

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 27, 2017, 10:00 a.m.

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

The roll was called with 121 members present.

Reps. Delperdang, Henderson, Huebert and Williams were excused on excused absence by the Speaker.

Present later: Reps. Delperdang and Huebert.

Prayer by Chaplain Brubaker:

Lord God,
 Thank You for this new day and week
 You have given us to continue to serve
 and represent the residents of this great state.
 Thank you that You are the God of the impossible.
 Help each leader to trust in Your ability and not their own.
 Teach them to see the difficult challenges from Your perspective.
 Help them to focus on You and Your wisdom
 as they determine the various decisions to be made.
 Psalm 82:1 says that
 “God presides in the great assembly...”
 I do ask that You lead and guide these leaders
 through all the obstacles they face this week.
 Remind them that they need not figure everything out on their own,
 that You already know the best plan and it is Your desire
 to do what’s right for all the people.
 Help each one to truly grasp and believe
 that with You, nothing is impossible.
 This I ask in Your Son’s Name,
 Amen.

The Pledge of Allegiance was led by Rep. Karleskint.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 109**.

Federal and State Affairs: **HB 2411, HB 2413, HB 2414**.

Health and Human Services: **Sub SB 69**.

Insurance: **SB 23**.

Taxation: **HB 2412**.

CONSENT CALENDAR

No objection was made to **SB 63** 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

SB 63, AN ACT enacting the revised uniform fiduciary access to digital assets act; amending K.S.A. 58a-816 and 59-3078 and K.S.A. 2016 Supp. 58-654, 59-3075 and 77-201 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Humphries, Jacobs, Jennings, 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, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Delpdang, Henderson, Huebert, Johnson, K. Williams.

The bill passed.

HB 2182, AN ACT concerning economic development; relating to agribusiness development of an industrial hemp industry; enacting the Kansas agricultural industry growth act; amending K.S.A. 2016 Supp. 21-5702 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 103; Nays 18; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Dierks, Dove, Elliott, Eplee, Esau, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kessinger, Kuether, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, Phelps, Pittman, Proehl, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, 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, Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, Blex, Brim, Clark, DeGraaf, Dietrich, Ellis, Finch, Jacobs, K. Jones, Kelly, Koesten, Lakin, F. Patton, Phillips, R. Powell, Rafie, Schroeder.

Present but not voting: None.

Absent or not voting: Delperdang, Henderson, Huebert, K. Williams.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote NO on **HB 2182**. The idea of researching the viability of industrial hemp as a new area of economic investment and growth is innovative and laudable. Unfortunately, I cannot support HB 2182 until we can outline more clearly how university research will be funded and how HB 2182 will impact the enforcement of current laws already in statute. – JOY KOESTEN, SHELEE BRIM, ABE RAFIE

Sub HB 2194, AN ACT concerning motor vehicles; relating to motorcycles, approved safety training curriculum, location for safety courses; amending K.S.A. 2016 Supp. 8-240 and 8-272 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, 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, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Huebert, K. Williams.

The substitute bill passed.

HB 2273, AN ACT concerning consumer protection; relating to the Kansas no-call act; restricting use of automatic dialing-announcing devices; amending K.S.A. 2016 Supp. 50-670 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, 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, Whitmer, Wilson, Winn, Wolfe Moore.

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: Henderson, Huebert, K. Williams.

The bill passed.

SB 16, AN ACT concerning insurance; relating to insurers; internationally active insurance groups; corporate governance; exemption from regulation as insurance, service contracts; amending K.S.A. 2016 Supp. 40-201a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, 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, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Humphries, Jennings, Johnson, 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, 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, Wilson, Winn, Wolfe Moore.

Nays: B. Carpenter, Garber, Jacobs, K. Jones, Landwehr, R. Powell, Sutton, Whitmer.

Present but not voting: None.

Absent or not voting: Henderson, Huebert, K. Williams.

The bill passed, as amended.

SB 36, AN ACT concerning the state corporation commission; relating to motor carriers, definitions, registration; amending K.S.A. 66-125 and K.S.A. 2016 Supp. 8-135, 8-2703, 16-121, 66-1,108, 66-1,108b, 66-1,109 and 66-1,139 and repealing the existing sections, was considered on final action.

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

voting: 3.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, 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, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Humphries, 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, Wilson, Winn, Wolfe Moore.

Nays: DeGraaf, Garber, Jacobs.

Present but not voting: None.

Absent or not voting: Henderson, Huebert, K. Williams.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2280**, **SB 100**, **HB 2386** be passed.

Committee report to **HB 2047** be adopted; on motion of Rep. Holscher to amend **HB 2047**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Ward to amend **HB 2047**, I move to amend **HB 2047**, as amended by House Committee, on page 10, following line 34, by inserting:

"New Sec. 3. (a) The legislature shall approve, through the enactment of an act or appropriation act of the legislature, all waiver applications and submission data prior to their submission to the federal centers for medicare and medicaid services.

(b) The secretary for aging and disability services shall provide copies of all waiver applications and submission data to the following, prior to obtaining legislative approval:

- (1) The senate standing committee on ways and means;
- (2) the house standing committee on appropriations;
- (3) the senate standing committee on public health and welfare; and
- (4) the house standing committee on health and human services.

(c) No state agency shall make or implement any changes to the structure, scope, funding, services or administration of the state program of medical assistance, any home and community based services waivers administered thereunder or any other waivers related thereto without express prior authorization by an act of the Kansas legislature.";

And by renumbering sections accordingly;
 On page 1, in the title, in line 1, after "concerning" by inserting "the state program for medical assistance; relating to"; also in line 1, after the semicolon by inserting "requiring legislative approval of waiver applications prior to submission;"

On roll call, the vote was: Yeas 54; Nays 68; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Crum, S., Curtis, Deere, Dierks, Dietrich, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Hibbard, Highberger, Hodge, Holscher, Judd-Jenkins, Koesten, Kuether, Lewis, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Rooker, Ruiz, Sawyer, Schroeder, Sloan, Stogsdill, S. Swanson, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: Henderson, Mason, K. Williams.

The motion of Rep. Ward to amend did not prevail and **HB 2047** be passed as amended.

Committee report to **HB 2306** be adopted; and the bill be passed as amended.

Committee report to **SB 112** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 21** be adopted; and **H Sub for SB 21** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2319** be passed.

Committee on **Federal and State Affairs** recommends **Substitute SB 85** be passed.

Committee on **General Government Budget** recommends **HB 2360**, **HB 2409** be passed.

Committee on **General Government Budget** recommends **HB 2407** be amended on page 1, in line 20, after "thereto" by inserting ", or a community college as defined in K.S.A. 70-701(d), and amendments thereto"; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Carmichael to replace Rep. Sawyer on Committee on Federal and State Affairs on March 27 through March 30.

REPORT ON ENGROSSED BILLS

HB 2182 reported correctly engrossed March 24, 2017.

REPORT ON ENROLLED RESOLUTIONS

HR 6014 reported correctly enrolled and properly signed on March 27, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Tuesday, March 28, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*