

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 22, 2017, 9:00 a.m.

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

The roll was called with 125 members present.

Prayer by guest chaplain, Father Matt Zimmerman, St. Margaret's Episcopal Church, Lawrence, and guest of Rep. Sloan:

In Solidarity with our Jewish Brothers and Sisters, I begin with the word of St. Francis:

Lord, make us instruments of your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy. Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Prayer of St. Francis.

Grant to these women and men present here today, the grace to pursue your will for our common life together. Bless them with perseverance and steadfastness in these difficult and challenging times. Most of all, I pray that they would have an awareness of your joy and peace as they go about this Holy work. Amen

The Pledge of Allegiance was led by Rep. Lusk.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Taxation: **HB 2369**, **HB 2370**.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2194** from Committee on Appropriations and rereferral to Committee on Transportation.

Also, the withdrawal of **HB 2232** from Committee on Appropriations and rereferral to Committee on Children and Seniors.

MESSAGES FROM THE GOVERNOR

The following message with the Governor's objection to **HB 2178**, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269. was received and read.

MESSAGE FROM THE GOVERNOR**REGARDING VETO OF SUBSTITUTE FOR HOUSE BILL 2178**

My veto of Substitute for House Bill 2178 is based in my belief that, as the elected public servants of Kansas, we must not choose to resolve budget challenges on the backs of middle income Kansans with retroactive personal income tax increases.

We should be clear about what this bill will do. The proposed tax increase will raise income tax liability for married Kansans filing jointly earning at least \$30,000 per year from 4.6% to 5.25%, and from 4.6% to 5.45% for those married filers earning more than \$100,000 per year. At the same time, income tax rates for small businesses will increase from 0% up to 5.45%, depending on income. More to the point, any single full-time worker earning more than \$9.74 per hour will see an income tax increase.

Working families and small businesses are the backbone of our economy, and we should not punish them.

Moreover, applying a retroactive tax increase on our citizens is irresponsible and will ultimately harm families and individuals who are working to make ends meet. Were this bill to become law, the majority of Kansans would see a significant reduction in their pay check immediately. This is unfair.

I also reject the idea that we must choose to either make large cuts to public education or burden every hard working Kansan with a higher tax rate. This dichotomy is false. In my budget proposal, I suggested modest revenue measures on targeted consumption and taxes paid by businesses. I have also proposed adoption of efficiencies recommended by the study commissioned by the Legislature, all of which result in a structurally balanced budget by Fiscal Year 2019. It is irresponsible to raise taxes on low and middle income Kansans without first ensuring we are doing everything we can to keep the cost of government low.

Kansas has pioneered new ground to generate small business growth and thus create jobs and economic opportunity for more Kansans. We have seen record levels of new business formation and consistently low unemployment. These efforts have been successful, and reversing course now will have a long term negative impact on growing business and opportunity in Kansas. Instead, this bill would raise the tax burden on every small business in the state, create a new tax bracket, raise the income tax liability of Kansans, and would result in undermining the economic health of our state and the opportunity for every Kansan to provide for themselves and their families.

It is our responsibility to make the decisions to build a brighter future for Kansas and to ensure that we do everything we can to provide high quality government service at

the lowest cost to Kansans.

Over the coming weeks, I will remain committed to working with legislative leadership to develop a plan that structurally balances our budget without permanently harming hard working Kansans.

Accordingly, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto House Bill 2178.

Dated: February 22, 2017

SAM BROWNBACK
Governor of Kansas

On motion of Rep. Rep. Johnson the House proceeded to reconsider **Sub HB 2178 AN ACT** concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269..

The Governor's objection to **Sub HB 2178** having been read (HJ Page 311), the question being shall the bill be passed notwithstanding the Governor's veto?

Call of the House was demanded.

On roll call, the vote was: Yeas 85; Nays 40; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Aurand, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murman, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rahjes, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Stogsdill, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Arnberger, Awerkamp, Barker, Blex, B. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Delperdang, Dove, Ellis, Esau, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Lakin, Landwehr, Mason, Osterman, R. Powell, Rafe, Resman, Ryckman, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Thimesch, Vickrey, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: None.

