dierks, Ellis, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jones, Koesten, Kuether, Lewis, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Probst, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Stogsdill, Swanson, Trimmer, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Barker, Becker, Bergquist, Burris, Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Davis, Delperdang, Dietrich, Dove, Elliott, Eplee, Esau, Finch, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Landwehr, Markley, Mason, Mastroni, Osterman, Patton, Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schroeder, Schwab, Seiwert, A. Smith, E. Smith, Sutton, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, Wheeler, Whitmer, Williams.

Present but not voting: None.

Absent or not voting: Blex, Victors.

On reconsideration of the Miller amendment, the motion did not prevail; and the bill be passed as amended.

On motion of Rep. Ralph to re-refer **HB 2582** to Committee on Appropriations the motion prevailed.

## REPORTS OF STANDING COMMITTEES

Committee on **K-12 Education Budget** recommends **HB 2445** be amended on page 1, following line 10, by inserting:

"Section 1.

### DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures

(including official hospitality) (652-00-1000-0053).....\$15,000  
*Provided*, That during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the operating expenditures (including official hospitality) account for fiscal year 2019 by chapter 95 or 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency to implement the jobs for America's graduates - Kansas pilot program: *Provided further*, That such program shall select a total of 75 students for participation in the program with 25 students selected from the Wichita school district (U.S.D. no. 259), 25 students selected from the Topeka school district (U.S.D. no. 501) and 25 students selected from the Kansas City school district (U.S.D. no. 500): *And provided further*, That students shall be selected for participation in the program on or before September 20, 2018: *And provided further*, That the selected students shall enroll in and attend classes at schools operated by such student's resident school district for ½ of such student's total school attendance, and shall enroll in classes provided by a virtual school operated by the southeast Kansas education service center - Greenbush for the remaining ½ of such student's total school attendance: *And provided further*, That expenditures shall be made in an amount not to exceed \$15,000 to acquire laptop computer devices for use by students participating in such pilot program.

|  |              |
|--|--------------|
| State foundation aid (652-00-1000-0820).....           | \$29,324,200 |
| Special education services aid (652-00-1000-0700)..... | \$44,400,363 |
| Supplemental state aid (652-00-1000-0840).....         | \$5,994,000  |
| Community mental health center pilot program.....      | \$7,500,000  |

*Provided*, That during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the community mental health center pilot program account for fiscal year 2019 by chapter 95 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide, which includes establishing collaborative relationships with community mental health centers, including a pilot program for school districts and their respective community mental health centers for fiscal year 2019.

|   |               |
|---|---------------|
| CMHC pilot program – online database..... | \$2,500,000"; |
|---|---------------|

Also on page 1, in line 11, before "K.S.A" by inserting "On and after July 1, 2018,";  
 On page 2, in line 6, by striking "2017-2018, \$4,006" and inserting "2018-2019, \$4,170"; in line 7, by striking "2018-2019, \$4,128" and inserting " 2019-2020, \$4,307;  
 (3) for school year 2020-2021, \$4,444;

(4) for school year 2021-2022, \$4,581;

(5) for school year 2022-2023, \$4,718";

Also on page 2, in line 8, by striking "(3)" and inserting "(6)"; also in line 8, by striking "2019-2020" and inserting "2023-2024";

On page 6, in line 3, by striking "four" and inserting "three";

On page 8, in line 4, by striking "follows:"; in line 5, by striking all before "one"; also in line 5, by striking the semicolon; by striking all in lines 6 and 7; in line 8, by striking "student"; in line 9, by striking all after "(ii)"; by striking all in lines 10 through 13; in line 14, by striking all before the period and inserting "A student shall not be counted if:

(a) The school such student attends is located more than eight miles from the Kansas state line by the usually traveled road; or

(b) the out-of-state school district in which the student resides is adjacent to the Kansas school district in which the student is enrolled, and the out-of-state school where the student would attend is located not more than eight miles from the Kansas state line by the usually traveled road";

Also on page 8, in line 35, before "K.S.A" by inserting "On and after July 1, 2018,";

