

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, April 3, 2017, 11:00 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 Chaplain Brubaker:

Heavenly Father God,
We stand before You this morning
with what promises to be a long and perhaps difficult week.
Thank You for Your faithfulness and
for how You have helped these leaders throughout this session.
Today, I especially ask that You will bring into completion
the work that You have begun in these leaders.
I pray that You will help each one
abound more and more in Your knowledge and depth of insight,
so they may be able to discern what is best and right.
I ask that You help them to imitate You by
doing nothing out of selfish ambition or vain conceit,
but in humility, consider others better than themselves.
Help them to look not to their own interests, but to the interests of others.
This I pray in Christ's Name, Amen.

The Pledge of Allegiance was led by Rep. Deere.

INTRODUCTION OF GUESTS

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

I come before you today to shine a light on a bit of Kansas history you may not know about--and to honor the memory of Kansans who helped build this great state.

If you would, take your minds and imaginations back 100 years. America was engaged in the war to end all wars...World War I.

Kansas oilfield workers were fueling that fight for freedom—working 60 to 70 or more hours a week coaxing crude oil out of the ground. It was tough, dangerous work. Oil towns filled with families popped up everywhere the drill found black gold.

But on Sunday, instead of kicking back with a cool drink, these same roughnecks put on wool uniforms similar to what you see worn here, and took to the baseball diamond to play for their Town Team.

Historians tell us that between 1900 and 1910, there were at least 300 Town Teams across the State of Kansas. The residents of those towns lived and died with their teams. We like to think about “the good old days,” but the fact of the matter is...life was tough...and entertainment was a real luxury in Kansas. That's where the Town Teams filled the void. Dodge City and Deerfield; Newton and Norton; Wakeeny and Wamego; Atchison and Iola...and dozens of other Town Teams ...many of the towns don't even exist anymore.

The Kansas City Monarchs - the premier professional Negro League Championship team of that era—would also travel across the state to play exhibition games drawing huge crowds. Even then, due to the scourge of segregation, baseball brought people together who otherwise wouldn't be together.

In fact, baseball was the Social Media network of its day—a way of connecting one town to another—and very often a point of not just community pride, but a competitive selling point for economic development. Town Teams were bigger than Baseball...much bigger.

It's a story you probably haven't heard before—until now. Thanks to the innovation, drive and creativity of a home-grown Kansas Company, DHTV Digital of Shawnee, this forgotten era of Kansas history is forgotten no more.

The historical documentary *Town Teams—Bigger Than Baseball* is a Kansas-produced treasure that will be showing in the Visitor's Center Theater here in the Capitol at noon. *Town Teams—Bigger Than Baseball* is written and produced by Mark Honer, a Kansas native from El Dorado who once attended Oil Hill Elementary School.

The documentary features two Kansans reminiscent of a once-forgotten era of state history—Ruth Bramble Humphrey is the granddaughter of Fred “Dad” Bramble, the star player for Oil Hill who is featured in the film.

We are also joined by Bill Hesse, one of the last Town Team era ball players from the 1940's who is also featured in the film.

Ruth and Bill are here as living examples symbolizing the grit, determination and spirit of the Kansas oil worker and their families who carved out a slice of civilization from an unforgiving frontier while also finding the time and energy to bring together baseball fans from across this great state.

And so, it is fitting on this the official Opening Day of the Major League Baseball season, that we honor the memory of these great Kansans, while also taking a moment to bask in the glory of America's Game—made even greater by the Kansas legacy of these newly discovered Town Teams.

I ask you now to rise and honor these Kansans by joining them in singing “*Take Me Out to the Ballgame*,” where we'll root, root, root for the Town Team...a one, a two a three....

Rep. Weber led the members of the House in singing “*Take Me Out to the Ballgame*” and presented framed House certificates to his guests.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Taxation: **HB 2416**.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **H Sub for SB 126** from Committee on Appropriations and referral to Committee on Children and Seniors.

Also, the withdrawal of **HB 2282** from Committee on Appropriations and rereferral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **SB 120** from Committee on Appropriations and rereferral to Committee on Judiciary.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S Sub for HB 2026** and has appointed Senators V. Schmidt, Bollier and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2212** and has appointed Senators Baumgardner, Doll and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2213** and has appointed Senators Baumgardner, Doll and Hensley as conferees on the part of the Senate.