A two-thirds majority of the members elected to the House having voted in favor of the bill over the Governor's veto, the motion did prevail, the bill did pass.

MOTIONS OF A PREVIOUS DAY

There being no objection, Rep. Ward withdrew his previous motion of February 21, 2017, to withdraw **HB 2064** from Committee on Health and Human Services.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 2311 and in accordance with Subsection (b) of House Rule 1503, Rep. Hineman moved **HB 2044** be moved to the fourth order of business to be considered on General Orders. The motion prevailed.

CONSENT CALENDAR

No objection was made to **HB 2301** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2301, AN ACT concerning legislative review of exceptions to disclosure of public records; amending K.S.A. 2016 Supp. 45-229 and 75-7d08 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 45-229c, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 30, AN ACT concerning taxation; relating to sales taxation, the Kansas retailers' sales tax act, definitions; income taxation, reporting requirements, dates; amending K.S.A. 2016 Supp. 79-3298, 79-3299 and 79-3602 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert,

Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Landwehr, Whitmer.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2070, AN ACT concerning the Kansas law enforcement training act; relating to open records, exemptions; amending K.S.A. 2016 Supp. 74-5607 and 74-5611a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 18; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Alcalá, Alford, Ballard, Clayton, Crum, S., Curtis, Finney, Henderson, Hodge, Holscher, Kuether, Ohaebosim, Ousley, Parker, Ruiz, Terrell, Victors, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2128, AN ACT concerning the Kansas open meetings act; relating to closed or executive meetings; governor's domestic violence fatality review board; amending K.S.A. 2016 Supp. 75-4319 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 21; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carmichael, B. Carpenter, Claeyes, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger,

Koesten, Lakin, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, F. Patton, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: Alcalá, Carlin, Crum, S., Curtis, Gartner, Helgerson, Henderson, Highberger, Hodge, Holscher, Kuether, Lusk, Ousley, Parker, Phelps, Ruiz, Terrell, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2136, AN ACT concerning weights and measures; relating to service companies; technical representatives; amending K.S.A. 2016 Supp. 83-402 and repealing the existing section, was considered on final action.

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

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

Nays: Corbet, DeGraaf, Dove, R. Powell, Sutton, Whitmer.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2140, AN ACT concerning firefighting; relating to interstate compacts; great plains interstate fire compact, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claey's, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly,

Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Schwab.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2153, AN ACT concerning certain state agencies; relating to the transfer of fees; notification of such transfer; amending K.S.A. 75-3036 and repealing the existing section, was considered on final action.

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

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

Nays: Pittman.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2176, AN ACT concerning sexual assault evidence collection examinations; relating to parental notification; amending K.S.A. 2016 Supp. 65-448 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 17; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Holscher, Huebert, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley,

Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, B. Carpenter, Corbet, Esau, Garber, Hoffman, Houser, Humphries, Jacobs, K. Jones, Mason, R. Powell, Rafie, Seiwert, Sutton, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2186, AN ACT concerning dispute resolution; relating to arbitration; enacting the uniform arbitration act of 2000; teacher contracts; amending K.S.A. 50-6,100 and 66-1712 and K.S.A. 2016 Supp. 72-5436, 72-5438, 72-5439 and 72-5445 and repealing the existing sections; also repealing K.S.A. 5-401, 5-402, 5-403, 5-404, 5-405, 5-406, 5-407, 5-408, 5-409, 5-410, 5-411, 5-412, 5-413, 5-414, 5-415, 5-416, 5-417, 5-418, 5-419, 5-420, 5-421 and 5-422, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 53; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Arnberger, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Ellis, Finney, Frownfelter, Gallagher, Gartner, Good, Helgeson, Henderson, Hibbard, Highberger, Hodge, Holscher, Jennings, Judd-Jenkins, Karleskint, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Proehl, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Stogsdill, S. Swanson, Tarwater, Terrell, Thompson, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Aurand, Awerkamp, Barker, Blex, B. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Delperdang, Dove, Eplee, Esau, Finch, Francis, Garber, Hawkins, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, K. Jones, Kelly, Lakin, Landwehr, Mason, Orr, Osterman, F. Patton, Phillips, R. Powell, Rafie, Rahjes, Ralph, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Thimesch, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **HB 2186**. The underlying bill was a good and necessary bill to bring arbitration standards up to date. The amendment to bring back state mandated methods for providing due process to teachers is a step backward from local control and will invalidate gains teachers have made in some districts. This is an issue best handled by the local school boards and the people who elect them. The amendment simply says that we do not trust our local school boards and officials and for that reason, I vote no. — KEITH ESAU, TREVOR JACOBS