On page 9, in line 8, before "K.S.A" by inserting "On and after July 1, 2018,";

On page 11, in line 15, after "(h)" by inserting "For school year 2019-2020 and each school year thereafter,"; in line 18, after the period by inserting "Such notice shall include the local option budget authority, expressed as a percentage of the school district's total foundation aid, to be adopted for the immediately succeeding school year. The board of a school district shall not adopt a local option budget in excess of the authority stated in a notice submitted pursuant to this subsection.";

Also on page 11, in line 23, after "(2)" by inserting "(A) Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district's total foundation aid attributable to the at-risk student weighting as compared to such district's total foundation aid shall be transferred to the at-risk education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-5153, and amendments thereto.

(B) Of the moneys deposited in or otherwise credited to the supplemental general fund of a school district pursuant to K.S.A. 2017 Supp. 72-5147, and amendments thereto, an amount that is proportional to that amount of such school district's total foundation aid attributable to the bilingual weighting as compared to such district's total foundation aid shall be transferred to the bilingual education fund of such school district and shall be expended in accordance with K.S.A. 2017 Supp. 72-3613, and amendments thereto.

(3)";

Also on page 11, in line 23, by striking "subsection (i)(3)" and inserting "paragraph (4)"; in line 37, by striking "subsection (i)(4)(B)" and inserting "subparagraph (B)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 12, in line 20, before "K.S.A" by inserting "On and after July 1, 2018,";

On page 13, in line 20, before "K.S.A" by inserting "On and after July 1, 2018,"; in line 21, after "(a)" by inserting "(1)"; by striking all in lines 23 through 43;

On page 14, by striking all in lines 1 through 32; following line 32, by inserting:

(A) Divide the BASE aid amount for the current school year by the BASE aid

amount for school year 2018-2019;

(B) multiply the number of transported students by the per capita allowance that corresponds to the density figure for the school district as determined in subsection (a) (2);

(C) multiply the product obtained under subsection (a)(1)(B) by 1.00;

(D) multiply the product obtained under subsection (a)(1)(C) by the quotient obtained under subsection (a)(1)(A);

(E) divide the product obtained under subsection (a)(1)(D) by the current year BASE amount. The result is the transportation weighting of the school district.

(2) The per capita allowance shall be determined using the following chart:

| Density Figure Range | Per Capita Allowance |
|----------------------|----------------------|
| 0.000 - 0.059        | \$1,620              |
| 0.060 - 0.069        | \$1,580              |
| 0.070 - 0.079        | \$1,540              |
| 0.080 - 0.089        | \$1,500              |
| 0.090 - 0.099        | \$1,480              |
| 0.100 - 0.109        | \$1,450              |
| 0.110 - 0.119        | \$1,430              |
| 0.120 - 0.129        | \$1,410              |
| 0.130 - 0.139        | \$1,390              |
| 0.140 - 0.149        | \$1,370              |
| 0.150 - 0.159        | \$1,350              |
| 0.160 - 0.169        | \$1,340              |
| 0.170 - 0.179        | \$1,320              |
| 0.180 - 0.199        | \$1,300              |
| 0.200 - 0.209        | \$1,290              |
| 0.210 - 0.219        | \$1,270              |
| 0.220 - 0.239        | \$1,250              |
| 0.240 - 0.269        | \$1,230              |
| 0.270 - 0.289        | \$1,210              |
| 0.290 - 0.319        | \$1,190              |
| 0.320 - 0.349        | \$1,170              |
| 0.350 - 0.389        | \$1,150              |
| 0.390 - 0.429        | \$1,130              |
| 0.430 - 0.469        | \$1,110              |
| 0.470 - 0.519        | \$1,090              |
| 0.520 - 0.579        | \$1,070              |
| 0.580 - 0.639        | \$1,050              |
| 0.640 - 0.709        | \$1,030              |
| 0.710 - 0.789        | \$1,010              |
| 0.790 - 0.879        | \$990                |
| 0.880 - 0.989        | \$970                |
| 0.990 - 1.109        | \$950                |
| 1.110 - 1.249        | \$930                |
| 1.250 - 1.399        | \$910                |
| 1.400 - 1.589        | \$890                |
| 1.590 - 1.799        | \$870                |