Announcing passage of **SB 86, SB 135, Sub for SB 189, SB 202**.

Announcing passage of **HB 2041**, as amended; **HB 2085**, as amended; **HB 2092**, as amended; **HB 2158**, as amended; **HB 2301**, as amended.

Announcing adoption of **HCR 5003**.

Also, announcing passage of **SB 138, SB 179, SB 205**.

Announcing passage of **HB 2054**, as amended; **HB 2095**, as amended; **HB 2111**, as amended; **HB 2153**, as amended; **HB 2170**, as amended; **HB 2313**, as amended.

Announcing passage of **HB 2053**, as amended by **Senate Substitute for HB 2053; HB 2174**, as amended by **Senate Substitute for HB 2174**.

Announcing adoption of **HCR 5014**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 86, SB 135, SB 138, SB 179, SB 189, SB 202, SB 205.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Jennings to take **HB 2044** from the table, the motion prevailed.

On motion of Rep. Concannon the House proceeded to reconsider **HB 2044 AN ACT** concerning the department of health and environment; establishing the KanCare bridge to a healthy Kansas program; concerning clubhouse-based psychosocial rehabilitation programs.

The Governor's objection to **HB 2044** having been read (see HJ Page 564) 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 81; Nays 44; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, 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, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Ralph, Rooker, Ruiz, Sawyer, Schreiber, Schroeder, Sloan, Smith, A., Stogsdill, S. Swanson, Terrell, Thompson, Trimmer, Victors, Ward, Waymaster, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Amberger, Aurand, Awerkamp, Barker, Blex, B. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Delperdang, Dove, Ellis, Esau, Finch, Francis, Garber, Hawkins, Highland, Hoffman, Houser, Huebert, Humphries, Jacobs, K. Jones, Lakin, Landwehr, Mason, Osterman, R. Powell, Rafie, Rahjes, Resman, Ryckman, Schwab, Seiwert, Smith, E., Sutton, Tarwater, 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 not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

EXPLANATIONS OF VOTE

MR. SPEAKER: I have serious concerns with provisions in this plan. However, with one local hospital for sale and both absorbing increasing financial pressures, I am also concerned with ensuring health care access for our families. The hospital association and our health providers indicate expansion will help alleviate those financial pressures, protecting our community from hospital closures and job losses. For this reason, I vote to override the Governor on **HB 2044**. I call on the hospital association to quickly develop improvements to this bill that include work requirements, self-funding mechanisms and protections for taxpayers based on more effective plans implemented in other states. — FRED C. PATTON

MR. SPEAKER: My constituents depend on the stability of our Western Kansas hospitals. Though expansion has been promoted as a solution for our rural hospitals, this plan does not prioritize rural Kansas. Estimates indicate half the funding would go to hospitals in Kansas City and Wichita. Meanwhile, Western Kansas hospitals stand to benefit the least with some receiving as little as \$3,000. Furthermore, the fiscal note estimates the 2nd year cost to be over \$56 million. Without pay-fors, expansion will take scarce funding from other critical services. For these reasons, I cannot support **HB 2044**. — SHANNON FRANCIS

MR. SPEAKER: I vote in favor of overriding the governor's veto. The research I have done indicates expansion will be a benefit to Kansas and Kansans. From a personal perspective, I would like to share the story of our daughter, Gretchen. She is 28 and works four jobs to pursue her dream in an expansion state. With her physical birth

defects, she is unable to find health insurance on her, but found it in the state's marketplace. My vote is not for our Gretchen, but for the next Gretchen. – MARK SCHREIBER

MR. SPEAKER: In addition to the reasons already given by my colleagues, my vote today is on behalf of my constituents who are currently in the process of paying their federal income tax bills. Those checks being written to the US Treasury are the dollars we are leaving on the table by not expanding Medicaid. Bringing those dollars home to Kansas will benefit our economy here at home. I vote YES to override the governor's veto of **HB 2044** to put Kansas taxpayer dollars back to work in the Kansas economy on behalf of our citizens. – MELISSA ROOKER