MR. SPEAKER: I vote “no” on **HB 2186** as amended. As an elected local school board member, it is easy to look over my shoulder and blame the State on funding, mandates, and the like. I prefer the responsibility of teacher due process be on my shoulders as a local school board member rather than this mandate before me as a State Legislator. We are stripping our local school boards of their given voice and given authority to our good teachers. – KEVIN JONES

MR. SPEAKER: I vote NO on **HB 2186**. The bill with the amendment mandates how school districts must deal with employees. We are either for local control by duly elected officials whom we trust to make decisions, or not. This bill says there is not trust in our locally elected officials and that troubles me moving forward. What's next, a state school czar and no local school boards? – RONALD HIGHLAND

HB 2268, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; determining actuarial equivalent or actuarial computation, interest factor; amending K.S.A. 2016 Supp. 74-4914, 74-4937 and 74-49,123 and repealing the existing sections; also repealing K.S.A. 2016 Supp 74-4914f, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Awerkamp, B. Carpenter, Dove, Jacobs, Landwehr, Sutton, Tarwater, Thimesch, Whitmer.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2333, AN ACT concerning elections; relating to audits; amending K.S.A. 2016 Supp. 25-3104, 25-4403 and 25-4406 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis,

Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: Pittman.

Absent or not voting: None.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2197** be passed.

On motion of Rep. Corbet to re-refer **HB 2080** to Committee on Water and Environment the motion did not prevail and the bill be passed.

HB 2044 be passed over and retain a place on the calendar. (See further action in afternoon session.)

Committee report to **HB 2210** be adopted. On motion of Rep. Cox to amend **HB 2210**, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2106** be adopted; and the bill be passed as amended.

Committee report to **HB 2036** be adopted. On motion of Rep. Helgerson, **HB 2036** be amended as amended by House Committee, on page 3, in line 36, before "The" by inserting "(a)"; following line 38, by inserting:

"(b) The secretary of revenue shall annually submit a written report to the house appropriations committee and to the senate ways and means committee, or the successors to those committees, beginning with the 2019 legislative session. The report shall contain information regarding the cost and effectiveness of the tax credit program described in sections 1 through 4, and amendments thereto. The secretary also may include in the report any recommendations for changes to law necessary to implement sections 1 through 4, and amendments thereto.

Sec. 6. No new credits shall be issued or may be earned under the provisions of sections 1 through 4, and amendments thereto, after December 31, 2022.";

And by renumbering sections accordingly

Also, on motion of Rep. Proehl to refer **HB 2036** to Committee on Taxation, the motion did not prevail, and the bill be passed as amended.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2371, AN ACT concerning income taxation; relating to credits, expenses for household and dependent care services necessary for gainful employment, by Committee on Taxation.

HB 2372, AN ACT concerning taxation; providing homestead property tax refund for renters; amending K.S.A. 2016 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections, by Committee on Taxation.

HB 2373, AN ACT concerning taxation; providing food sales tax refunds; income tax, credits, certain taxpayers who purchased food in this state; amending K.S.A. 2016 Supp. 79-32,271 and repealing the existing section, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2223** from Committee on Elections and referral to Committee on Appropriations.

