

# Journal of the House

## TWENTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 14, 2019, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Bishop and Lewis were excused on verified illness.

Prayer by Chaplain Brubaker:

Loving God in heaven,  
as our leaders face the details of their work  
on this Valentine's Day,  
remind us of the attitude in which we all should have.  
"If I speak with human eloquence and angelic ecstasy but don't love,  
I'm nothing but the creaking of a rusty gate.  
If I speak God's Word with power,  
revealing all his mysteries and making everything plain as day,  
and if I have faith that says to a mountain,  
"Jump," and it jumps, but I don't love, I'm nothing.  
If I give everything I own to the poor  
and even go to the stake to be burned as a martyr, but I don't love,  
I've gotten nowhere.  
So, no matter what I say, what I believe, and what I do,  
I'm bankrupt without love.  
Love never gives up. Love cares more for others than for self.  
Love doesn't want what it doesn't have. Love doesn't strut,  
doesn't have a swelled head, doesn't force itself on others,  
isn't always 'me first,' doesn't fly off the handle,  
doesn't keep score of the sins of others,  
doesn't revel when others grovel,  
takes pleasure in the flowering of truth, puts up with anything,  
trusts God always, always looks for the best,  
never looks back, but keeps going to the end.  
But for right now, until that completeness,  
we have three things to do to lead us toward that consummation:  
trust steadily in God, hope unswervingly, love extravagantly.  
And the best of the three is love."  
May all of us possess and live out this kind of love.  
In Christ's Name I pray, Amen.  
(1 Corinthians 13:1-7; 13 – *The Message*)

The Pledge of Allegiance was led by Rep. Pannbacker.

**INTRODUCTION OF GUESTS**

There being no objection the following remarks by Rep. Clayton are spread upon the Journal:

In honor of National Organ Donor Day, I am recognizing Shawnee City Councilwoman Stephanie Meyer. Two months ago, Stephanie donated one of her kidneys to a high school friend's husband, Dan Harmon, after seeing a Facebook post indicating he'd recently been added to the transplant waiting list. Despite having never met Dan, Stephanie began the donor process at the University of Kansas Hospital and was thrilled to learn that even with odds of 1 in nearly 32,000 for a stranger donor, they were a match. There are currently more than 100,000 people like Dan on the waiting list today, and Stephanie's donation was an incredible way to raise awareness of this need, while giving back to a member of our community. Thank you, Stephanie.

Rep. Clayton presented Councilwoman Meyer with a framed House certificate in honor of her kind and selfless act.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2325**, AN ACT concerning firearms; relating to the personal and family protection act; age requirement for licensure; recognition of licenses issued by other jurisdictions; amending K.S.A. 2018 Supp. 21-6302, 75-7c03 and 75-7c04 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2326**, AN ACT concerning firearms; relating to the personal and family protection act; recognition of licenses issued by other jurisdictions; amending K.S.A. 2018 Supp. 21-6302 and 75-7c03 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2327**, AN ACT concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; increasing the retirement benefits cap; decreasing employee contributions in certain circumstances; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

**HB 2328**, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; participating service credit; requiring certain concurrent military service to be credited as additional participating service; amending K.S.A. 74-4913 and repealing the existing section, by Committee on Financial Institutions and Pensions.

**HB 2329**, AN ACT concerning education; relating to retirement and pensions; Kansas public employees retirement system; increasing certain employee contributions; making and concerning appropriations for the fiscal year ending June 30, 2020, for the department of education; amending K.S.A. 74-4919, 74-49,210 and 74-49,305 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

**HB 2330**, AN ACT concerning school districts; relating to bullying; requiring policies to identify and investigate incidents thereof; amending K.S.A. 72-6147 and repealing the existing section, by Committee on Education.

**HB 2331**, AN ACT concerning victims of sexual abuse; duly ordained ministers of religion; civil action for victims non-disclosure agreements; reporting of certain abuse or neglect of children; amending K.S.A. 2018 Supp. 38-2223 and repealing the existing section, by Committee on Judiciary.

**HB 2332**, AN ACT concerning civil actions; relating to wrongful death and personal injury actions; exemplary and punitive damages; amending K.S.A. 60-1903 and 60-1904 and K.S.A. 2018 Supp. 60-1901 and repealing the existing sections, by Committee on Judiciary.

**HB 2333**, AN ACT concerning children and minors; relating to adoption; date of final decree; amending K.S.A. 2018 Supp. 59-2134 and repealing the existing section, by Committee on Judiciary.

**HB 2334**, AN ACT concerning civil actions; relating to the rules of civil procedure; depositions; disqualification; amending K.S.A. 2018 Supp. 60-228 and repealing the existing section, by Committee on Judiciary.

