

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 27, 2018, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Ohaebosim was excused on excused absence by the Speaker.

Prayer by Rep. Phelps:

Lord of life and giver of all that is good, we greet you this day as we celebrate the new life that spring brings. As the days grow longer and the sun warms us and nurtures the harvest of the field, we will ever praise You who is the source of life itself.

Lord, bless the men and women gathered here in the Kansas House of Representatives. May they use their power and influence wisely, may their work be guided by your grace and love, and may their words and deeds be pleasing to you.

As the session winds down, may the things that needlessly divide, be put aside and may your wisdom and justice prevail. For we wish to live under law that is pleasing to you and a blessing to all.

Amen

The Pledge of Allegiance was led by Rep. Stogsdill.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2796, HB 2797, HB 2798, HB 2799.**

MESSAGES FROM THE GOVERNOR

S Sub for HB 2600 approved on April 26, 2018

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S Sub for HB**

2228 and has appointed Senators Tyson, Kerschen and Holland as conferees on the part of the Senate.

The Senate adopts the Conference Committee report on **H Sub for SB 56**.

The Senate adopts the Conference Committee report on **SB 217**.

The Senate adopts the Conference Committee report on **Sub SB 272**.

The Senate adopts the Conference Committee report on **SB 282**.

The Senate adopts the Conference Committee report on **H Sub for SB 307**.

The Senate adopts the Conference Committee report on **SB 331**.

The Senate adopts the Conference Committee report on **SB 335**.

The Senate adopts the Conference Committee report on **SB 348**.

The Senate announced the appointment of Senator Holland to replace Senator Francisco as a conferee on **HB 2488**

The Senate announced the appointment of Senator Holland to replace Senator Francisco as a conferee on **HB 2492**

The Senate adopts the Conference Committee report to agree to disagree on **S Sub for HB 2028**, and has appointed Senators V. Schmidt, Estes and Kelly as Third conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2042**, **HB 2539**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub for HB 2028** 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.

VICKI SCHMIDT

BUD ESTES

LAURA KELLY

Conferees on part of Senate

DANIEL R. HAWKINS

SUSAN CONCANNON

EILEEN HORN

Conferees on part of House

On motion of Rep. Hawkins, the conference committee report on **S Sub for HB 2028** to agree to disagree, was adopted.

Speaker pro tem Schwab thereupon appointed Reps. Hawkins, Concannon and Murnan as third conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on

Senate amendments to **HB 2042** 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.

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

JOHN BARKER
 RONALD L. HIGHLAND
Conferees on part of House

On motion of Rep. Barker, the conference committee report on **HB 2042** to agree to disagree, was adopted.

Speaker pro tem Schwab thereupon appointed Reps. Barker, Highland and Ruiz as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2539** 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.

ELAINE BOWERS
 STEVE FITZGERALD
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

KEITH ESAU
 BLAKE CARPENTER
 VIC MILLER
Conferees on part of House

On motion of Rep. Esau, the conference committee report on **HB 2539** to agree to disagree, was adopted.

Speaker pro tem Schwab thereupon appointed Reps. Esau, Carpenter and Miller as second conferees on the part of the House.

On motion of Rep. Hineman, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6060**—

By Representative Houser

HR 6060—A RESOLUTION commemorating the 150th anniversary of the founding of Columbus, Kansas.

WHEREAS, The first settlers of what would become Columbus, Kansas, arrived 150 years ago in 1868; and

WHEREAS, The city of Columbus was named by A.L. Peters, one of the original European-American founders of the city, after his hometown of Columbus, Ohio, and thus indirectly honoring the famed explorer Christopher Columbus; and

WHEREAS, Columbus, situated in the center of Cherokee County, became the home of Columbus Unified High School, because the citizens of Columbus took a special interest in education; and

WHEREAS, Over time, the city of Columbus created a considerable trade in agricultural products, and its businesses included machine shops, grain elevators, flour mills, a cigar factory, bottle works, a canning factory and an extensive brick-making plant; and

WHEREAS, Columbus hosted as many as six rail lines and the national highway, making it a transportation center for agricultural produce, coal and minerals; and

WHEREAS, Columbus is now the second largest city and the county seat of Cherokee County; and

WHEREAS, This anniversary is of great significance to the state of Kansas and especially for the citizens of Columbus as their forefathers met the challenges of the past and gave them the opportunity to celebrate the future: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we commemorate the 150th anniversary of the founding of Columbus, Kansas, and mark the many contributions the city has made in the history of the state of Kansas; and

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 415**, **SB 419**, **SB 449**.