On motion of Rep. Hineman, the House recessed until 1:15 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

Speaker Ryckman announced the withdrawal of **HB 2267** from Committee on Financial Institutions and Pensions and referral to Committee on Federal and State Affairs.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2260**, **HB 2066**, **HB 2312**, **HB 2160** be passed.

HB 2271 be passed over and retain a place on the calendar.

Committee report to **HB 2095** be adopted.

Also on motion of Rep. Landwehr to amend **HB 2095**, the motion did not prevail.

Also, on motion of Rep. Frownfelter to amend **HB 2095**, the motion did not prevail.

On motion to recommend **HB 2095** favorably for passage, the motion prevailed and the bill be passed as amended.

Committee report to **HB 2044** be adopted.

Also on motion of Rep. Concannon, **HB 2044** be amended, as amended by House Committee, following line 4, by inserting:

"Section 1. Sections 1 through 13, and amendments thereto, shall be known and may be cited as the KanCare bridge to a healthy Kansas program, which is hereby established. The department of health and environment shall administer and promote the program and provide information to potential eligible individuals who live in medically underserved areas of Kansas.

Sec. 2. For purposes of eligibility determinations under the Kansas program of medical assistance on or after January 1, 2018, medical assistance shall be granted to any adult under 65 years of age, who is a United States citizen or legal resident and who has been a resident of Kansas for at least 12 months, who is not pregnant and whose income does not exceed 133% of the federal poverty level, to the extent permitted under the provisions of 42 U.S.C. § 1396a, as it exists on the effective date of this act, and subject to the requirements of the KanCare bridge to a healthy Kansas program.

Sec. 3. (a) The department of health and environment shall refer all non-disabled adults in the KanCare bridge to a healthy Kansas program who are unemployed or working fewer than 20 hours a week, as a condition of the program, to the state's existing workforce training programs and work search resources, including, but not limited to:

- (1) The Kansasworks program administered by the department of commerce; or
- (2) the generating opportunities to attain lifelong success program administered by the department for children and family services.
- (b) The KanCare bridge to a healthy Kansas program application shall:
 - (1) Screen applicants for education status;
 - (2) screen applicants for employment status; and
 - (3) require applicants to acknowledge the referral required by subsection (a).
- (c) Full-time students shall be exempted from the referral required by subsection (a) for each year they are enrolled in a postsecondary education institution or technical school.

(d) Parents with minor children in the home are exempt from the referral required by subsection (a) at the discretion of the department of health and environment.

Sec. 4. (a) The department of health and environment may establish a health insurance coverage premium assistance program for individuals who meet the following requirements:

- (1) The individual has an annual household income of not more than 133% of the federal income poverty level, based on the adjusted gross income provisions set forth in section 2001(a)(1) of the federal patient protection and affordable care act; or
- (2) the individual is eligible for health insurance coverage through an employer but cannot afford the health insurance coverage premiums.
- (b) A program established under this section must:
 - (1) Contain eligibility requirements that are similar to the eligibility requirements of the KanCare bridge to a healthy Kansas program; and
 - (2) provide that an individual's payment for a health insurance coverage premium may not exceed 2% of the individual's annual income.

Sec. 5. (a) A denial of federal approval and federal financial participation that applies to any part of the KanCare bridge to a healthy Kansas program shall not prohibit

the department of health and environment from implementing any other part of the program, except for section 13, and amendments thereto, that:

- (1) Is federally approved for federal financial participation; or
- (2) does not require federal approval or federal financial participation.

(b) The secretary may make changes to the KanCare bridge to a healthy Kansas program if the changes are required by the United States department of health and human services or federal statute or regulation.

Sec. 6. The department shall produce and submit a waiver request to the United States department of health and human services to implement the program with services to begin on or before January 1, 2018.

