

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 7, 2019, 11:00 a.m.

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

The roll was called with 119 members present.

Reps. Kuether and Lewis were excused on verified illness.

Reps. Henderson, L. Ruiz, Whipple and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Almighty God,
thank You once again for a new day
in which to enjoy and make the most of life.
This morning I was reminded of the Psalm which says,
“Truly, You put them on a slippery path
and send them sliding over the cliff to destruction.”
It definitely felt that way driving in.
Thank You for keeping everyone safe.
Our leaders may also often feel this way
during the discussions and debate of certain issues.
In order to avoid the slippery path You refer to in Your Word,
help our leaders to listen to Your voice and follow Your wisdom
to make the right decisions to keep us all on the right path.
I pray this in Christ’s Name, Amen.
(Psalm 73:18)

The Pledge of Allegiance was led by Rep. Thimesch.

INTRODUCTION OF GUESTS

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

I would like to invite any legislator that is a graduate of the Kansas Farm Bureau “Masters Program” to join me.

It is my honor to introduce to the House, Charlie Sargent, and his wife, Sharlin.

Today I am presenting Charlie an official certificate for his work, passion, and dedication to agriculture and his love of the communities and people supported by farming and ranching.

Charlie recently retired from Kansas Farm Bureau after 47 years of service. For those doing the math, he started in 1972.

Charlie has served in various leadership roles at KFB, but is most recognized for supervising the Masters Program.

This unique program focuses on the fundamentals of today's agriculture, and you travel to a various locations in Kansas so you see agriculture up close.

Charlie truly represents what makes the people of Kansas so great. He is humble, dedicated to the service of others, caring for all those around him, willing to share his knowledge, and quick to share his smile and sense of humor.

Please join me in recognizing Charlie Sargent for his dedication to our great State and his 47 years of service at Kansas Farm Bureau.

Rep. Phillips presented Mr. Sargent with a framed House certificate in honor of his many achievements.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 2173, AN ACT concerning industrial hemp; establishing a commercial industrial hemp program; amending K.S.A. 65-4101 and 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4105b and K.S.A. 2018 Supp. 21-5701a, by Committee on Agriculture.

HB 2174, AN ACT concerning the state use law; relating to extension of the sunset date for five years; amending K.S.A. 2018 Supp. 75-3322c and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2175, AN ACT concerning labor organizations; relating to fair share charitable fees; enacting the fair share act; amending K.S.A. 44-803 and repealing the existing section, by Committee on Commerce, Labor and Economic Development.

HB 2176, AN ACT concerning elections; relating to collection of ballots; amending K.S.A. 2018 Supp. 25-1128 and repealing the existing section, by Committee on Elections.

HB 2177, AN ACT concerning life insurance; relating to fixed index annuity contracts; pertaining to the accounting treatment of certain derivative instruments; indexed product reserves, by Committee on Insurance.

HB 2178, AN ACT concerning utilities; relating to the Kansas underground utility damage prevention act; definitions; location of facilities and duty to mark, exceptions; amending K.S.A. 66-1802 and 66-1806 and repealing the existing sections, by Committee on Judiciary.

HB 2179, AN ACT concerning the division of motor vehicles; relating to the disclosure of records; adopting the driver's privacy protection act; amending K.S.A. 74-2012 and repealing the existing section, by Committee on Transportation.

HB 2180, AN ACT concerning vehicles; relating to registration and titles; fees, disposition; amending K.S.A. 8-195 and 74-2013 and K.S.A. 2018 Supp. 8-132, 8-135, 8-135a, 8-135c, 8-139, 8-143, 8-143j, 8-145, 8-145d, 8-167, 8-170, 8-172, 8-198, 58-4204 and 79-3604 and repealing the existing sections, by Committee on Transportation.

HB 2181, AN ACT concerning criminal procedure; relating to disposition of firearms seized by law enforcement; amending K.S.A. 2018 Supp. 22-2512 and repealing the existing section, by Representatives Alcalá, Bishop and Warfield.