|                       |       |
|-----------------------|-------|
| 1.800 - 2.039 .....   | \$850 |
| 2.040 - 2.319 .....   | \$830 |
| 2.320 - 2.659 .....   | \$810 |
| 2.660 - 3.049 .....   | \$790 |
| 3.050 - 3.509 .....   | \$770 |
| 3.510 - 4.049 .....   | \$750 |
| 4.050 - 4.699 .....   | \$730 |
| 4.700 - 5.469 .....   | \$710 |
| 5.470 - 6.399 .....   | \$690 |
| 6.400 - 7.519 .....   | \$670 |
| 7.520 - 8.879 .....   | \$650 |
| 8.880 - 10.549 .....  | \$630 |
| 10.550 - 12.589 ..... | \$610 |
| 12.590 - 15.129 ..... | \$590 |
| 15.130 - 18.289 ..... | \$570 |
| 18.290 + .....        | \$550 |

Also on page 14, in line 35, by striking "(a)(14)" and inserting "(a)(1)(E)"; in line 40, by striking "(a)(14)" and inserting "(a)(1)(E)"; following line 40, by inserting:

"(3) In no event shall the transportation weighting of the school district result in the portion of such school district's general state aid attributable to the transportation weighting being in excess of 110% of such school district's total expenditures from all funds for transporting students for the immediately preceding school year.";

On page 15, in line 4, by striking all after "(1)"; by striking all in lines 5 through 17; in line 18, by striking all before the period and inserting "'Density figure" means the area of the school district in square miles divided by the number of transported students.

(2) "Transported students" means the number of students who were included in the enrollment of the school district in the preceding year who resided 2½ miles or more by the usually traveled road from the school building such students attended and for whom transportation was made available";

Also on page 15, in line 19, before "K.S.A" by inserting "On and after July 1, 2018,";

On page 16, in line 24, before "K.S.A" by inserting "On and after July 1, 2018,";

On page 18, in line 10, by striking "2019" and inserting "2020"; in line 12, by striking "(a)"; by striking all in line 17; following line 17, by inserting:

"Sec. 11. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5170 is hereby amended to read as follows: 72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto, and is measurable.

The state board shall hold all school districts accountable to the Kansans can outcomes, or any successor outcomes established by the state board, through the Kansas education systems accreditation rules and regulations, or any successor accreditation system adopted by the state board. The state board shall establish rigorous accountability measures in the areas of social emotional learning, kindergarten readiness, individual plans of study, graduation and postsecondary success. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 2017 Supp. 72-3218(c), and amendments thereto. On or before January 15, 2018, and

each January 15 thereafter, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school by publication on the internet website of the state department of education. Each school district also shall report such accountability measures for such school district and each school operated by such district by publication on such school district's internet website.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website.

(4) If a school district is not fully accredited, the superintendent, or the superintendent's designee, shall appear before the committee on education of the house of representatives and the committee on education of the senate during the regular legislative session that occurs during the same school year in which such school district is not fully accredited. Such school district shall provide a report to such committees on the challenges and obstacles that are preventing such school district from becoming fully accredited.

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board.

(e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board.

(f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel,

parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

Sec. 12. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5171 is hereby amended to read as follows: 72-5171. (a) On or before January 15 of each year, the state department of education shall prepare and submit reports on school district funding for each school district to the governor and the legislature.

(b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.