Sec. 7. (a) All moneys collected or received by the secretary of health and environment from drug rebates connected to KanCare bridge to a healthy Kansas program beneficiaries shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the KanCare bridge to a healthy Kansas drug rebate fund.

(b) There is hereby created in the state treasury the KanCare bridge to a healthy Kansas program drug rebate fund as a reappropriating fund. Moneys in the KanCare bridge to a healthy Kansas program drug rebate fund shall be expended for the purpose of medicaid medical assistance payments for KanCare bridge to a healthy Kansas program beneficiaries. All expenditures from the KanCare bridge to a healthy Kansas program drug rebate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(c) The KanCare bridge to a healthy Kansas program drug rebate fund shall be used for the purposes set forth in the KanCare bridge to a healthy Kansas program and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in the KanCare bridge to a healthy Kansas program, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the KanCare bridge to a healthy Kansas program drug rebate fund interest earnings based on:

- (1) The average daily balance of moneys in the KanCare bridge to a healthy Kansas program drug rebate fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) On or before January 8, 2018, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes all expenditures from the KanCare bridge to a healthy Kansas program drug rebate fund, fund revenues and recommendations regarding the adequacy of the fund to support KanCare bridge to a healthy Kansas program expenditures.

Sec. 8. (a) All moneys collected or received by the secretary of health and environment for privilege fees collected pursuant to K.S.A. 40-3213, and amendments thereto, connected to the KanCare bridge to a healthy Kansas program beneficiaries shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-

4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the KanCare bridge to a healthy Kansas program privilege fee fund.

(b) There is hereby created in the state treasury the KanCare bridge to a healthy Kansas program privilege fee fund as a reappropriating fund. Moneys in the KanCare bridge to a healthy Kansas program privilege fee fund shall be expended for the purpose of medicaid medical assistance payments for KanCare bridge to a healthy Kansas program beneficiaries. All expenditures from the KanCare bridge to a healthy Kansas program privilege fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee.

(c) The KanCare bridge to a healthy Kansas privilege fee fund shall be used for the purposes set forth in the KanCare bridge to a healthy Kansas program and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in the KanCare bridge to a healthy Kansas program, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the KanCare bridge to a healthy Kansas privilege fee fund interest earnings based on:

(1) The average daily balance of moneys in the KanCare bridge to a healthy Kansas program privilege fee fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) On or before January 8, 2018, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes all expenditures from the KanCare bridge to a healthy Kansas privilege fee fund, fund revenues and recommendations regarding the adequacy of the fund to support necessary KanCare bridge to a healthy Kansas program expenditures.

Sec. 9. (a) On or before January 8, 2018, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes the cost savings achieved by the state from the movement of beneficiaries from the KanCare program to the KanCare bridge to a healthy Kansas program, including, but not limited to, the MediKan program, the medically needy spend-down program and the breast and cervical cancer program.

(b) State cost savings shall be determined by calculating the cost of beneficiaries if services were provided in the KanCare program less the cost of services provided to beneficiaries under the KanCare bridge to a healthy Kansas program.

Sec. 10. On or before January 8, 2018, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of corrections shall prepare and deliver a report to the legislature that identifies cost savings to the state from the use of the KanCare bridge to a healthy Kansas program to cover inmate inpatient hospitalization.

Sec. 11. On or before February 15 of each year, the secretary of health and environment shall present a report to the house committee on appropriations and the

senate committee on ways and means that summarizes the costs for the KanCare bridge to a healthy Kansas program and the cost savings and additional revenues identified in sections 7 through 9, and amendments thereto.

Sec. 12. (a) There is hereby established the KanCare bridge to a healthy Kansas working group.

(b) The working group is charged with identifying non-state general fund sources to fund any shortfall identified by the secretary of health and environment in section 11, and amendments thereto, for the KanCare bridge to a healthy Kansas program.