MR. SPEAKER: After the veto message was read last week I was very concerned that some of us would back away from supporting the Medicaid Expansion, hiding behind the Governor's abortion related comments. So, I called my Bishop. I received an email from him this morning that said, "all four Bishops support the Expansion." I vote yes to override. – SYDNEY CARLIN

MR. SPEAKER: I stand today in support of the Override of the Governor's Veto regarding Medicaid Expansion. This past weekend I received several emails and phone calls from my constituents regarding this vote, the majority of which encouraged me to vote yes. I am sure that there are several in the Gallery that feel the same way. I vote yes on the override. – DIANA DIERKS

MR. SPEAKER: The tribal clinics and hospitals of Kansas are on the line as well, since they pay for those who are not insured. The tribal governments must pick up all remaining costs associated with clinic operations and provider costs. Medicaid Expansion will help the tribe of Kansas pay for these cost in order for tribal members to receive adequate health care. I vote Yes on the override of the Governor's veto. – PONKA-WE VICTORS

MR. SPEAKER: I voted no today because I do not believe Medicaid Expansion is the answer to the pressing challenges facing our state. I very much respect my colleagues in this chamber who have come to a different conclusion.

With the perilous budget situation we have in Kansas, the recent school finance decision, and the continued uncertainty at the federal level, now is not the time to take upon a multi year commitment that our state may not be able to afford. – DANIEL R. HAWKINS, GREG LAKIN, TONY MAIRE ARNBERGER, RANDY POWELL, KYLE D. HOFFMAN, TREVOR JACOBS, JACK THIMESCH, STEVE HUEBERT, JOHN RESMAN, LEO DELPERDANG, JOHN E. BARKER, KRISTEY WILLIAMS, RONALD L. HIGHLAND, WILLIE DOVE, LESLIE OSTERMAN, JOE SEIWERT

Mr. Speaker: I represent the 87th District in East Wichita. Wichita is a mecca for major medical services which are next to none. However, there are several thousand Sedgwick County residents who are not receiving medical care at the time, and I cannot turn my back on them. I continue to vote "Aye" on this important issue. – ROGER ELLIOTT

MR. SPEAKER: The proponents of this bill point out this bill helps hard working Kansans. My contention is just the opposite. I own a business with a location in St. Louis. We employ Illinois workers that benefit from expansion. These workers will not

accept a promotion or a raise. In some cases, they request fewer hours or to be paid with cash because it will affect their expanded Medicaid. Therefore, our Missouri employees receive the promotions and are bettering themselves and their families. This bill will repress hard working Kansans. I vote NO on **HB 2044**. – SEAN TARWATER

MR. SPEAKER: That moment is here for us. We have the ability to help people who truly need it the most. We have the ability to make a decision today that will save lives. Not just one, but potentially thousands. Who would you be helping? 150,000 Kansans who are primarily the working poor. Of that number:-80% are working full or part time. -Notably, 7,400 of these people are veterans. VETERANS!!! I ask you to help our veterans, and help the needy by supporting expansion. – CINDY HOLSCHER

MR. SPEAKER: I rise to explain my “aye” vote to override the governor’s veto on Medicaid expansion. The Kansas Hospital Association has estimated that Kansas has missed out on \$1.7 billion that could have gone to hospitals, clinics, and mental health institutions – Let alone help our citizens out. This is money that our rural communities are missing out on. If we continue to defund health care, education, and roads, we will continue to turn the lights out on our small towns. – TIM HODGE

MR. SPEAKER: This weekend I received many calls and emails to vote for the Medicaid Expansion override. I replied I planned to vote in favor and would also speak in favor of the override. There are many Kansans who need health care and we represent these individuals. It is our responsibility to provide the help they need. I hope you will change your No vote. – BARBARA BALLARD