**HB 2335**, AN ACT concerning the department of corrections; prison-made goods; purchasers; amending K.S.A. 2018 Supp. 75-5275 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2336**, AN ACT concerning crimes, punishment and criminal procedure; relating to offenders under supervision of the secretary of corrections; credit for jail time served; amending K.S.A. 2018 Supp. 21-6606 and 21-6615 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2337**, AN ACT concerning the department of corrections; relating to community corrections; advisory boards; grant programs; amending K.S.A. 75-5298 and K.S.A. 2018 Supp. 75-5297, 75-52,105 and 75-52,112 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Appropriations: **HB 2286**.

Commerce, Labor and Economic Development: **HB 2312, HB 2313, HB 2314, HB 2315, HB 2324, HCR 5008**.

Corrections and Juvenile Justice: **HB 2283, HB 2284, HB 2299, HB 2305, HB 2319**.

Education: **HB 2287, HB 2288**.

Energy, Utilities and Telecommunications: **HB 2294, HB 2317**.

Federal and State Affairs: **HB 2289, HB 2297, HB 2309, HB 2318, HB 2323**.

Health and Human Services: **HB 2295, HB 2298, HB 2303, HB 2307**.

Insurance: **HB 2296**.

Judiciary: **HB 2290, HB 2291, HB 2292, HB 2306, HB 2316, HB 2320, HB 2321, HB 2322**.

Local Government: **HB 2308**.

Taxation: **HB 2285, HB 2293, HB 2301, HB 2302, HB 2304, HB 2310, HB 2311**.

Transportation: **HB 2300**.

**COMMUNICATIONS FROM STATE OFFICERS**

From Lee E. Tafanelli, Major General, Kansas National Guard, The Adjutant General; The Adjutant General's Annual Report for 2018.

From Alexandria Blasi, JD, MBA, Executive Secretary, Kansas Board of Pharmacy; pursuant to K.S.A. 65-4102(b), Report on Substances Proposed for Scheduling, Rescheduling or Deletion.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

**MESSAGES FROM THE SENATE**

Announcing passage of **SB 19, SB 20**.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 19, SB 20**

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

**COMMITTEE OF THE WHOLE**

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

Recommended that on motion of Rep. Frownfelter to re-refer **HB 2197** to Committee on Financial Institutions and Pensions, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Pittman to amend **HB 2197**, on page 2, following line 2, by inserting:

"New Sec. 2. (a) The retirement benefit, pension or annuity payments accruing after June 30, 2019, to each retirant shall be increased by a cost-of-living adjustment in an amount as provided in subsection (b). Such payments shall be paid by the retirement system to the retirant.

(b) (1) Each retirant who is entitled to receive a retirement benefit, pension or annuity payment from the retirement system on July 1, 2019, shall have such retirement benefit, pension or annuity increased in accordance with the following schedule:

Except as provided in subsection (b)(2), for those retirants whose date of retirement is:

(A) On or before July 1, 2014, such benefit, pension or annuity payment shall be increased 1% of the retirement benefit, pension or annuity payment in effect on July 1, 2019;

(B) on or before July 1, 2009, such benefit, pension or annuity payment shall be increased 2% of the retirement benefit, pension or annuity payment in effect on July 1, 2019; and

(C) on or before July 1, 2004, such benefit, pension or annuity payment shall be increased 3% of the retirement benefit, pension or annuity payment in effect on July 1, 2019.

(2) In no event shall the increase in the monthly benefit amount provided by this

act exceed \$150.

(c) As used in this section:

(1) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges; and

(2) "retirant" means: (A) Any person who is a member or special member of the retirement system pursuant to the provisions of K.S.A. 74- 4901 et seq., and amendments thereto, and who retired on or before July 1, 2014; and (B) any person who is a joint annuitant or beneficiary of any member described in subsection (c)(2)(A).";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "system" by inserting "and systems thereunder"; in line 7, after the semicolon by inserting "providing a cost-of-living adjustment for certain retirants;"

On roll call, the vote was: Yeas 49; Nays 73; Present but not voting: 1; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Ballard, Benson, Burroughs, Carlin, Carmichael, Clayton, Corbet, Cox, Curtis, Dierks, Dietrich, Ellis, Finney, Frownfelter, Gartner, Henderson, Highberger, Hodge, Holscher, Horn, Howard, Karleskint, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, F. Patton, Phillips, Pittman, Probst, Ralph, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Croft, Delperdang, Donohoe, Dove, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Houser, Huebert, Humphries, Jacobs, Johnson, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, Proehl, Rajhes, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: Jennings.

Absent or not voting: Bishop, Lewis.

The motion did not prevail.