HB 2182, AN ACT concerning motor vehicle liability insurance; increasing the minimum policy limit for bodily injuries on certain persons; amending K.S.A. 2018 Supp. 40-3107 and repealing the existing section, by Representative Hodge.

HB 2183, AN ACT concerning school districts; relating to high school graduation requirements; requiring passage of a computer science course, by Committee on Education.

HB 2184, AN ACT enacting the massage therapist licensure act; regulation and licensing of massage therapists; powers, duties and functions of the state board of healing arts, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. **HCR 5005**—

By Committee on Elections

HCR 5005—A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas; relating to reapportionment of senatorial and representative districts.

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 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Reapportionment of senatorial and representative districts. (a) ~~At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States census bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.~~

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme

court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith."

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 eliminate the adjustment of the census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote for this proposition would eliminate the adjustment of the census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

"A vote against this proposition would continue in effect the requirement for the adjustment of the census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives."

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 2019, 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.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2156.**

Appropriations: **HB 2158, HB 2159, HB 2168, SB 9.**

Children and Seniors: **HB 2149.**

Commerce, Labor and Economic Development: **HB 2148, HB 2167.**

Education: **HB 2166.**

Elections: **HB 2169, HB 2170, HB 2171, HB 2172.**

Federal and State Affairs: **HB 2153, HB 2164.**

Financial Institutions and Pensions: **HB 2165**.
 Health and Human Services: **HB 2155, HB 2157, HB 2163**.
 Judiciary: **HB 2151, HB 2152, HB 2161, HB 2162**.
 K-12 Education Budget: **HB 2150**.
 Rural Revitalization: **HB 2154**.
 Taxation: **HB 2160**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Corbet, **HR 6008**, as follows, was introduced and adopted:

By Representative Corbet

HR 6008—A RESOLUTION congratulating and commending 2018 Milken Educator Award winner Linda Dishman.

WHEREAS, The Milken Educator Awards program, established by the Milken Family Foundation, recognizes the top educators in the country. Often deemed the "Oscars" of the teaching world, the program provides awards to elementary and secondary school teachers, principals, and other educational professionals who inspire excellence; and

WHEREAS, Linda Dishman, educator at Berryton Elementary School in Shawnee Heights USD 450, has been selected as the Kansas recipient of the 2018 Milken Educator Award; and

WHEREAS, The award was presented to Dishman in person by the Milken Family Foundation's co-founder Lowell Milken alongside former Governor Jeff Colyer in front of the students and staff at Berryton Elementary on October 12, 2018; and

WHEREAS, Dishman is the only award winner from Kansas among this year's 40 honorees. The award includes a \$25,000 cash prize; and

WHEREAS, Dishman earned her bachelor's degree in elementary education from Washburn University in 2012 and a master's degree in education from Fort Hays State University in 2018; and

WHEREAS, All Milken Educator Award winners will convene at the Milken Educator Forum in Washington, D.C., for professional development opportunities to continue and strengthen their teaching and leadership excellence: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Linda Dishman for being an outstanding Kansas educator and receiving the 2018 Milken Educator Award; and

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

INTRODUCTION OF GUESTS

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

It is my honor to introduce you to a truly outstanding teacher who has demonstrated not only exemplary educational accomplishments in and out of the classroom, but who has been a model of excellence for the teaching profession.

The teacher I have standing here with me is from Berryton Elementary School in the Shawnee Heights School District and she has won what is considered the “Oscar of Teaching”.....she is the only Milken Award Winning Teacher in Kansas for 2018 and her name is Linda Dishman. This award is the most prestigious teaching award in the United States.

Milken Award winning teachers are not only outstanding teacher leaders, but they are also skilled in their unique and innovative classroom instruction and are fully engaged in their communities.

Milken Educators are selected for the achievements and for the promise of what they will accomplish. She received a \$25,000 prize and will attend a forum in Washington, D.C. in March. She is a symbol of all the great teachers we have in Kansas who are working to make a positive difference in the lives of their students.