(c) Each report shall contain the following information for the school district:

- (1) Full-time equivalent enrollment;
- (2) demographic information, including, but not limited to, gender, race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;
- (3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;
- (4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;
- (5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;
- (6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;
- (7) total funds per student of all funds described in paragraphs (3) through (6);
- (8) general fund moneys attributable to the following:
  - (A) BASE aid;
  - (B) high enrollment weighting;
  - (C) low enrollment weighting;
  - (D) school facilities weighting;
  - (E) transportation weighting;
  - (F) at-risk student weighting;
  - (G) preschool-aged at-risk student weighting;
  - (H) high-density at-risk student weighting;
  - (I) career technical education weighting;
  - (J) special education and related services weighting;
  - (K) bilingual weighting;
  - (L) ancillary school facilities weighting;
  - (M) cost-of-living weighting;

- (N) declining enrollment weighting; and
- (O) virtual school state aid;
- (9) total expenditures on the following:
  - (A) At-risk education programs and services;
  - (B) preschool-aged at-risk education programs and services;
  - (C) bilingual education programs and services;
  - (D) career and technical education programs and services;
  - (E) special education and related services; and
  - (F) virtual school programs and services; ~~and~~
- (10) total expenditures from the special retirement contributions fund;
- (11) expenditures and fund transfers from the supplemental general fund for those programs and services set forth in paragraph (9) and any other accounting category for which there is an expenditure or transfer from such fund; and
- (12) general obligation bond indebtedness.

(d) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).

Sec. 13. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5173 is hereby amended to read as follows: 72-5173. The legislative post audit committee shall direct the legislative division of post audit to conduct the following performance audits in the fiscal year specified:

(a) A performance audit of transportation services funding. The audit should include a comparison of the amount of transportation services funding school districts receive to the cost of providing transportation services. This performance audit shall be conducted during fiscal year 2018, and the final audit report shall be submitted to the legislature on or before January 15, 2018.

(b) A performance audit of at-risk education funding. The audit should evaluate the method of counting students for at-risk education funding, the level of the at-risk student weighting and high-density at-risk student weighting under the act and how school districts are expending moneys provided for at-risk education. This performance audit shall be conducted during fiscal year 2020, and the final audit report shall be submitted to the legislature on or before January 15, 2020.

(c) A performance audit of bilingual education funding. The audit should evaluate the method of counting students for bilingual education funding, the level of the bilingual weighting under the act and how school districts are expending moneys provided for bilingual education. This performance audit shall be conducted during fiscal year ~~2023~~ 2022, and the final audit report shall be submitted to the legislature on or before January 15, ~~2023~~ 2022.

(d) A study of statewide virtual school programs administered in other states. The study shall include, but not be limited to, the following:

(1) The aggregate cost incurred by each state administering a virtual school program, and the cost incurred by individual school districts or schools within each state;

(2) the resources necessary for the implementation of each virtual school program, including, but not limited to, personnel, equipment, software and facility usage;

(3) the scope of each virtual school program; and

(4) the effectiveness of each virtual school program with respect to student performance and outcomes.

The audit shall be conducted during fiscal year ~~2024~~ 2023, and the final audit report shall be submitted to the legislature on or before January 15, ~~2024~~ 2023.

(e) (1) A performance audit to provide a reasonable estimate of the cost of providing educational opportunities for every public school student in Kansas to achieve the performance outcome standards adopted by the state board of education. This performance audit shall be conducted ~~three~~ two times as follows:

(A) During ~~fiscal year 2019~~, and the final report submitted to the legislature on or before January 15, ~~2019~~;

~~(B) during fiscal year 2022~~ 2021, and the final report submitted to the legislature on or before January 15, ~~2022~~ 2021; and

~~(C)(B) during fiscal year 2025~~ 2024, and the final report submitted to the legislature on or before January 15, ~~2025~~ 2024.

(2) Each performance audit required under this subsection shall:

(A) Include reasonable estimates of the costs of providing specialized education services as required by law, including, but not limited to, ~~special education and related services~~; bilingual education and at-risk programs; and

(B) account for other factors which may contribute to variations in costs incurred by school districts, including, but not limited to, total district enrollment and geographic location within the state.