MR. SPEAKER: I vote YES to override to the Governor’s veto of **HB 2044**. In this chamber, we talk a lot about putting people to work. Passing this bill would help thousands of Kansans with physical disabilities find work or keep work. Without Medicaid expansion, many people with disabilities are in the position of having to choose between working a minimum wage job (which even at full time pays less than 138% of the federal poverty level, making them ineligible for subsidized insurance under the ACA), or applying for disability and not working, but getting health care. Is that the kind of choice we want to force people to make? I support overriding the Governor’s veto. – DENNIS “BOOG” HIGHBERGER

MR. SPEAKER: AS leaders we are to imagine what the world should look like and compare it to where we are now. Then, as a leader, we must work to close the gap. Expansion was a chance to narrow the gap to be a society where individuals have affordable healthcare available. It was a chance to remove the incentive for the working poor to lower their income (go on welfare) in order to qualify for current KanCare. I weighed the balance between expense in medical coverage and providing healthcare to the needy. I voted to override. – JAN KESSINGER

MR. SPEAKER: Committing taxpayers to another \$70+ million while the budget remains unbalanced will ultimately backfire on our families, resulting in less funding for our schools and essential services. I cannot in good conscience expand coverage for some knowing it could jeopardize funding for others in need. I recognize the financial pressures on our hospitals, the needs of Kansans, and the benefits of increased coverage. I would support a budget-neutral plan that contains costs and has able-bodied

recipients contribute something to the costs of their care. I am committed to working with hospitals, health foundations and others to develop that Kansas solution. – BLAINE FINCH

MR. SPEAKER: I support the veto override of **HB 2044**. My constituents overwhelmingly support Medicaid expansion. The reasons cited by the governor for his veto are not valid. It is disingenuous to use the waiting lists for HCBS waiver services as an excuse to oppose expansion. The disability community overwhelmingly supports and needs expansion. It is wrong to link this issue with work requirements. This isn't a welfare bill, it's about providing access to healthcare for the working poor, caregivers and others. It's time for Kansas tax dollars to come back here to work for us, rather than going to other states. – LINDA GALLAGHER

INTRODUCTION OF ORIGINAL MOTIONS

Rep. Ward moved to change the sequence of General Orders under House Rule 1503(a) to consider **HB 2042** as the first order of business under the heading General Orders on April 4, 2017. The motion will be printed in the Calendar of April 4, 2017, under the order of business “Motions and Resolutions Offered on a Previous Day.”

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6027**—

By Representative Kelly

HR 6027—A RESOLUTION designating April 4, 2017, as Senior Corps and National Service Day at the Capitol.

WHEREAS, Service to others is central to how the United States meets and overcomes challenges and is one of the hallmarks of our American character; and

WHEREAS, States are increasingly turning to national service and volunteerism as a cost-effective strategy to meet local needs; and

WHEREAS, National service expands economic opportunities as it creates more sustainable and resilient communities, provides participants with education, and also offers them career and leadership skills; and

WHEREAS, National service is a unique public and private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer money; and

WHEREAS, National service participants demonstrate their commitment, dedication and patriotism by making extensive commitments to public service; and

WHEREAS, Senior Corps and National Service Day participants address the most pressing challenges facing our communities. They educate students to do jobs in the 21st century, support veterans and military families, provide health services, and help communities recover from natural disasters; and

WHEREAS, For 2016-2017, the Corporation for National and Community Service committed more than \$7,610,000 to support Kansas communities through national service initiatives, while leveraging an additional \$4,680,000 in other resources to strengthen community impact, build local support and increase the return on taxpayer

dollars; and

WHEREAS, More than 3,900 Senior Corps participants serve in approximately 24 programs in more than 900 locations across Kansas, bolstering the civic, neighborhood and faith-based organizations that are so vital to Kansas' economic and social well-being; and

WHEREAS, The Kansas Association of Senior Corps Directors, with the help of their local funders, the Corporation for National and Community Service and national service programs across Kansas engage residents, improve lives and strengthen communities; and

WHEREAS, This body participates fully in National Service Recognition Day, and encourages residents to recognize the positive impact of national service in our country, to thank those who serve and to find ways to give back to their communities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we declare April 4, 2017, as Senior Corps and National Service Day at the Capitol; and