(c) The working group shall be composed of the following members:

(1) Two members of the house of representatives appointed by the speaker of the house of representatives;

(2) one member of the house of representatives appointed by the minority leader of the house of representatives;

(3) two members of the senate appointed by the president of the senate;

(4) one member of the senate appointed by the minority leader of the senate;

(5) one representative from the Kansas hospital association;

(6) one representative from the Kansas medical society;

(7) one representative from the Kansas association for the medically underserved;

(8) one representative from the Kansas academy of family physicians;

(9) one representative from the association of community mental health centers of Kansas;

(10) one representative from the Kansas dental association;

(11) one representative from the Kansas emergency medical services association;

(12) one representative from the Kansas optometric association;

(13) one representative from the Kansas pharmacist's association; and

(14) one representative of KanCare bridge to a healthy Kansas program consumers from alliance for a healthy Kansas.

(d) The chairperson of the working group shall be elected by the members of the working group:

(1) From members of the working group from the house of representatives in even-numbered years; and

(2) from members of the working group from the senate in odd-numbered years.

(e) The staff of the Kansas legislative research department shall provide such assistance as may be requested by the working group.

(f) (1) Legislative members attending a meeting of the working group or a subcommittee meeting thereof shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto.

(2) Non-legislative members shall not receive compensation, subsistence allowance, mileage or associated expenses from the state for attending a meeting or subcommittee meeting of the working group.

(h) The working group shall meet no fewer than two times in any given calendar year.

(i) A quorum of the working group shall be nine members, of which at least four shall be legislative members of the working group.

(j) The working group shall report to the legislature on or before March 15 of each year with recommendations for funding the KanCare bridge to a healthy Kansas

program, as necessary.

Sec. 13. If, at any point, the percentages of federal medical assistance available to the program for coverage of program participants described in section 1902(a)(10)(A)(i) (VIII) of the federal social security act are less than the percentages provided for in section 1201(b)(1)(A) through (E) of the federal health care and education reconciliation act of 2010, as it exists on the effective date of this act, the department of health and environment shall terminate the KanCare bridge to a healthy Kansas program over a 12-month period, beginning on the first day that the federal medical assistance percentages fall below such amount.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, before "concerning" by inserting "concerning the department of health and environment; establishing the KanCare bridge to a healthy Kansas program;"

Also, roll call was demanded on motion of Rep. Carpenter to amend **HB 2044**, as amended by House Committee, on page 1, following line 26, by inserting:

"Sec. 2. The secretary for aging and disability services shall increase the reimbursement rate, as of July 1, 2017, by 10% for individual providers providing the following home and community based waiver services: (1) Autism; (2) frail elderly; (3) technology assistance; (4) physical disability; (5) traumatic brain injury; (6) intellectual/developmental disability; and (7) serious emotional disturbance.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "health and healthcare;"

On roll call, the vote was: Yeas 50; Nays 74; Present but not voting: 1; Absent or not voting: 0.

Yeas: Arnberger, Aurand, Awerkamp, Barker, Blex, Campbell, B. Carpenter, Claeys, Clark, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dove, Elliott, Ellis, Esau, Francis, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Karleskint, Lakin, Landwehr, Lusk, Mason, Osterman, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Vickrey, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Alford, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Concannon, Crum, S., Curtis, Deere, Dierks, Dietrich, Eplee, Finch, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Johnson, Judd-Jenkins, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Wilson, Winn, Wolfe Moore.

Present but not voting: Whipple.

Absent or not voting: None.

The motion of Rep. Carpenter did not prevail.

Also, roll call was demanded on motion of Rep. Whitmer to amend **HB 2044**, as amended by House Committee, by amending the amendment designated [fa_2017_hs2044_1250](#) adopted by the House Committee of the Whole on February 22, 2017, in section 2 by striking "under 65" and inserting "19 through 64"

On roll call, the vote was: Yeas 50; Nays 74; Present but not voting: 0; Absent or not

voting: 1.