(3) In conducting each performance audit required under this subsection:

(A) Any examination of historical data and expenditures shall correct any recognized inadequacy of such data or expenditure through a statistically valid method of extrapolation; and

(B) subject to the limitations of the division of legislative post audit budget and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

~~(f) A performance audit to identify best practices in successful schools. The audit should include a comparison of the educational methods and other practices of demographically similar school districts that achieve significantly different student outcomes based on performance outcome standards adopted by the state board of education. This performance audit shall be conducted during fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021. The audit shall be conducted a second time during fiscal year 2026, and the final audit report shall be submitted to the legislature on or before January 15, 2026 provide a reasonable estimate of the costs of providing special education and related services, including, but not limited to, other factors which may contribute to variations in costs incurred by school districts. This performance audit shall be conducted during fiscal year 2019, and the final audit report shall be submitted to the legislature on or before January 15, 2019.~~;

Also on page 18, in line 18, before "K.S.A" by inserting "On and after July 1, 2018,";

On page 20, in line 19, before "K.S.A" by inserting "On and after July 1, 2018,"; following line 40, by inserting:

"Sec. 16. On and after July 1, 2018, K.S.A. 2017 Supp. 72-5461 is hereby amended to read as follows: 72-5461. (a) Upon receiving an application under K.S.A. 2017 Supp. 72-5460, and amendments thereto, the state board of education shall review the application and examine the evidence furnished in support of the application.

~~(b)(1) Commencing in school year 2017-2018, the state board of education shall not approve any application submitted during the current school year if such approval would result in the aggregate amount of all general obligation bonds approved by the state board for such school year exceeding the aggregate principal amount of all general obligation bonds retired in the immediately preceding school year. In determining whether to approve an application, the state board shall prioritize applications in accordance with the priorities set forth as follows in order of highest priority to lowest priority:~~

~~(A) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., or other similar evaluation;~~

~~(B) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;~~

~~(C) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and~~

~~(D) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.~~

~~(2) The state board shall not consider a school district's eligibility for capital improvement state aid, or the amount of capital improvement state aid a school district would be eligible to receive, in determining whether to approve such district's application.~~

~~(3) The provisions of subsection (b)(1) shall not apply to school districts that have not issued any general obligation bonds in the 25 years prior to the current school year.~~

~~(e) After reviewing the application and examining the supportive evidence, the state board of education shall issue an order either granting or denying the application. If the application is approved, the applicant board of education shall request the county election officer to hold an election to vote upon the question of issuing the increased amount of bonds in the manner provided by law.~~

~~(d) Any application that is denied pursuant to subsection (b) may be tentatively approved by the state board of education for the immediately succeeding school year. The amount of general obligation bonds approved in any such application shall be counted first towards the aggregate amount of all general obligation bonds approved by the state board for such school year.~~

~~(e) Commencing in school year 2017-2018, the state board of education shall determine the aggregate principal amount of general obligation bonds retired in the immediately preceding school year.~~

~~(f) The provisions of subsections (b), (d) and (e) shall expire on June 30, 2022.~~

~~Sec. 17. K.S.A. 2017 Supp. 72-5150 and 72-5155 are hereby repealed."~~

~~Also on page 20, in line 41, before "K.S.A" by inserting "On and after July 1, 2018,"; in line 42, by striking "72-5150,"; also in line 42, by striking "72-5155," and inserting "72-5170, 72-5171, 72-5173,"; in line 43, after "53,116," by inserting "72-5461,";~~

~~On page 21, in line 4, by striking "statute book" and inserting "Kansas register";~~

~~And by renumbering sections accordingly;~~

~~On page 1, in the title, in line 2, after the semicolon by inserting "making and concerning appropriations for the fiscal year ending June 30, 2019, for the department~~

of education;"; in line 4, after the third comma by inserting "72-5170, 72-5171, 72-5173,"; also in line 4, by striking the first "and" and inserting a comma; also in line 4, after "72-53,116" by inserting "and 72-5461"; and the bill be reported without recommendation.

### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 85**, by Representative Jeff Pittman, congratulating Kansas Thespians for the distinction of being a Gold Honor Chapter;

**Request No. 86**, by Representative Stephanie Clayton, congratulating Sofia Stechschulte for receiving the Girl Scout Gold Award;

**Request No. 87**, by Representative Don Schroeder, commending Max Harmon for his dedication and service to community;

**Request No. 88**, by Representative Ken Rahjes, congratulating Northern Valley Boys basketball team for being Class 1A Division II State Champions;

**Request No. 89**, by Representative Ken Rahjes, congratulating Chuck Fessenden on 42 years of coaching successes at Northern Valley High School;

**Request No. 90**, by Representative Ken Rahjes, congratulating Chuck Fessenden for the Northern Valley Girls Volleyball Team being Class 1A Division II State Champions;

**Request No. 91**, by Representative Blake Carpenter, congratulating the Derby High School Girls Basketball Team for being 2018 6A State Champions;

**Request No. 92**, by Representative Doug Blex, congratulating James Blex on the Rite of Confirmation;

**Request No. 93**, by Representatives Broderick Henderson and Valdenia Winn, congratulating Barbara Ann Cole on her 80<sup>th</sup> birthday;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Hineman, the committee report was adopted.

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 resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. **HCR 5029**—  
By Committee on Taxation

**HCR 5029**—A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas; declaring the power to appropriate state funds for education to be exclusively a legislative power.

*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: Section 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 6. **Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) *As all political power is inherent in the people, the legislature shall ~~make~~ determine suitable provision for finance of the educational interests of the state. The determination of the total amount of funding that constitutes suitable provision for finance of the educational interests of the state is exclusively a legislative power, and shall be made as provided by law. Such power is committed to the legislature under article 2 of this constitution and shall be shown due respect by the other branches of government. No court, or other tribunal, established by this constitution or otherwise by law shall alter, amend, repeal or otherwise abrogate such power; nor shall such power be exercised by, either directly or indirectly, by any such court or other tribunal.*

(c) No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(~~e~~) (d) No religious sect or sects shall control any part of the public educational funds."

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 state that the financing of the educational interests of this state is exclusively a legislative power and cannot be altered or revoked by any state court.

"A vote for this proposition would make financing of the educational interests of this state determined solely by state law, and would not be subject to amendment or repeal by any state court.

"A vote against this proposition would retain the current provision in the Kansas constitution, which has been interpreted by the Kansas supreme court as empowering that court to order the Kansas legislature to fund public schools in whatever amounts that the Kansas supreme court may determine necessary."

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.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Humphries to concur in Senate amendments to **HB 2481**, the motion did not prevail.

On roll call, the vote was: Yeas 58; Nays 64; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Bergquist, Burris, B. Carpenter, Claeys, Clark, Corbet, Delperdang, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Garber, Good, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, K. Jones, Karleskint, Kelly, Landwehr, Lewis, Lusker, Mason, Mastroni, Orr, Osterman, Phelps, R. Powell, Proehl, Rafie, Rahjes, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Trimboli, Vickrey, Weber, C., Wheeler, Whitmer, K. Williams.

Nays: Alcala, Baker, Ballard, Barker, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jennings, Judd-Jenkins, Kessinger, Koesten, Kuether, Lusk, Markley, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, F. Patton, Phillips, Pittman, Probst, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Stogsdill, S. Swanson, Thompson, Trimmer, Ward, Waymaster, Weigel, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Blex, E. Davis, Victors.

The bill is killed.

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Jennings moved the House reconsider its previous action on **HB 2481**, and the bill be returned to that order of business, Concur or Noncur. The motion prevailed.

On motion of Rep. Jennings, the House nonconcurrent in Senate amendments to **HB 2481** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, Ralph and Carmichael as conferees on the part of the House.

**CHANGE OF CONFEREES**

Speaker pro tem Schwab announced the appointment of Reps. Barker, Highland and Ruiz to replace Reps. Mason, Corbet and Whipple as conferees on **HB 2482**.

**REPORT ON ENROLLED BILLS**

**HB 2457**, **HB 2459** reported correctly enrolled, properly signed and presented to the Governor on March 29, 2018.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6056**, **HR 6057** reported correctly enrolled and properly signed on March 29, 2018.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Monday, April 2, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*