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

COMMITTEE OF THE WHOLE

Pursuant to House Rule 2311, Rep. Hineman moved that House Rule 1704 be suspended to allow Reps. Johnson, Proehl, Wolfe Moore and Helgerson to speak more

than twice on **Sub HB 2365**. The motion prevailed.

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

Recommended that **SB 419** be passed.

Committee report recommending a substitute bill to **HB 2365** be adopted.

On motion of Rep. Carpenter, **Sub HB 2365** be amended on page 12, following line 25, by inserting:

"(e) Notwithstanding the provisions of K.S.A. 2017 Supp. 75-7c05, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the attorney general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the above agency from such moneys to fix, charge and collect a nonrefundable fee for the purpose of obtaining a concealed carry handgun license of \$82.50, if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of \$32.50 payable to the sheriff of the county where the applicant resides and \$50 payable to the attorney general: *Provided further*, That no expenditures shall be made from the state general fund or from any special revenue fund or funds for fiscal year 2019 to increase the license renewal fee of \$25 as set in K.S.A. 2017 Supp. 75-7c08, and amendments thereto."

Also, roll call was demanded on motion of Rep. Becker, to amend **Sub HB 2365** on page 81, by striking all in lines 31 through 43;

On page 82, by striking all in lines 1 through 22;

And by renumbering sections accordingly

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Alford, Arnberger, Aurand, Awerkamp, Barker, Bergquist, Blex, Burris, B. Carpenter, Claeys, Clark, Corbet, Cox, E. Davis, Delperdang, Dove, Ellis, Esau, Finch, Francis, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, K. Jones, Kelly, Landwehr, Mason, Osterman, F. Patton, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Trimboli, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Ohaebosim.

Also, on motion of Rep. Whipple, **Sub HB 2365** be amended on page 66, following line 40, by inserting:

"Sec. 119. (a) During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2018 or 2019 as authorized by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to create, enter into or enforce any nondisclosure agreement or any agreement governing post-employment benefits or other matters pertaining to the resignation or termination of an employee or the employee's post-employment activities entered into by the employee regarding claims of sexual abuse or sexual harassment during the term of employment: *Provided*, That the employer shall not impose any damages, penalties or loss of benefits against the employee for, or otherwise prohibit, communications by the employee regarding alleged sexual abuse or sexual harassment committed against the employee by another employee or officer of the employer, or an employee or officer of any other party to the agreement or by any other person, whether a party or not to the agreement, who is covered by the terms of the agreement.

(b) For purposes of this section:

(1) "Employee" means any appointed or elected officer or an employee of any state agency; and

(2) "communication" means verbal or written communications with any other person or persons regarding the alleged sexual abuse or sexual harassment.";

And by renumbering sections accordingly

Also, on further motion by Rep. Whipple to amend **Sub HB 2365**, the amendment was withdrawn.

Also, on further motion of Rep. Whipple to amend **Sub HB 2365**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Jennings, to amend **Sub for HB 2365**, on page 66, following line 40, by inserting:

"Sec. 119. (a) Notwithstanding the provisions of any statute, during the fiscal years ending June 30, 2018, and June 30, 2019, the statewide elected official state agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2018, or June 30, 2019, from the state general fund or in any special revenue fund or funds for such state agency by chapter 104 of the 2017 Session Laws of Kansas, this or other appropriation act of the 2018 regular session of the legislature to pay for any attorney fees, court costs or fines assessed against any statewide elected official who has been cited for contempt by a state or federal court: *Provided, however*; That if a contempt citation is withdrawn or not upheld on appeal, such attorney fees, court costs or fines may be paid as provided by law: *Provided*, That the provisions of this section shall apply whether such official is acting in the official capacity of such official or in any other capacity.

(b) As used in this section:

(1) "Statewide elected official" means the governor, lieutenant governor, attorney general, secretary of state, state treasurer and commissioner of insurance.

(2) "Statewide elected official state agency" means the governor's department, attorney general, secretary of state, state treasurer and insurance department.";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 103; Nays 16; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bergquist, Bishop, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Hoffinan, Holscher, Horn, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Probst, Proehl, Rafie, Rahjes, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Smith, E., Stogsdill, S. Swanson, Thimesch, Thompson, Trimboli, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore.