Also, roll call was demanded on motion of Rep. Benson to amend **HB 2197**, on page 2, following line 2, by inserting:

"New Sec. 2. (a) The retirement benefit, pension or annuity payments accruing after June 30, 2019, to each retirant shall be increased by a cost-of-living adjustment in an amount as provided in subsection (b). Such payments shall be paid by the retirement system to the retirant.

(b) Each retirant who is entitled to receive a retirement benefit, pension or annuity payment from the retirement system on July 1, 2019, shall have such retirement benefit, pension or annuity increased in accordance with the following schedule:

For those retirants whose date of retirement is:

(1) On or before July 1, 2009, such benefit, pension or annuity payment shall be increased 2.5% of the retirement benefit, pension or annuity payment in effect on July 1, 2019; and

(2) on or before July 1, 1999, such benefit, pension or annuity payment shall be increased 5% of the retirement benefit, pension or annuity payment in effect on July 1, 2019.

(c) As used in this section:

(1) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges; and

(2) "retirant" means: (A) Any person who is a member or special member of the retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and who retired on or before July 1, 2009; and (B) any person who is a joint annuitant or beneficiary of any member described in subsection (c)(2)(A).";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "system" by inserting "and systems thereunder"; in line 7, after the semicolon by inserting "providing a cost-of-living adjustment for certain retirants;"

On roll call, the vote was: Yeas 48; Nays 75; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Ballard, Benson, Burroughs, Carlin, Carmichael, Clayton, Corbet, Cox, Curtis, Dierks, Dietrich, Ellis, Finney, Frownfelter, Gartner, Henderson, Highberger, Hodge, Holscher, Horn, Howard, Karleskint, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, F. Patton, Phillips, Pittman, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Croft, Delperdang, Donohoe, Dove, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Hibbard, Highland, Hineman, Hoffman, Hoheisel, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Bishop, Lewis.

The motion did not prevail.

On motion of Rep. Neighbor to amend **HB 2197**, Rep. Hawkins requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion to recommend **HB 2197** favorably for passage.

On roll call, the vote was: Yeas 36; Nays 87; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Ballard, Benson, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gartner, Henderson, Highberger, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Ward, Warfield, Weigel, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Burroughs, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helgerson, Helmer, Hibbard, Highland, Hineman, Hodge, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, F. Patton, Phillips, Pittman, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Wheeler, K. Williams.

Present but not voting: None.

Absent or not voting: Bishop, Lewis.

The motion did not prevail and **HB 2197** remains on General Orders.

## REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2050** be amended on page 13, in line 28, after the semicolon by inserting "or"; in line 29 by striking all after "(C)"; by striking all in lines 30 through 41; in line 42 by striking "(D)";

On page 14, in line 12, by striking "subsections" and inserting "subsection"; also in line 12, by striking "and (c)(1)(C)"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2199** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance** recommends **HB 2143** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance** recommends **HB 2083** be amended on page 1, by striking all in line 15; in line 16, before the period, by inserting "insurance department"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2079**, **HB 2097**, **HB 2105**, **HB 2137** be passed.

Committee on **Judiciary** recommends **HB 2104** be amended on page 6, following line 25, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an

appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
<del>Refusal to submit to a preliminary breath test</del>	<del>8-1012</del>	<del>\$105</del>
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45  11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or	8-1519	\$75



obstructed view		
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45

Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pedestrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper "U" turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping	8-1571	\$45

in prohibited area		
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75
Driving over fire hose	8-1582	\$45
Putting glass, etc., on high- way	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snow- mobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of mo- torcycle; seats; passen- gers, bundles	8-1594	\$45
Improper operation of motor cycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handle- bars or passenger equipment	8-1597	\$75

Motorcycle helmet and eye-protection requirements	8-1598	\$45
Unlawful operation of all-terrain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-site utility vehicle	8-15,109	\$75
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Unlawful passing of a waste collection vehicle	8-15,112	\$45
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on	8-1717	\$45

farm tractors or slow-moving vehicles		
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45
Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps	8-1745	\$45

and devices		
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression release engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflector	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equipment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45
Improper performance ability of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mirrors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over.....10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000\$40 1001 to 2000.....3¢ per pound

		2001 to 5000.....5¢ per pound
		5001 to 7500.....7¢ per pound
		7501 and over.....10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.";

Also on page 6, in line 36, after "8-1025" by inserting ", 8-2118";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "1012" by inserting ", 8-2118"; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2093** be passed.

Committee on **Taxation** recommends **HB 2212** be amended on page 16, in line 6, by striking ", with retroactive effect,"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2088** be passed.

