

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 3, 2019, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. L. Ruiz was excused on excused absence by the Speaker.

Prayer by guest chaplain, Rev. Derek Mayfield, Pastor, Celebration Community Church, Hays, and guest of Rep. Wasinger:

Father,

I thank you for today and the opportunity we have to serve and honor you. Every day you give us is a gift that we can use to fulfill the purpose you have placed in each of our lives. I pray that we don't take that lightly, but that we understand the great privilege it is to be a child of God and fulfill your purpose in our lives.

I pray for my brothers and sisters in this room that represent our great state. Please give each one of them wisdom and discernment as they discuss important topics and issues that will govern our state and communities. May their words and actions promote justice, love and humility.

Please protect and strengthen each one of their families during these busy times, especially during times of separation. Give them energy and strength to fulfill the duties of their elected offices, but also the duties and responsibilities they have outside of the office. I thank you for their commitment to making Kansas better for all that call it home.

Most of all I thank you for the gift of your son, Jesus. That by his death and resurrection we could have freedom for eternity with you through our repentance and your forgiveness. Help us to shine your light and spread your love to those around us each and every day.

In Jesus name, amen.

The Pledge of Allegiance was led by Rep. Williams.

INTRODUCTION OF GUESTS

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

It is my pleasure to introduce the players and coaches of the Washburn Rural High School Girls Basketball Team, who are the 6A State Champions for 2019. With this championship, Washburn Rural captured its 4th Girls state title in school history and its first in 10 years.

This team was recognized as the Centennial League Co-Champions, the Sub-State Champions and the 6A State Champions with a final record of 23 wins and just 2 losses. Their coach, Kevin Bordewick, said, “This is one of the hardest working groups to ever come through Washburn Rural, and that hard work earned them a state championship.” These girls have a passion for the game and can out-hustle just about everyone. Winning a state championship is amazing, but there is something so unifying about sports in its purest form.

These student athletes play because this is what they love to do. They put in the work and the time to get better because they want to.....and that’s what sports teaches you – to give it your all and never give up. It’s determination and perseverance and knowing that what you have learned on the basketball court is going to stay with you the rest of your life.

I would like to introduce you to some outstanding young women who just happen to be great athletes.

- Senior Carly Bachelor is the all-time scoring leader and all-time rebounding leader for Washburn Rural. Carly has won numerous awards including the All-City Player of the Year and is a 4-year, 3 sport athlete who will be attending Creighton University in the fall to play basketball.
- Senior Shelby Ebert is also a multi-sport athlete at Washburn Rural and has not only had an outstanding basketball career and earned several honors, but is an exceptional volleyball player and is headed to Emporia State University to play volleyball.

The girls I am about to introduce to you are also multi-sport athletes who contributed immensely to this team’s winning season.

Juniors

- Kasey Hamilton
- Riley Bagshaw
- Shelbey Wichman
- Lakhota Conklin

Freshmen

- Emma Krueger
- Campbell Bagshaw
- Trena Whitmore
- Sheriden Wichman
- Katelynn Brogan

The Head Coach of this championship basketball team is **Kevin Bordewick**. Coach Bordewick is also a multi-sport coach! This is the 11th State Championship that Kevin Bordewick has been a part of at Washburn Rural. He has had 7 Championships in Volleyball as head coach; 3 in Basketball as an assistant coach and 1 in Basketball as head coach. What a fabulous coaching record and dedication to our students. There is just no one like him.

His Assistant Coaches, who were with him every step of the way, are **Taylor Dunham** and **Alexandra Wampfler**. Also with us today is Athletic Director, **Penny Lane** and Auburn-Washburn Superintendent, **Dr. Scott McWilliams**. I would also like to recognize the Girls Basketball Team Assistant Managers and family members who are in our gallery today. Colleagues, please join me in congratulating the Girls 6A State Basketball Championship Team from Washburn Rural High School.

Rep. Dietrich presented a framed House certificate to Coach Bordewick in honor of their championship.

MESSAGES FROM THE GOVERNOR

HB 2097, HB 2123, HB 2127 approved on April 2, 2019

COMMUNICATIONS FROM STATE OFFICERS

From R. Scott Blackwell, Chairperson, Central Interstate Low-Level Radioactive Waste Commission; Fiscal Year 2018 Annual Report for the Commission.

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

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2144** and has appointed Senators Baumgardner, Alley and Sykes as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2167** and has appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2168** and has appointed Senators Baumgardner, Alley and Sykes as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2223** and has appointed Senators Estes, Olson and Faust-Goudeau as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2365** and has appointed Senators Wilborn, Rucker and Miller as conferees on the part of the Senate.

CHANGE OF CONFEREES

Rep. Stogsdill is appointed to replace Rep L. Ruiz as a member of the conference committee on **HB 2223**.