Mr. Speaker and fellow Representatives, I present to you the **Kansas 2018 Milken Award Winning Teacher, Linda Dishman.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Highland, **HR 6009**, by Reps. Highland, Amyx, Amberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlin, Carlson, Carmichael, Carpenter, Clark, Collins, Cox, Curtis, Delperdang, Dietrich, Donohoe, Dove, Ellis, Erickson, Esau, Finney, Francis, Helgerson, Hibbard, Hineman, Hoheisel, Holscher, Howard, Jacobs, Jennings, Kelly, Kessinger, Lynn, Neighbor, Orr, Owens, Pannbacker, Patton, Phillips, Proehl, Rahjes, Resman, Samsel, Sawyer, Schreiber, Smith, Smith, Stogsdill, Tarwater, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warren, Wasinger, Waymaster and Weigel, as follows, was introduced and adopted:

HR 6009—A RESOLUTION honoring the Kansas Farm Bureau.

A RESOLUTION honoring the Kansas Farm Bureau, its 105 county Farm Bureaus, and the many Kansas farmers and ranchers who provide food, fuel, and fiber to the citizens of Kansas and to people around the world.

WHEREAS, For 100 years, the Kansas Farm Bureau has played a critical role as the *Voice of Agriculture* throughout Kansas, the United States, and around the world; and

WHEREAS, In 1919, the Bureau was established as a grassroots organization by a group of members united in the belief that together they could better protect their way of life and achieve better futures for their families and communities; and

WHEREAS, The Bureau successfully defended Kansas's agricultural industry by lobbying for a constitutional amendment allowing for use-value appraisal of agricultural land. This enabled Kansas farms to continue operations without being devastated by high market values taxation; and

WHEREAS, The Bureau successfully mobilized to help pass a constitutional amendment that adjusted commercial property classification rates. Through its efforts, the Bureau helped thwart the opportunity to broaden the tax base with livestock and farm machinery; and

WHEREAS, The Bureau helped protect Kansas property rights through eminent domain reform. In 2006, these efforts culminated in the passage of Substitute for Senate Bill No. 323; and

WHEREAS, The Bureau has long played a critical role in safeguarding property rights through the protection of natural resources; and

WHEREAS, As part of a coalition including the American Farm Bureau, the Kansas Corn Growers Association, and other farm bureaus from Colorado, New Mexico, and Texas, the Bureau successfully challenged the U.S. Fish and Wildlife Service's April 2014 decision to list the lesser prairie chicken as a threatened species; and

WHEREAS, The Bureau advocates, educates, and serves Kansas farmers and ranchers through a wide range of programs, including agriculture education, leadership development, legal defense, rural development, and international trade. Through its work, the Bureau is dedicated to offering common sense solutions to challenges facing agriculturalists, small business owners, and rural communities; and

WHEREAS, Currently, the Bureau is working to ensure every Kansan has access to high-speed broadband service, no matter where they live and work. The Bureau believes high-speed service is vital to emergency services, educational opportunities, and precision agriculture. The Bureau is also seeking affordable solutions to ensure all members have access to health care; and

WHEREAS, The Bureau reaffirms it will continue to inform when needed, protect when challenged, and fight for the lives of rural Kansans and their communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the Kansas Farm Bureau, its 105 county Farm Bureaus, and the many Kansas farmers and ranchers who provide food, fuel, and fiber to the citizens of Kansas and to people around the world. Through its leadership and devotion to the citizens and communities of rural Kansas, the Kansas Farm Bureau embodies the spirit and qualities we associate with the very best of Kansans; and

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

INTRODUCTION OF GUESTS

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

We all know, intuitively, that for any business to survive, they must offer a product of value to their customers or they don't survive. When a business has not only survived, but has grown and flourished, they are doing something remarkable. The Kansas Farm Bureau is celebrating their 100th year doing business in this great state.

Today, we have with us the current President of the company, Mr. Rich Felts, and his lovely wife Shirley. They are the current guardians to maintain and grow the organization.