Nays: Awerkamp, Blex, Burris, B. Carpenter, Dove, Garber, Highland, K. Jones, Osterman, R. Powell, Resman, Seiwert, Sutton, Tarwater, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Claeys, Jacobs, Landwehr, Mason, Ohaebosim, Ryckman.

Also, on motion of Rep. Swanson to amend **Sub HB 2365**, the motion was withdrawn.

Also, on motion of Rep. Holscher, **Sub HB 2365** be amended on page 66, following line 40, by inserting:

"Sec. 119. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature for the purposes of settling claims of sexual harassment made against a state officer, as defined in K.S.A. 25-1118, and amendments thereto, or for the purposes of requesting a non-disclosure agreement as part of a settlement agreement resulting from a claim of sexual harassment made against a state officer when such state officer is the person accused of sexual harassment: Provided, however, That no such agency shall expend any such moneys for the purpose of preventing a claimant from requesting a non-disclosure agreement.";

And by renumbering sections accordingly

Also, on motion of Rep. Whitmer to amend **Sub HB 2365**, Rep. Waymaster requested a ruling on the amendment being in order under the Pay-Go provision pursuant to House Rule 2110. The Rules Chair ruled the amendment out of order.

Also, on motion of Rep. Clayton to amend **Sub HB 2365**, Rep. Schwab requested a ruling on the amendment being germane to the bill. The rules chair ruled the amendment germane.

Rep. Schwab raised a point of order that the amendment was in violation of House Rule 3701 regarding changes to Rules of the House. The amendment was ruled out of order.

Also, on motion of Rep. Williams to amend **Sub HB 2365**, Rep. Waymaster requested a ruling on the amendment being in order under the Pay-Go provision pursuant to House Rule 2110. The motion was subsequently withdrawn.

Rep. Schreiber requested a ruling on the amendment being germane to the bill. The

rules chair ruled the amendment not germane.

Also, on motion of Rep. Parker to amend **Sub HB 2365**, Rep. Hawkins requested a ruling on the amendment being in order under the Pay-Go provision pursuant to Joint Rule 6. The Rules Chair ruled the amendment in order.

Roll call was demanded on motion of Rep. Parker to amend **Sub HB 2365**, on page 66, following line 40, by inserting:

"Sec. 119. During the fiscal years ending June 30, 2018, and June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or in any special revenue fund or funds for fiscal year 2018 or 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature, expenditures shall be made by the department of health and environment – division of health care finance from such moneys to expand eligibility for state medicaid services under the Kansas medical assistance program in accordance with this section and to implement the requirements of this section.

(a) On and after January 1, 2019, criteria for eligibility determinations for state medicaid services under the Kansas medical assistance program shall be expanded to include any adult under 65 years of age, 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 this section.

(b) (1) As a condition for participation in expanded eligibility for state medicaid services under the Kansas medical assistance program pursuant to this section, the department of health and environment – division of health care finance shall refer all non-disabled adults who are newly granted eligibility under the Kansas medical assistance program pursuant to this section and who are unemployed or working fewer than 20 hours per week to existing workforce training programs and work search resources in the state of Kansas, including, but not limited to, the Kansasworks program administered by the department of commerce or the generating opportunities to attain lifelong success program administered by the Kansas department for children and families.

(2) The department of health and environment – division of health care finance shall screen all applicants for participation in expanded eligibility for state medicaid services under the Kansas medical assistance program pursuant to this section for education status and employment status and shall require such applicants to acknowledge the referral required by paragraph (1).

(3) Full-time students shall be exempt from the referral required by paragraph (1) for each year such student is enrolled in a postsecondary educational institution or technical school.

(4) Parents with minor children in the home may be exempt from the referral required by paragraph (1) at the discretion of the department of health and environment – division of health care finance.

(c) (1) The department of health and environment – division of health care finance may provide health insurance coverage premium assistance program for individuals who meet the following requirements:

(A) 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

(B) the individual is eligible for health insurance coverage through an employer but cannot afford the health insurance coverage premiums.

(2) Assistance provided under this subsection shall:

(A) Contain eligibility requirements that are similar to the expanded eligibility criteria for the Kansas medical assistance program established by this section; and

(B) provide that an individual's payment for a health insurance coverage premium may not exceed 2% of the individual's annual income.