Yeas: Arnberger, Awerkamp, Barker, Blex, Campbell, B. Carpenter, Claeys, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dove, Elliott, Ellis, Esau, Finch, Francis, Garber, Hawkins, Highland, Hoffman, Houser, Humphries, Jacobs, K. Jones, Lakin, Landwehr, Lusk, Markley, Mason, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Alford, Aurand, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Crum, S., Curtis, Deere, Dierks, Dietrich, Eplee, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusker, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Huebert.

The motion of Rep. Whitmer did not prevail.

Also, roll call was demanded on motion of Rep. Lakin to amend **HB 2044**, as amended by House Committee, on page 1, following line 26, by inserting:

"Sec. 2. The secretary for aging and disability services shall increase the reimbursement rate, as of July 1, 2017, for state medicaid services provided at long-term care facilities by 10%.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "health and healthcare;"

On roll call, the vote was: Yeas 56; Nays 68; Present but not voting: 0; Absent or not voting: 1.

Yeas: Arnberger, Aurand, Awerkamp, Ballard, Barker, Blex, Campbell, B. Carpenter, Claeys, Clark, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dove, Elliott, Ellis, Esau, Finch, Garber, Hawkins, Highland, Hoffman, Houser, Humphries, Jacobs, Jennings, Johnson, K. Jones, Lakin, Landwehr, Lusk, Mason, Mastroni, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Vickrey, Waymaster, Weber, C., Wheeler, Whipple, Whitmer, K. Williams.

Nays: Alcalá, Alford, Baker, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Concannon, Crum, S., Curtis, Deere, Dierks, Dietrich, Eplee, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusker, Markley, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Weigel, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Huebert.

The motion of Rep. Lakin did not prevail.

Also, roll call was demanded on motion of Rep. Landwehr to amend **HB 2044**, as amended by House Committee, on page 1, following line 26, by inserting:

"Sec. 2. The secretary for aging and disability services shall expend all moneys necessary to provide services to all individuals on the waiting list, as of July 1, 2017, for services under the home and community based services intellectual/developmentally disabled program under the state program for medical assistance.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "health and healthcare;"

On roll call, the vote was: Yeas 48; Nays 74; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Arnberger, Aurand, Awerkamp, Barker, Blex, Burroughs, Campbell, B. Carpenter, Claeys, Clark, Corbet, E. Davis, DeGraaf, Delperdang, Dove, Ellis, Esau, Finch, Garber, Hawkins, Highland, Hoffman, Houser, Humphries, Jacobs, K. Jones, Lakin, Landwehr, Mason, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Vickrey, Weber, C., Whipple, Whitmer, K. Williams.

Nays: Alcalá, Baker, Ballard, Becker, Bishop, Brim, Carlin, Carmichael, Clayton, Concannon, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Eplee, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Cox, Huebert, Lusk.

The motion of Rep. Landwehr did not prevail.

Also, on motion of Rep. Weber to amend **HB 2044**, Rep. Whipple requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Roll call was demanded on the motion of Rep. Weber to amend **HB 2044**, as amended by House Committee, on page 1, following line 26, by inserting:

"Sec. 2. Notwithstanding any other provision of law to the contrary, no state moneys or matching federal moneys allocated for state medicaid services under the Kansas program of medical assistance shall be expended for reimbursement to any non-public entity provider that provides family planning services but does not provide comprehensive primary and preventative care services.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "concerning" by inserting "health and healthcare; relating to the Kansas program of medical assistance; expenditure of moneys;"

On roll call, the vote was: Yeas 49; Nays 72; Present but not voting: 0; Absent or not voting: 4.

Yeas: Arnberger, Awerkamp, Barker, Becker, Blex, Brim, B. Carpenter, Clark, Corbet, E. Davis, DeGraaf, Delperdang, Dietrich, Dove, Elliott, Esau, Finch, Garber, Good, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, K.

Jones, Karleskint, Lakin, Landwehr, Mason, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Vickrey, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Alford, Aurand, Baker, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Concannon, Crum, S., Curtis, Deere, Dierks, Ellis, Eplee, Finney, Francis, Frownfelter, Gallagher, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Judd-Jenkins, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Campbell, Claeys, Cox, Schroeder.