Please give them a warm congratulations and welcome to the People's House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hawkins, **HR 6010**, by Reps. Hawkins, Arnberger, Baker, Ballard, Barker, Bergquist, Blex, Burroughs, Capps, Carmichael, Carpenter, Carpenter, Clark, Concannon, Cox, Croft, Delperdang, Dietrich, Dove, Ellis, Eplee, Erickson, Finch, Finney, Francis, French, Gartner, Helmer, Hibbard, Highberger, Highland, Hoffman, Hoheisel, Holscher, Howard, Huebert, Humphries, Jacobs,

Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Lynn, Mason, Mastroni, Moore, Neighbor, Ohaebosim, Orr, Owens, Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Samsel, Sawyer, Schreiber, Seiwert, Smith, Smith, Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Ward, Warfield, Warren, Wasinger, Weigel, Wheeler, Whipple, Williams and Woodard, as follows, was introduced and adopted:

HR 6010—A RESOLUTION recognizing February 7, 2019, as JAG-K day at the capitol.

WHEREAS, Jobs for America's Graduates-Kansas (JAG-K) is a Section 501(c)(3) not-for-profit organization that partners with public schools, communities and employers to help students prepare for successful futures; and

WHEREAS, JAG-K is a state affiliate of the national JAG program, which operates in 35 states and territories. Its curriculum emphasizes graduation from high school and prepares students for postsecondary education or entering the workforce directly; and

WHEREAS, JAG-K is committed to partnering with students to overcome barriers to graduation from high school and prepare them for college or career pathways that will help them reach their full potential as leaders for their families, employers, communities, Kansas and our nation; and

WHEREAS, There are 81 JAG-K programs located in 38 school districts across Kansas during the 2018-19 school year. In addition to school districts, JAG-K partners include the Kansas Department for Children and Families and the Kansas Department of Education; and

WHEREAS, In a small group classroom setting, students explore career opportunities and learn the skills necessary to successfully transition to postsecondary education, military service or the workforce following their graduation; and

WHEREAS, JAG-K is an evidence-based program with objective performance measures; and

WHEREAS, JAG-K has a 98% graduation rate statewide and a 92% success rate statewide; and

WHEREAS, Nationally, JAG graduates are 230% more likely to be employed than peers not in a JAG program: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize February 7, 2019, as JAG-K Day at the Capitol; and

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

INTRODUCTION OF GUESTS

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

I am pleased to join several of my colleagues, including Representative Ballard, who serves on the JAG-K Board of Directors, in sponsoring this resolution marking today, February 7, 2019 as JAG-K Day at the Capitol.

JAG-K is one of those programs every legislator dreams of supporting. It has proven results with a 98% graduation rate.

It focuses on student success. Following graduation, 92% of our JAG-K students are in post-secondary education, training, military service, in the workforce with marketable skills or a combination of all of those. Nationally, JAG students are 230% more likely to be employed than their peers who were not in the JAG program.

JAG-K teaches students skills they need to be successful regardless of their chosen career path. They gain confidence by learning leadership and career development skills through the required JAG competencies.

JAG-K provides accountability. They report their performance measures quarterly and their expenses monthly.

JAG-K is a great program, and it is an honor to recognize numerous JAG-K students from across the state today. Joining us on the Floor of the House today are nine students:

- Ezariah Rodriguez
- Ana Resendiz
- Mekinzie Rojas
- Bailey Pauley
- Kristofer Tolman
- Haydn Mason
- Gage Mason
- Bryar Belt
- Carly Condella

Rep. Hawkins also recognized JAG-K President and CEO Chuck Knapp and JAG-K Vice President of Programming Bev Mortimer.

Rep. Ballard also spoke on behalf of the organization in recognition of their success.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2001, AN ACT concerning agriculture; relating to environmental remediation; extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund; amending annual assessment rates; amending K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Kuether, Lewis, Ruiz, L., Whipple, Winn.

The bill passed.

HB 2038, AN ACT concerning inheritance rights; relating to revocation upon divorce, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Hibbard, Highberger, Highland, Hineman, Hodge, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: Baker, Collins, Hoffman, Rhiley, Warren.

Present but not voting: None.

Absent or not voting: Henderson, Kuether, Lewis, Ruiz, L., Whipple, Winn.