(d) (1) A denial of federal approval and federal financial participation that applies to any part of this section shall not prohibit the department of health and environment – division of health care finance from implementing any other part of the program, except for subsection (i), that:

(A) Is federally approved for federal financial participation; or

(B) does not require federal approval or federal financial participation.

(2) The secretary of health and environment may make changes to the expanded eligibility criteria and requirements established by this section if such changes are required by the United States department of health and human services or federal statute or regulation.

(e) The department of health and environment – division of health care finance shall 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, 2019.

(f) The department of health and environment – division of health care finance shall use moneys received from drug rebates connected to program participants newly granted eligibility under the Kansas medical assistance program pursuant to this section and, notwithstanding the provisions of K.S.A. 40-3213, and amendments thereto, or any other statute to the contrary, any moneys received from privilege fees collected pursuant to K.S.A. 40-3213, and amendments thereto, connected to program participants newly granted eligibility under the Kansas medical assistance program pursuant to this section for the purpose of making medicaid medical assistance payments for such participants.

(g) On or before January 14, 2019, the secretary of health and environment shall prepare and submit a report to the legislature that summarizes the cost savings that will be achieved by the state by moving beneficiaries from the current Kansas medical assistance program to the expanded eligibility criteria and requirement provisions of this section.

(h) (1) A working group comprised of the following members shall meet to identify non-state general fund sources to fund expanded eligibility for state medicaid services established pursuant to this section:

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

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

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

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

(E) one representative from the Kansas hospital association;

(F) one representative from the Kansas medical society;

- (G) one representative from the Kansas association for the medically underserved;
- (H) one representative from the Kansas academy of family physicians;
- (I) one representative from the association of community mental health centers of Kansas;
- (J) one representative from the Kansas dental association;
- (K) one representative from the Kansas emergency medical services association;
- (L) one representative from the Kansas optometric association;
- (M) one representative from the Kansas pharmacist's association; and
- (N) one representative of program participants deemed newly eligible to participate in the Kansas medical assistance program pursuant to this section from alliance for a healthy Kansas.

(2) The chairperson of the working group shall be elected by the members of the working group from the members appointed from the house of representatives or the senate.

(3) The working group shall report to the legislature on or before March 15, 2019, with recommendations for funding expanded eligibility for the Kansas medical assistance program established pursuant to this section.

(i) If, at any point, the percentages of federal medical assistance available for Kansas medical assistance program participants described in section 1902(a)(10)(A)(i) (VIII) of the federal social security act are reduced below 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 – division of health care finance shall terminate expanded eligibility criteria and requirements established pursuant to this section over a 12-month period, beginning on the first day that federal medical assistance percentages are reduced below such percentages.";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 56; Nays 66; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Baker, Ballard, Bishop, Brim, Burroughs, Carlin, Carmichael, Clark, Clayton, Cox, Crum, S., Curtis, Deere, Dierks, Elliott, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Highberger, Hodge, Holscher, Horn, Judd-Jenkins, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Miller, Murnan, Neighbor, Ousley, Parker, Phelps, Pittman, Probst, Rooker, Ruiz, Sawyer, Sloan, Stogsdill, S. Swanson, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Awerkamp, Barker, Becker, Bergquist, Blex, Burreis, B. Carpenter, Claeys, Concannon, Corbet, E. Davis, Delperdang, Dietrich, Dove, Ellis, Eplee, Esau, Finch, Francis, Garber, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, K. Jones, Karleskint, Kelly, Landwehr, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Ohaebosim.

The motion of Rep. Parker to amend did not prevail.

Also, roll call was demanded on motion of Rep. Weber, to amend **Sub HB 2365**, on

page 66, following line 40, by inserting:

"Sec. 119. During the fiscal years ending June 30, 2018, and June 30, 2019, no state agency named in chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2018 and 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2018 regular session of the legislature to conduct research using tissue from any aborted fetus or to conduct any destructive embryonic research";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 80; Nays 41; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arnberger, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Brim, Burris, B. Carpenter, Claeys, Clark, Concannon, Corbet, Cox, Crum, S., E. Davis, Delperdang, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Frownfelter, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hodge, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, K. Jones, Judd-Jenkins, Karleskint, Kelly, Landwehr, Lewis, Lusker, Mason, Mastroni, Murnan, Orr, Osterman, F. Patton, Phelps, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Nays: Alcalá, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clayton, Curtis, Deere, Dierks, Finney, Gallagher, Gartner, Helgerson, Henderson, Highberger, Holscher, Horn, Kessinger, Koesten, Kuether, Lusk, Markley, Miller, Neighbor, Ousley, Parker, Phillips, Probst, Rooker, Ruiz, Sawyer, Sloan, Stogsdill, S. Swanson, Trimmer, Victors, Ward, Weigel, Whipple, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Johnson, Ohaebosim, Wolfe Moore.