Rep. Clayton is appointed to replace Rep L. Ruiz as a member of the conference committee on **SB 53**.

Rep. Clayton is appointed to replace Rep L. Ruiz as a member of the conference committee on **SB 70**.

Reps. Landwehr, Eplee, and Murnan are appointed to replace Reps Kelly, Orr, and Finney as members of the conference committee on **HB 2119**.

Reps. Landwehr, Eplee, and Murnan are appointed to replace Reps Kelly, Orr, and Finney as members of the conference committee on **SB 15**.

On motion of Rep. Hawkins, the House recessed until 4:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2413, AN ACT concerning health and healthcare; enacting the human solution for Kansas act; relating to medical cannabis; providing for the licensure and regulation of the manufacture, transportation and sale of medical cannabis; imposing a privilege tax on medical cannabis; amending K.S.A. 2017 Supp. 65-1120, as amended by section 5 of chapter 42 of the 2018 Session Laws of Kansas, K.S.A. 44-1009, 44-1015, 65-2836, 65-28a05, 65-28b08 and 79-5210 and K.S.A. 2018 Supp. 21-5703, 21-5705, 21-5706, 21-5707, 21-5709, 21-5710, 23-3201, 38-2269, 44-501, 44-706, 79-3606 and 79-5201 and repealing the existing sections, by Committee on Federal and State Affairs.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **HB 2209**, and has appointed Senators Olson, Billinger and Ware as second conferees on the part of the Senate.

The Senate announced the appointment of Senators Suellentrop, Berger, and Bollier to replace Senators Olson, Billinger, and Ware as conferees on **SB 15**.

The **Senate** announced the appointment of Senators Suellentrop, Berger, and Bollier to replace Senators Olson, Billinger, and Ware as senate conferees on **HB 2119**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 130** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 3, following line 16, by inserting:

"Sec. 3. K.S.A. 2018 Supp. 25-21a03 is hereby amended to read as follows: 25-21a03.

(a) The secretary of state shall develop the style and form of the official primary ballot and the official general election ballot for municipal offices.

(b) The declaration of intent to become a candidate shall be prescribed by the secretary of state. The declarations for any municipality shall be filed with the county

election officer not later than 12 noon, June 1, prior to the primary election in both even-numbered and odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

~~(c)~~ For municipalities where a primary election is not authorized or otherwise required by law, the declaration of intent to become a candidate shall be filed with the county election officer not later than 12 noon, September 1, prior to the general election in odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

~~(d)~~—The secretary of state shall establish primary election procedures for primary elections for municipalities.

~~(e)~~(d) The secretary of state shall establish general election procedures for general elections for municipalities.

~~(f)~~(e) County election officers shall conduct municipal elections in odd-numbered years and elections in even-numbered years if needed.

~~(g)~~(f) The secretary of state shall adopt rules and regulations to implement this section on or before July 1, 2016.

Sec. 4. K.S.A. 80-202 is hereby amended to read as follows: 80-202. Every person elected to the office of trustee, clerk or treasurer of any township, or road overseer of any road district, shall be an elector of ~~said the~~ the township or road district at the time of ~~his or her such~~ such election or appointment, and shall ~~within twenty (20) days after he shall be notified of his or her election~~ take and subscribe the oath of office prescribed by law; ~~and shall forthwith cause such.~~ The oath ~~to~~ shall be filed in the office of the county clerk ~~of his or her county; and.~~ In case the event any of such ~~officers~~ officer shall become nonresidents a nonresident of their respective townships the township or road districts, ~~their offices~~ district, the office shall ~~at once~~ become vacant.

Sec. 5. K.S.A. 72-1073 is hereby amended to read as follows: 72-1073. The provisions of law relating to the term of office of members of boards of education, including method and time of qualification and of taking office shall apply to every school district in this state. In the event no candidate is elected to a position on the board of education of a school district in a regular election, or if an elected member moves out of the school district after such member is elected and before such member takes office the second Monday in January following ~~July 1~~ the election, or if such member becomes ineligible to serve for any other reason during that period of time, the holdover member shall continue to sit as a voting member of the board of education of such school district until an eligible successor is appointed by the board of education to fill the position. ~~Such successor shall be appointed not later than November 15 next following the regular election of board members.~~

Sec. 6. K.S.A. 72-1133 is hereby amended to read as follows: 72-1133. (a) At the first meeting of the board of education ~~in July on or after the second Monday in January~~ of each year, or at a later meeting during that calendar year if so determined by the board at the first meeting, the board shall elect a president and vice-president, both of whom shall be members of the board. The president and vice-president shall each serve for a term of one ~~(1)~~ year and until ~~his~~ a successor is elected and qualified.

(b) The president shall preside at meetings of the board and perform such other duties as are provided by law.