The bill passed.

HB 2039, AN ACT concerning recognition of tribal court judgments, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Amyx, Arnberger, Averkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lusk, Lynn, Mason, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, K. Williams, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Kuether, Lewis, Ruiz, L., Whipple, Winn.

The bill passed, as amended.

On motion of Rep. Hawkins, the House resolved into the Committee of the Whole, with Rep. Blake Carpenter in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2033** be adopted.

Also, on motion of Rep. Adam Smith, **HB 2033** be amended, on page 1, in the title, in line 1, by striking the second "concerning"; in line 2, after the first comma by inserting "rates and"; also in line 2, after the third comma by inserting "Finney,"; in line 3, by striking "and" and inserting a comma; also in line 3, by striking "counties, rates," and inserting "and"; also in line 3, by striking "county" and inserting "counties"

Also, on motion of Rep. Hodge to amend **HB 2033**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2034** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2041** be passed.

Committee on **Judiciary** recommends **HB 2064** be amended on page 1, in line 15, after "of" by inserting "both"; and the bill be passed as amended.

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 bills and concurrent resolution were introduced and read by title:

HB 2185, AN ACT concerning naturopathic doctors; relating to scope of practice; adding diagnostic imaging; amending K.S.A. 65-7202 and repealing the existing section, by Committee on Health and Human Services.

HB 2186, AN ACT concerning employment; relating to sick leave benefits and the care of family members, by Committee on Children and Seniors.

HB 2187, AN ACT establishing the office of the child advocate for children's protection and services within the department of administration; prescribing certain powers, duties and functions; amending K.S.A. 2018 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 38-2212a, by Committee on Children and Seniors.

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

HB 2189, AN ACT concerning elections; regarding voting; amending K.S.A. 25-2353 and K.S.A. 2018 Supp. 25-414 and 25-2316c and repealing the existing sections, by Representative Parker.

HB 2190, AN ACT concerning the state corporation commission; relating to electric utilities; electric rates; certain charges prohibited; amending K.S.A. 66-117d and repealing the existing section, by Committee on Federal and State Affairs.

HB 2191, AN ACT concerning crimes, punishment and criminal procedure; relating to execution of search warrants; electronically stored information; amending K.S.A.

2018 Supp. 22-2503 and repealing the existing section, by Committee on Judiciary.

HB 2192, AN ACT concerning the court of appeals; relating to appointment of judges; amending K.S.A. 2018 Supp. 20-3002, 20-3006 and 20-3010 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 20-3020, by Committee on Judiciary.

HB 2193, AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to the acquittal of the crime giving rise to forfeiture; return of property; amending K.S.A. 65-7014 and K.S.A. 2018 Supp. 60-4112 and 60-4117 and repealing the existing sections, by Committee on Judiciary.

HB 2194, AN ACT concerning income taxation; relating to deductions; Kansas itemized deduction, wagering losses; amending K.S.A. 2018 Supp. 79-32,120 and repealing the existing section, by Representatives Pittman and Kessinger.

HB 2195, AN ACT concerning sales taxation; relating to exemptions, farm products sold at farmers' markets; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Representatives Pittman, Blex, Ellis, Hodge, Horn, Karleskint, Neighbor, Parker, Probst, Ruiz, S., Woodard and Xu.

HB 2196, AN ACT concerning family law; relating to temporary parenting plans; amending K.S.A. 2018 Supp. 23-3212 and repealing the existing section, by Representatives Pittman, Awerkamp, Bergquist, Ellis, Eplee, Highland, Hineman and Resman.

HB 2197, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; amortizing a certain portion of actuarial accrued liability of the system for a period of 30 years; eliminating certain level-dollar employer contribution payments; establishing procedures for lapsing and decreasing certain amounts of employer contributions for state agencies for the fiscal year ending June 30, 2020; amending K.S.A. 74-4920 and repealing the existing section, by Committee on Financial Institutions and Pensions.

HB 2198, AN ACT concerning health and healthcare; relating to the treatment of sexually transmitted diseases; allowing for the use of expedited partner therapy, by Committee on Health and Human Services.