Be it further resolved: That we recognize and congratulate Kansas national service programs for their contributions to local communities; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to Margaret Garvey, State Director of the Corporation for National and Community Service for Kansas and Missouri; Kim Mansaray, Acting Chief Executive Officer of the Corporation for National and Community Service; and Representative Kelly.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2277, AN ACT concerning alcoholic liquor; creating common consumption areas designated by cities and counties; authorizing common consumption area permits; amending K.S.A. 2016 Supp. 41-719 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 11; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, 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, Schwab, Seiwert, Sloan, Smith, A., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Blex, DeGraaf, Ellis, Helgerson, Jacobs, Jennings, Mason, Mastroni, Schroeder, Smith, E., Vickrey.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

HB 2360, AN ACT concerning the administration of the state employee health benefits plan; creating the division of state employee health benefits plan in the department of administration, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 26; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Blex, Brim, Campbell, Carlin, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Ohaebosim, Orr, Osterman, Ousley, F. Patton, Phillips, 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: Bishop, Burroughs, Carmichael, Crum, S., Curtis, Deere, Finney, Frownfelter, Gartner, Helgerson, Henderson, Highberger, Hodge, Jennings, Kuether, Lusk, Neighbor, Parker, Phelps, Pittman, Ruiz, Terrell, Trimmer, Victors, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

H Sub for SB 70, AN ACT concerning amusement rides; relating to the Kansas amusement ride act; amending K.S.A. 40-4801 and K.S.A. 2016 Supp. 40-4802, 44-1601, 44-1602, 44-1603, 44-1604, 44-1607, 44-1610, 44-1613 and 44-1614 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 44-1615, 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, 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, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Thimesch.

Present but not voting: None.

Absent or not voting: None.
The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Thank you. I vote yes on **H Sub for SB 70**. – SCOTT SCHWAB

SB 184, AN ACT establishing the Kansas intelligence fusion center act, 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, 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, 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.

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

COMMITTEE OF THE WHOLE

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

Recommended that **Sub for Sub SB 95** be passed.

HB 2409, **HB 2279**, **HB 2180**, **HB 2398** be passed over and retain a place on the calendar.

Committee report to **SB 96** be adopted; on motion of Rep. Helgerson to amend **SB 96**, the motion did not prevail.

Also, on motion of Rep. Whitmer to amend **SB 96**, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2235** be adopted; and the bill be passed as amended.

Committee report to **HB 2407** be adopted; on motion of Rep. Frownfelter to amend,

Rep. Sutton requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed as amended.

Committee report to **SB 83** be adopted; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, pursuant to House Rule 2306, to move **HB 2398** from the Calendar under the heading General Orders and rereferral to Committee on Federal and State Affairs, the motion prevailed.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2364** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2364," as follows:

"Substitute for HOUSE BILL NO. 2364

By Committee on Appropriations

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2017, June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2016 Supp. 2-223, 12-5256, 55-193, 68-2320, 74-4920, 74-50,107, 74-99b34, 75-6702, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.";

And the substitute bill be passed.

(**Sub HB 2364** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 23** be amended on page 15, in line 22, after "commissioner" by inserting ", subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto,"; in line 28, before the period by inserting "and shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto"; also in line 28 by striking all after the period; by striking all in lines 29 and 30;

On page 16, following line 8, by inserting:

"Sec. 12. K.S.A. 2016 Supp. 17-12a302 is hereby amended to read as follows: 17-12a302. (a) *Required filing of records.* With respect to a federal covered security, as defined in section 18(b)(2) of the securities act of 1933 (15 U.S.C. § 77r(b)(2)), that is not otherwise exempt under K.S.A. 17-12a201 through 17-12a203, and amendments thereto, a rule adopted or order issued under this act may require the filing of any or all of the following records:

(1) Before the initial offer of a federal covered security in this state, all records that are part of a federal registration statement filed with the securities and exchange commission under the securities act of 1933 and a consent to service of process complying with K.S.A. 17-12a611, and amendments thereto, signed by the issuer and the payment of a fee not to exceed \$2,500;

(2) after the initial offer of the federal covered security in this state, all records that are part of an amendment to a federal registration statement filed with the securities and exchange commission under the securities act of 1933; and

(3) to the extent necessary or appropriate to compute fees, a report of the value of the federal covered securities sold or offered to persons present in this state, if the sales

data are not included in records filed with the securities and exchange commission and payment of a fee not to exceed \$2,500.