(c) In the absence or inability to act of the president, the vice-president shall perform the duties of the president. In the absence or inability to act of both the

president and vice-president, the remaining members shall select a member to act in the capacity of president.

Sec. 7. K.S.A. 72-1138 is hereby amended to read as follows: 72-1138. (a) The board shall meet at least once each month. ~~During the month of July~~ On or after the second Monday in January and before February 1 of each year, or at a later date during that calendar year if so determined by the board at the first meeting of the board on or after the second Monday in January of each year, the board shall adopt a resolution specifying a regular meeting time of the board and the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution also shall specify the alternative date and time of any meeting if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board. Such resolution also shall specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. If the board cancels a regularly scheduled meeting because of an emergency, within 24 hours of such cancellation, the board shall establish and give notice of the new meeting date and time. Special meetings may be called at any time by the president of the board or by joint action of any three members of the board. Unless waived, written notice, stating the time and place of any special meeting and the purpose for which called, shall be given each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded, and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided by law, the board shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class, and, in addition thereto, the powers and authority expressly conferred by law.

(c) The board shall have authority to prescribe courses of study for each year of the school program and to adopt rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations of the state board of education.

(d) The board may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed ~~as to be~~ as to be any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) The board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.

(2) The power granted by this subsection shall not be construed to relieve a board

from compliance with state law.

The power granted by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities ~~which that~~ are prescribed by law, nor to create any responsibility on the part of a school district to assume the duties or responsibilities ~~which that~~ are required of another unit of government.

(3) The board shall exercise the power granted by this subsection by resolution of the board of education.

Sec. 8. K.S.A. 72-1088 is hereby amended to read as follows: 72-1088. The issue of the change of method of election or voting plan, or both, in any school district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year, if such change is also approved in a manner authorized in this act before the end of such period submitted to voters at any primary election or general election as defined in K.S.A. 25-2502, and amendments thereto, or at a special election called for such purpose. If approved by voters, the new method of election and voting plan in such the school district shall be followed in the election of members next following such the change and shall continue in force until again changed in the manner provided in this act. Change of method of election or voting plan shall not shorten the term of any member serving on the board at the time the change is made, and the county election officer shall not submit to election any plan of change which violates this prohibition.;

Also on page 3, in line 17, before "K.S.A" by inserting "K.S.A. 72-1073, 72-1088, 72-1133, 72-1138, and 80-202 and"; also in line 17, before "and" by inserting ", 25-21a03"; in line 20, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first "concerning" by inserting "municipal"; also in line 1, after "elections" by inserting "and election related matters"; also in line 1, by striking all after the first semicolon; in line 2, by striking all before "amending"; also in line 2, after "amending" by inserting "K.S.A. 72-1073, 72-1088, 72-1133, 72-1138 and 80-202 and"; also in line 2, after "25-1124" by inserting ", 25-21a03";

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

WILLIAM M. SUTTON

BLAKE CARPENTER

BRETT PARKER

Conferees on part of House

ELAINE BOWERS

RANDALL HARDY

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Sutton, to adopt the conference committee report on **SB 130**, Rep. Esau offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

The substitute motion of Rep. Esau did not prevail and the question reverted back to the original motion of Rep. Sutton to adopt the conference committee report.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Esau, Garber, Jacobs.

Present but not voting: none.

Absent or not voting: Mason, Ruiz, L., Samsel.

The motion of Rep. Sutton prevailed, and the conference committee report on **SB 130** was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **HB 2209** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

ROB OLSON

RICK BILLINGER

Conferees on part of Senate

JENE VICKREY

TOM COX

Conferees on part of House

On motion of Rep. Vickrey, the conference committee report on **HB 2209** to agree to disagree, was adopted.

Speaker pro tem Finch thereupon appointed Reps. Vickrey, Cox and Neighbor as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 63** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RICHARD PROEHL
 JACK THIMESCH
 HENRY HELGERSON
Conferees on part of House

MIKE PETERSEN
 DAN GODDARD
 PAT PETTEY
Conferees on part of Senate

On motion of Rep. Proehl, the conference committee report on **SB 63** to agree to disagree, was adopted.

Speaker pro tem Finch thereupon appointed Reps. Proehl, Thimesch, Helgerson as second conferees on the part of the House.

CHANGE OF CONFEREES

Reps. Tarwater, Corbet, and Frownfelter are appointed to replace Reps. Barker, Awerkamp, and Stogsdill as members of the conference committee on **HB 2223**.

REPORT ON ENROLLED RESOLUTIONS

HR 6018 reported correctly enrolled and properly signed on April 3, 2019.

On motion of Rep. Hawkins, the House adjourned until 10:00 a.m., Thursday, April 4, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*
 SUSAN W. KANNARR, *Chief Clerk.*