HB 2199, AN ACT concerning health and healthcare; relating to preparation of dead bodies; cremation; documentation requirements; funeral director monthly reporting requirements; amending K.S.A. 65-1762 and 65-2426a and repealing the existing sections; also repealing K.S.A. 65-2429, by Committee on Health and Human Services.

HB 2200, AN ACT concerning cosmetologists and cosmetology; exempting hair threading from the practice of cosmetology; requirements; amending K.S.A. 65-1901 and 65-1928 and repealing the existing sections, by Committee on Health and Human Services.

HB 2201, AN ACT concerning the department of health and environment; relating to powers, duties and functions; tuberculosis program; updating statutory references necessitated by 2012 executive reorganization order no. 41; amending K.S.A. 65-116i, 65-116k, 65-116l and 65-116m and repealing the existing sections, by Committee on Health and Human Services.

HB 2202, AN ACT concerning certain cemetery districts and the deannexation of territory located within a city, by Representative Huebert.

HB 2203, AN ACT concerning retirement and pensions; relating to the Kansas public employee retirement system; employment after retirement; exempting individuals

employed by the Kansas academies of the United States department of defense STARBASE program; amending K.S.A. 74-4914 and repealing the existing section, by Committee on Financial Institutions and Pensions.

HOUSE CONCURRENT RESOLUTION No. **HCR 5006**—

By Representative Parker

HCR 5006—A PROPOSITION to revise article 10 of the constitution of the state of Kansas; relating to reapportionment of congressional districts, legislative districts and state board of education member districts.

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: Article 10 of the constitution of the state of Kansas is hereby revised to read as follows:

**"ARTICLE 10.—APPORTIONMENT OF CONGRESSIONAL,
LEGISLATIVE AND STATE BOARD OF EDUCATION
MEMBER DISTRICTS**

"§ 1. Reapportionment of districts required. At its regular session in 2022, and at its regular session every 10th year thereafter, the legislature shall by law reapportion the United States congressional districts, the state senatorial districts, the state representative districts and the state board of education member districts as provided by this article. Reapportionment of such districts shall be on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial, representative and state board of education member districts shall be reapportioned upon the basis of the population of the state adjusted: (a) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (b) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence.

"§ 4. Establishment of redistricting commission. (a) Not later than February 15 of each year ending in one, a redistricting commission shall be established to recommend to the legislature redistricting plans for United States congressional districts, state representative districts, state senatorial districts and state board of education member districts.

- (b) The redistricting commission shall consist of the following members:
- (1) One shall be appointed by the majority leader of the senate;
 - (2) one shall be appointed by the majority leader of the house of representatives;
 - (3) one shall be appointed by the minority leader of the senate;
 - (4) one shall be appointed by the minority leader of the house of representatives; and
 - (5) within 30 days after the appointments described in paragraphs (1)

through (4) have been made, but not later than March 15 of the year in which the commission is established, the four commission members so appointed shall select, by a vote of at least three members, the fifth commission member, who shall serve as chairperson.

(c) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment or selection.

(d) No person, while a member of the commission, shall:

(1) Hold any federal, state or local office; or

(2) be an employee of the Kansas legislature, state board of education or United States congress.

(e) No person who has been a member of the redistricting commission shall be eligible, within two years after being a member of the commission, to:

(1) Be a member or employee of the Kansas legislature or state board of education; or

(2) hold any appointive state or federal office.

(f) The legislature shall provide by law for payment of compensation and expenses of members of the redistricting commission and for adequate staff, office space, equipment and materials for the commission.

(g) The terms of members of the redistricting commission shall expire on July 1 of each year ending in two, and the commission shall be inactive until reestablishment of the commission pursuant to this section.

"§ 5. Commission procedure and recommendations. (a) The redistricting commission shall establish rules and procedures as necessary to carry out the commission's functions. The rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members. Ex parte communications with members of the commission in relation to the merits of matters before the commission shall be prohibited. Members of the commission shall report any violations of this prohibition to the attorney general and the legislature shall provide by law criminal penalties for such violations.