Also, duplicate amendment by Rep. Swanson was allowed by unanimous consent under House Rule 2109. Rep. Swanson thereupon moved to amend **Sub HB 2365** on page 31, following line 39, by inserting:

"*Provided*, That expenditures shall be made from the other medical assistance account during fiscal year 2019 in an amount not to exceed \$556,000 for medicaid reimbursement to emergency medical services providers."

On motion of Rep. Helgerson, **Sub HB 2365** be amended on page 63, in line 19, by striking all after "ending"; in line 20, by striking "and"; also in line 20, after the second comma by inserting "June 30, 2021, and June 30, 2022,."; in line 31, by striking "2018" and inserting "2020"; also in line 31, by striking "2019" and inserting "2021"; in line 40, by striking "2020" and inserting "2022";

On page 79, in line 4, by striking "2019" and inserting "2021"; in line 7, by striking "2019" and inserting "2021"

Also, on further motion of Rep. Helgerson to amend **Sub HB 2365**, the motion did not prevail.

Also, on motion of Rep. Whitmer to amend **Sub HB 2365**, the motion did not prevail.

Also, on further motion of Rep. Whitmer to amend **Sub HB 2365**, the motion did not prevail.

Also, on motion of Rep. Garber to amend **Sub HB 2365**, Rep. Ruiz requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

The motion of Rep. Garber to amend did not prevail; and **Sub HB 2365** be passed as amended.

Committee report to **SB 449** be adopted.

On motion of Rep. Mason, **SB 449** be amended on page 11, following line 29, by inserting:

"New Sec. 3. (a) For tax years 2018 through 2022, a credit shall be allowed against the tax imposed by the Kansas income tax act in an amount equal to 15% of the amount for expenditures of goods and services purchased by the taxpayer from a qualified vendor on and after January 1, 2018, and before January 1, 2023, as certified by the secretary of commerce as provided in subsection (c). The amount of such credit awarded for each taxpayer shall not exceed \$500,000 per qualified vendor per tax year. In no event shall the total amount of cumulative credits allowed under this section exceed \$5,000,000 for all tax years that the credit remains in effect.

(b) The tax credit allowed by this section shall be deducted from the taxpayer's income tax liability for the tax year in which the expenditures were made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such tax year, the taxpayer may carry over the amount that exceeds such tax liability for deduction from the taxpayer's liability in the next succeeding tax year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth tax year succeeding the tax year in which the expenditures were incurred.

(c) The secretary of commerce shall annually certify that expenditures for goods and services purchased by a taxpayer subject to the tax credit provided in this section were made from a qualified vendor, and provide such certification to the secretary of revenue. The secretary of commerce is hereby authorized to promulgate rules and regulations for establishing criteria based on the provisions of K.S.A. 75-3317 et seq., and amendments thereto, for evaluating whether purchases by taxpayers from a qualified vendor should be certified as provided in this section, with the assistance and approval of the secretary of revenue.

(d) As used in this section:

(1) "Certified business" means any business certified by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that:

(A) Does business primarily in Kansas or substantially all of its production in Kansas;

(B) employs at least 30% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts; and

(D) does not employ individuals under a certificate issued by the United States secretary of labor under 29 U.S.C. § 214(c);

(2) "individuals with disabilities" or "individual with a disability" means any individual who:

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment which constitutes a substantial barrier to employment;

(B) works a minimum number of hours per week for a certified business necessary to qualify for health insurance coverage offered pursuant to subsection (d)(1); and

(C) (i) is receiving services, has received services or is eligible to receive services under a home and community based services program, as defined by K.S.A. 39-7,100, and amendments thereto;

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

(iii) is an individual with a disability pursuant to the disability standards established by the social security administration as determined by the Kansas disability determination services under the Kansas department for children and families; and

(3) "qualified vendor" means an entity that:

(A) Is a "qualified vendor" pursuant to K.S.A. 75-3317, and amendments thereto, or is a "certified business" that is also a nonprofit organization pursuant to K.S.A. 75-3740, and amendments thereto;

(B) pays minimum wage or above to all their employees in a manner that meets the definition of "competitive employment" pursuant to K.S.A. 44-1136, and amendments thereto;

(C) meets the definition of employing all of their workers in an "integrated setting" pursuant to K.S.A. 44-1136, and amendments thereto; and

(D) offers a qualified company-sponsored insurance plan under the affordable care act or pays the required subsidy to the internal revenue service for employees who purchase insurance through the open market, if a company-sponsored plan is not offered. If any such company is not covered under the affordable care act, and does not offer a company-sponsored insurance plan, such company must offer assistance to the employee to cover at least 75% of their health insurance costs through a health savings account or other legal and appropriate methodology.