The motion of Rep. Weber did not prevail.

Also, roll call was demanded on motion to recommend **HB 2044** favorably for passage.

On roll call, the vote was: Yeas 83; Nays 40; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Eplee, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Jennings, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Seiwert, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thimesch, Thompson, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, Barker, Blex, B. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Delperdang, Dove, Ellis, Esau, Finch, Francis, Garber, Hawkins, Highland, Hoffman, Houser, Humphries, Jacobs, K. Jones, Landwehr, Mason, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schwab, Smith, E., Sutton, Tarwater, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Huebert, Johnson.

The motion prevailed and the bill be passed as amended.

Committee report to **HB 2302** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2272** be adopted; and the substitute bill be passed.

Committee report to **HB 2187** be adopted.

Also on motion of Rep. Gallagher, **HB 2187** be amended as amended by House Committee, on page 1, in line 14, after "convicted" by inserting "of a felony"; in line 29, by striking the second "or"; in line 31, by striking "21-5812"; in line 32, by striking the first "and"; in line 33, after the semicolon, by inserting: "or

(E) has been convicted of any act that is described in K.S.A. 21-3718 or 21-3719, prior to their repeal, or K.S.A. 2016 Supp. 21-5812, and amendments thereto, or similar statutes of any other state or the federal government;" and the bill be passed as amended.

MESSAGES FROM THE SENATE

Announcing passage of **SB 25, SB 26, SB 32, SB 36, SB 50, SB 51, SB 52, SB 56, SB 60, SB 65, SB 66, SB 67, SB 75, SB 87, SB 92, SB 110, SB 126, SB 144,** and **Substitute for SB 74**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 25, SB 26, SB 32, SB 36, SB 50, SB 51, SB 52, SB 56, SB 60, SB 65, SB 66, SB 67, Substitute for SB 74, SB 75, SB 87, SB 92, SB 110, SB 126, SB 144

On motion of Rep. Hineman, the House recessed until 7:00 p.m.

EVENING SESSION

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

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

COMMITTEE OF THE WHOLE

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

HB 2278, HB 2129, HB 2076 be passed.

HB 2233 be passed over and retain a place on the calendar.

Committee report to **HB 2320** be adopted; and the bill be passed as amended.

Committee report to **HB 2040** be adopted.

Also, on motion of Rep. Proehl to refer **HB 2040** to Committee on Judiciary the motion prevailed.

Committee report to **HB 2148** be adopted; and the bill be passed as amended.

Committee report to **HB 2203** be adopted; and the bill be passed as amended.

MESSAGES FROM THE SENATE

Announcing the Senate here with transmits certificate of action by the Senate on **HB 2178, AN ACT** concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-

32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269.

The veto message from the Governor having been received, a motion was made that not withstanding the Governor's objection to **HB 2178**, the bill be passed. By a vote of 24 Yeas and 16 Nays, the motion not having receive the required two-thirds constitutional majority of the members elected or appointed to the Senate, voting in the affirmative, the bill did not pass and the veto was sustained.

CERTIFICATE

In accordance with KSA 45-304, it is certified that **House Bill 2178**, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269 was not approved by the Governor on February 22, 2017, was returned by him with his objections. The bill was approved on February 22, 2017 by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate but failed to be approved on February 22, 2017 by two-thirds of the members elected to the Senate as required by the Constitution and laws of the State of Kansas.

This certificate is made this 22nd day of February 2017 by the Secretary of the Senate and the President of the Senate.

REPORT ON ENGROSSED BILLS

HB 2070, HB 2153, HB 2186, HB 2268, HB 2333 reported correctly engrossed February 21, 2017.

REPORT ON ENROLLED RESOLUTIONS

HR 6009, HR 6010, HR 6011, HR 6013 reported correctly enrolled and properly signed on February 22, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Thursday, February 23, 2017.

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