(b) The redistricting commission shall conduct public hearings throughout the state, including at least one public hearing in each state board of education member district.

(c) In recommending redistricting plans, the redistricting commission shall consider only the requirements of the constitution of the state of Kansas and the constitution of the United States, preservation of political subdivisions and preservation of communities of interest. The commission shall avoid placing more than one incumbent in a district except when necessary due to changes in the population of the state. Except as expressly provided in this subsection, the commission shall not intentionally develop redistricting plans that favor or discriminate against any individual, political party or group.

"§ 6. Legislative action; court review and action. (a) On or before the first day of the regular legislative session in each year ending in two, the redistricting commission shall introduce in the house of representatives a bill reapportioning the state representative districts and a bill reapportioning the United States congressional districts, and shall introduce in the senate a bill reapportioning the state senatorial districts and a bill reapportioning the state board of education

member districts. The bills shall not be subject to amendment by either chamber of the legislature and each such bill shall be acted upon by each chamber within seven days after the bill is introduced in the chamber.

(b) If a bill introduced pursuant to subsection (a) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (a) is invalid, the redistricting commission, within 10 days after entry of the judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). The bill shall not be subject to amendment by either chamber and shall be acted upon by each chamber within seven days after the bill is introduced in the chamber.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 10 days after rejection of the bill by either chamber of the legislature or veto of the bill by the governor, shall introduce another bill reapportioning such districts. If the Kansas supreme court enters a judgment that a bill introduced pursuant to subsection (b) is invalid, the redistricting commission, within 10 days after entry of the judgment, shall introduce another bill reapportioning such districts. Introduction of a bill pursuant to this section shall be in the same chamber as introduction of the original bill pursuant to subsection (a). The bill shall be subject to amendment by either chamber and shall be acted upon by each chamber within 14 days after the bill is introduced in such chamber. When a bill is introduced pursuant to this subsection, the commission shall make the commission's staff and technical resources available to the legislature for use in preparation and consideration of amendments to the bill.

(d) If either chamber of the legislature rejects a bill introduced pursuant to this section, or the governor vetoes the bill, the chamber that rejects the bill, or the governor in the case of a veto, shall transmit to the commission a letter stating the reasons why the bill was not enacted, and the commission shall take such reasons into consideration in introducing a bill pursuant to this section, subject to the requirements of section 6(c). Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the president of the senate and the minority leader of the senate.

(e) Reapportionment bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election of legislators and thereafter until again the districts are reapportioned, except that the senatorial districts shall be effective for the next following regular election at which all senators are elected.

(f) Within 15 days after publication of any reapportionment bills enacted pursuant to this article, the attorney general shall petition the Kansas supreme court to determine the validity of the bill. The Kansas supreme court, in accordance with its rules, shall permit interested persons to present their views.

Within 30 days after the filing of the petition, the Kansas supreme court shall enter its judgment. A judgment of the Kansas supreme court determining the bill to be valid shall be final until reapportionment of the districts is again required by this article.

"§ 7. **Implementing legislation.** The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

Explanatory statement. Current article 10 of the constitution of the state of Kansas governs reapportionment of state legislative districts. It provides for reapportionment by the legislature and requires that it be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities. The revision of article 10 would govern reapportionment of the United States congressional districts, state legislative districts and the state board of education member districts. Under the revision, a redistricting commission would be established to recommend redistricting plans to the legislature. The legislature would enact a plan which would be subject to review by the Kansas supreme court. There would be strict deadlines for legislative action. Reapportionment of congressional districts, state legislative districts and state board of education member districts would be based on the most recent census taken by the United States bureau of the census, adjusted to exclude certain military personnel and certain students residing at colleges and universities.

"A vote for this proposition would change the procedure for reapportionment of United States congressional, state legislative and state board of education member districts.

"A vote against this proposition would continue the current procedures and basis for reapportionment."

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 2020, 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.

On motion of Rep. Hawkins, the House adjourned until 8:30 a.m., Friday, February 8, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