(b) *Notice filing effectiveness and renewal.* A notice filing under subsection (a) is effective for one year commencing on the later of the notice filing or the effectiveness of the offering filed with the securities and exchange commission. On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the securities and exchange commission that are required by rule or order under this act to be filed and by paying a renewal fee not to exceed \$2,500. A previously filed consent to service of process complying with K.S.A. 17-12a611, and amendments thereto, may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

(c) *Notice filings for federal covered securities under section 18(b)(4)(~~E~~)(~~F~~).* With respect to a security that is a federal covered security under section 18(b)(4)(~~E~~)(~~F~~) of the securities act of 1933 (15 U.S.C. § 77r(b)(4)(~~E~~)(~~F~~)), a rule under this act may require: (1) A notice filing by or on behalf of an issuer to include a copy of form D, including the appendix, as promulgated by the securities and exchange commission, and a consent to service of process complying with K.S.A. 17-12a611, and amendments thereto, signed by the issuer, not later than 15 days after the first sale of the federal covered security in this state; and (2) the payment of a fee not to exceed \$2,500 for a timely filing and the payment of a fee not to exceed \$5,000 for any late filing.

(d) *Stop orders.* Except with respect to a federal security under section 18(b)(1) of the securities act of 1933 (15 U.S.C. § 77r(b)(1)), if the administrator finds that there is a failure to comply with a notice or fee requirement of this section, the administrator may issue a stop order suspending the offer and sale of a federal covered security in this state. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the administrator other than a late filing fee.

Sec. 13. K.S.A. 2016 Supp. 17-12a402 is hereby amended to read as follows: 17-12a402. (a) *Registration requirement.* It is unlawful for an individual to transact business in this state as an agent unless the individual is registered under this act as an agent or is exempt from registration as an agent under subsection (b).

(b) *Exemptions from registration.* The following individuals are exempt from the registration requirement of subsection (a):

(1) An individual who represents a broker-dealer in effecting transactions in this state limited to those described in section 15(i)(3) of the securities exchange act of 1934 (15 U.S.C. § 78o(i)(3));

(2) an individual who represents a broker-dealer that is exempt under K.S.A. 17-12a401(b) or (d), and amendments thereto;

(3) an individual who represents an issuer with respect to an offer or sale of the issuer's own securities or those of the issuer's parent or any of the issuer's subsidiaries, and who is not compensated in connection with the individual's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities;

(4) an individual who represents an issuer and who effects transactions in the issuer's securities exempted by K.S.A. 17-12a202, and amendments thereto, other than K.S.A. 17-12a202 (11) and (14), and amendments thereto;

(5) an individual who represents an issuer that effects transactions solely in federal covered securities of the issuer, but an individual who effects transactions in a federal

covered security under section 18(b)(3) or 18(b)(4)~~(E)(F)~~ of the securities act of 1933 (15 U.S.C. § 77r(b)(3) or 77r(b)(4)~~(E)(F)~~) is not exempt if the individual is compensated in connection with the agent's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities;

(6) an individual who represents a broker-dealer registered in this state under K.S.A. 17-12a401(a), and amendments thereto, or exempt from registration under K.S.A. 17-12a401(b), and amendments thereto, in the offer and sale of securities for an account of a nonaffiliated federal covered investment adviser with investments under management in excess of \$100,000,000 acting for the account of others pursuant to discretionary authority in a signed record;

(7) an individual who represents an issuer in connection with the purchase of the issuer's own securities;

(8) an individual who represents an issuer and who restricts participation to performing clerical or ministerial acts; or

(9) any other individual exempted by rule adopted or order issued under this act.

(c) *Registration effective only while employed or associated.* The registration of an agent is effective only while the agent is employed by or associated with a broker-dealer registered under this act or an issuer that is offering, selling, or purchasing its securities in this state.

(d) *Limit on employment or association.* It is unlawful for a broker-dealer, or an issuer engaged in offering, selling, or purchasing securities in this state, to employ or associate with an agent who transacts business in this state on behalf of broker-dealers or issuers unless the agent is registered under subsection (a) or exempt from registration under subsection (b).