Committee on **Transportation** recommends **HB 2070** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Veterans and Military** recommends **HB 2123** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

## REPORT OF STANDING COMMITTEE

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

**Request No. 35**, by Representative Doug Blex, congratulating Chris Johnston on being named Kansas Agricultural Teacher of the Year;

**Request No. 36**, by Representative Ken Rahjes, congratulating Phillipsburg High School Football Team on accomplishments over the last 4 years;

**Request No. 37**, by Representatives Valdenia Winn and Broderick Henderson, in memory of Mother Legusta Campbell-Vaughn

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

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 were introduced and read by title:

**HB 2338**, AN ACT concerning the department of corrections; relating to Kansas correctional industries; exemption from provisions relating to state contract purchases, by Committee on Corrections and Juvenile Justice.



**HB 2339**, AN ACT concerning health and healthcare; relating to the practice of naturopathy; licensure and regulation of naturopathic doctors; scope of practice; amending K.S.A. 65-1626, 65-4101, 65-7202, 65-7207, 65-7208, 65-7209, 65-7210, 65-7214 and 65-7215 and repealing the existing sections; also repealing K.S.A. 65-7212, by Committee on Health and Human Services.

**HB 2340**, AN ACT concerning property taxation; relating to distribution of certain property taxes paid under protest; amending K.S.A. 2018 Supp. 79-2005 and repealing the existing section, by Committee on Taxation.

**HB 2341**, AN ACT concerning public employee organizations; relating to resignation by public employees from the organization; amending K.S.A. 2018 Supp. 75-4327 and repealing the existing section, by Committee on Appropriations.

**HB 2342**, AN ACT concerning public assistance; relating to eligibility requirements; amending K.S.A. 2018 Supp. 39-709 and repealing the existing section, by Committee on Rural Revitalization.

**HB 2343**, AN ACT concerning labor and employment; relating to adult care homes; home health agencies; providers of disability services; provisional employment; amending K.S.A. 65-5117 and K.S.A. 2018 Supp. 39-970 and 39-2009 and repealing the existing sections, by Committee on Children and Seniors.

**HB 2344**, AN ACT concerning adult care homes; requiring written informed consent before administering an antipsychotic medication to an adult care home resident, by Committee on Children and Seniors.

**HB 2345**, AN ACT concerning property taxation; relating to cities and counties; approval of budgets and exception from election requirement for prior years' budget calculation; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section, by Committee on Taxation.

**HB 2346**, AN ACT relating to schools; vision screenings; amending K.S.A. 72-6241 and 72-6242 and repealing the existing sections, by Committee on Children and Seniors.

**HB 2347**, AN ACT concerning the Kansas department for aging and disability services; establishing the Kansas Alzheimer's disease advisory council, by Committee on Children and Seniors.

**HB 2348**, AN ACT concerning the healthcare stabilization fund; relating to liability of the fund; payments; limitations; healthcare provider coverage; amending K.S.A. 65-28,124 and K.S.A. 2018 Supp. 40-3403, 40-3403a, 40-3404, 40-3414 and 40-3424 and repealing the existing sections, by Committee on Judiciary.

**HB 2349**, AN ACT concerning sales and compensating use tax; relating to remote sellers; required collection and remittance of tax; amending K.S.A. 2018 Supp. 79-3702 and repealing the existing section, by Committee on Taxation.

**HB 2350**, AN ACT concerning crimes, punishment and criminal procedure; relating to possession of marijuana; cultivation and distribution of marijuana; amending K.S.A. 2018 Supp. 21-5705 and 21-5706 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2351**, AN ACT regulating traffic; concerning oversize and overweight utility vehicles; allowing oversize and overweight utility vehicles to respond to emergency utility outages at all times in inclement weather; amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section, by Committee on Transportation.

**HB 2352**, AN ACT concerning sales and compensating use tax; relating to imposition of tax; nexus; remote sellers; marketplace facilitators; digital property and subscription services; amending K.S.A. 2018 Supp. 79-3602, 79-3603 and 79-3702 and repealing the existing sections, by Committee on Taxation.

**HB 2353**, AN ACT concerning motor vehicles; relating to license plates; recipients of the purple heart medal; amending K.S.A. 2018 Supp. 8-1,140 and repealing the existing section, by Committee on Veterans and Military.

#### **COMMITTEE ASSIGNMENT CHANGES**

Speaker pro tem Finch announced the appointment of Rep. Kuether to replace Rep. Bishop on Committee on Insurance on February 18, 2019.

Also, the appointment of Rep. Neighbor to replace Rep. Murnan on Committee on Rural Revitalization on February 18, 2019.

On motion of Rep. Hawkins the House adjourned pro forma until 10:00 a.m. on Friday, February 15, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