(e) The secretary of revenue shall report to the house committee on taxation and the senate committee on assessment and taxation on or before February 1, 2020, 2021 and 2022 concerning the implementation and effectiveness of the credit provided in this section.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "savings programs" and inserting "taxation"; also in line 1, by striking "beneficiaries of"; in line 2, after the second comma by inserting "beneficiaries, "; in line 3, after the semicolon by inserting "credits, certain purchases of goods and services from qualified vendors that provide employment to disabled persons;" ;and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 97, by Representative Patty Markley, congratulating Blue Valley Northwest Boys basketball team for winning the 2018 Kansas State Class 6A Basketball Championship;

Request No. 98, by Representative Kathy Wolfe Moore, congratulating Camden D. Mayfield on achieving the rank of Eagle Scout;

Request No. 99, by Representative Brandon Whipple, commending T Johnson for his service to the Sedgwick County Democratic Party;

Request No. 100, by Representative Francis Averkamp, congratulating Edward and Vaughndlee Caudill on their 60th Wedding Anniversary;

Request No. 101, by Representative Gail Finney, congratulating Katherine June Hicks on her 80th birthday;

Request No. 102, by Representative Don Schroeder, congratulating Mayor David Kauffman on being named Mayor of the Year by the Kansas Mayors Conference;

Request No. 103, by Representative Tom Phillips, congratulating Jack and Donna Vanier on being named Kansas Humanitarians of the Year;

Request No. 104, by Representative Brenda Dietrich, congratulating Mitchell Camilletti on achieving the rank of Eagle Scout;

Request No. 105, by Representative Brenda Dietrich, congratulating Braden Purcell on achieving the rank of Eagle Scout;

Request No. 106, by Representative Brenda Dietrich, congratulating Alexander Sage on achieving the rank of Eagle Scout;

Request No. 107, by Representative Brenda Dietrich, congratulating Miles Moore on achieving the rank of Eagle Scout;

Request No. 108, by Representative Brenda Dietrich, congratulating Samuel Moore on achieving the rank of Eagle Scout;

Request No. 109, by Representative Brenda Dietrich, congratulating Leyton Brunner on achieving the rank of Eagle Scout;

Request No. 110, by Representative Brenda Dietrich, congratulating Jordan Munns on achieving the rank of Eagle Scout;

Request No. 111, by Representative Brenda Dietrich, congratulating Colton Wells on achieving the rank of Eagle Scout;

Request No. 112, by Representative Brenda Dietrich, commending Emily Bays on earning the Stars and Stripes Award;

Request No. 113, by Representative Susan Concannon, in memory of Ken Cochran recognizing his accomplishments in athletics ;

Request No. 114, by Representative Brandon Whipple, commending Joseph Le for his service to the Democratic House Caucus;

Request No. 115, by Representative Brandon Whipple, commending Trae McPherson for his service to the Democratic House Caucus;

Request No. 116, by Representative Brandon Whipple, commending Mallory Schmidlein for her service to the Democratic House Caucus;

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

On motion of Rep. Hineman, the committee report was adopted.

On motion of Rep. Hineman, the House recessed until 9:30 p.m.

NIGHT SESSION

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

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 61**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 61," as follows:

"House Substitute for SENATE BILL NO. 61

By Committee on Appropriations

"AN ACT concerning education; relating to the Kansas school equity and enhancement act; BASE aid amounts; school district local option budgets; amending K.S.A. 2017 Supp. 72-5132, as amended by section 2 of 2018 Substitute for Senate Bill No. 423, and 72-5143, as amended by section 4 of 2018 Substitute for Senate Bill No. 423, and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 61** was thereupon introduced and read by title.)

On motion of Rep. Hineman, the House adjourned until 9:00 a.m., Saturday, April 28, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