(e) *Limit on affiliations.* An individual may not act as an agent for more than one broker-dealer or one issuer at a time, unless the broker-dealer or the issuer for which the agent acts are affiliated by direct or indirect common control or are authorized by rule or order under this act.";

Also on page 16, in line 9, after the first comma by inserting "17-12a302, 17-12a402,";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the semicolon by inserting "the Kansas uniform securities act; updating references to the federal securities act of 1933;"; in line 8, after the first comma by inserting "17-12a302, 17-12a402,"; and the bill be passed as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Barker, the House concurred in Senate amendments to **HB 2140**, AN ACT concerning firefighting; relating to interstate compacts; great plains interstate fire compact.

Call of the House was demanded.

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, 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, 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.

On motion of Rep. Hawkins, the House concurred in Senate amendments to **HB 2030**, AN ACT concerning the administration of vaccines; reports relating thereto; amending K.S.A. 2016 Supp. 65-1635a and repealing the existing section.

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, 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: Humphries, Jacobs.

Present but not voting: None.

Absent or not voting: None.

On motion of Rep. Hawkins, the House concurred in Senate amendments to **HB 2025**, AN ACT concerning the board of nursing; relating to assistant attorneys general; reinstatement of licenses; fees; mental health technician's licensure act; amending K.S.A. 65-4203, 65-4208 and 74-1111 and K.S.A. 2016 Supp. 65-1118, 65-4202 and 65-4212 and repealing the existing sections.

On roll call, the vote was: Yeas 114; Nays 11; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Averkamp, Baker, Ballard, Barker, Becker, Bishop, Brim, Burroughs, Campbell, Carlin, Carmichael, Claeys, 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, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, 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: Blex, B. Carpenter, DeGraaf, Garber, Jacobs, K. Jones, Mason, Osterman, R. Powell, Sutton, Whitmer.

Present but not voting: None.

Absent or not voting: None.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 149**, requests a conference and has appointed Senators Wilborn, Lynn and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 149**.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Finch, the House nonconcurrred in Senate amendments to **HB 2041** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurrred in Senate amendments to **S Sub for HB 2053** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurrred in Senate amendments to **HB 2054** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

On motion of Rep. Jennings, the House nonconcurrred in Senate amendments to **HB 2085** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Jennings, Whitmer and Highberger as conferees on the part of the House.

On motion of Rep. Jennings, the House nonconcurred in Senate amendments to **HB 2092** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Jennings, Whitmer and Highberger as conferees on the part of the House.

On motion of Rep. Kelly, the House nonconcurred in Senate amendments to **HB 2111** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Kelly, R. Powell and Trimmer as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2128** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2153** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

On motion of Rep. Esau, the House nonconcurred in Senate amendments to **HB 2158** and asked for a conference.

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

On motion of Rep. Proehl, the House nonconcurred in Senate amendments to **HB 2170** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Proehl, Francis and Lusker as conferees on the part of the House.

On motion of Rep. Osterman, the House nonconcurred in Senate amendments to **S Sub for HB 2174** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Osterman, Clark and Weigel as conferees on the part of the House.

On motion of Rep. Finch, the House nonconcurred in Senate amendments to **HB 2301** and asked for a conference.

Speaker pro tem Schwab thereupon appointed Reps. Finch, F. Patton and Carmichael as conferees on the part of the House.

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2313** and asked for a conference.

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

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Schwab announced the appointment of Rep. Victors to replace Rep. Burroughs on Committee on Taxation on April 3, 2017.

REPORT ON ENGROSSED BILLS

Sub HB 2277 reported correctly engrossed March 30, 2017.

REPORT ON ENROLLED BILLS

HB 2066, HB 2164 reported correctly enrolled, properly signed and presented to the Governor on March 31, 2017.

REPORT ON ENROLLED RESOLUTIONS

HR 6024, HR 6025 reported correctly enrolled and properly signed on April 3, 2017.

On motion of Rep. Hineman, the House adjourned until 10:00 a.m., Tuesday, April 4, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

