

# Journal of the House

## FORTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 20, 2018, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Seiwert was excused on legislative business.

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

Prayer by Rep. Schroeder:

Our Lord and Heavenly Father, we come before you today with thanksgiving and praise. Praising you for your power and majesty. Thanking you for all your love for us and the blessings you provide. Thank you for the rain and the promise of spring. Thank you for sending your son as a sacrifice for all to take away our sins and provide redemption.

We also know you are in control even when things seem out of control. You have appointed leaders among us, and I ask that you bless them with wisdom and knowledge to guide our decisions. Help each of us to recognize you as the creator of all and that nothing exists without you.

Once again, guide us and the decisions we make for the State of Kansas. Be with Eunice as she undergoes treatment. Give her strength and be near to her. Finally Lord, bless this Legislature and do your will through the policies we move forward. To your honor and glory, I pray this in Jesus name. Amen.

The Pledge of Allegiance was led by Rep. Vickrey.

### INTRODUCTION OF GUESTS

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

Last year, we listened to several success stories that involved some of our current legislators. If you have been affected by someone who has experience as a kidney donor or recipient, please come down and join us.

Be it hereby known to all that:

Official recognition is extended in honor of Kansas Kidney Awareness & Organ Donation Day

Most of you do not know that I was diagnosed with chronic kidney failure at the age of 27. Thanks to God, amazing doctors, and medications, I am here today.

On March 20, 2018, organizations promoting awareness of chronic kidney disease, dialysis, and organ transplantation are providing education about the risks of kidney disease and blood pressure screenings. Early and accurate identification of kidney disease is a critical component of efforts to reduce the negative health and economic impacts on Kansans. One organ donor can save the lives of more than eight people.

In observance of March as National Kidney Month and April as National Donate Life Month, we encourage all Kansas legislators and residents to honor organ donors and those living with chronic kidney disease.

Today, I would like to honor several people: Alonzo Jamison, Colleen Jamison and Shekinah Bailey – Most of you know Alonzo as a KU basketball star from 1988-1992. I also know him as a father. I had the honor of teaching his twin daughters who are now in college. About four years ago, Alonzo went on dialysis because of end-stage kidney disease brought on by diabetes. Many people were tested, but he couldn't find a match. One day, Shekinah Bailey saw a post on Colleen's Facebook page. These are his words, "Not only is this a bad situation for him for a standard of living, but as a society, this is a huge drain on our insurance. When you start to look at all these different factors, it just hit me in the face that this is a no-brainer. Why are people not lined up to help people out? This one we can actually cure. We can fix this."

I would also like to recognize:

Angela Zaynaug Chowdhury – Living Kidney Donor

Pat Avila – Living Kidney Donor

Tom Weathers – Kidney Recipient

In the gallery and throughout the Capitol, we have the Kansas Kidney Coalition, National Kidney Foundation serving western Missouri, Kansas, and Oklahoma, and The University of Kansas Health System Center for Transplantation.

Rep. Brim presented framed House certificates to her guests.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Federal and State Affairs: **HB 2786**.

Judiciary: **HB 2787**.

## MESSAGES FROM THE GOVERNOR

**HB 2106, HB 2362, HB 2435** approved on March 20, 2018.

## MESSAGES FROM THE SENATE

The Senate nonconcurs in House amendments to **SB 275**, requests a conference and has appointed Senators Longbine, Billinger and Rogers 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 275**.

Speaker Ryckman thereupon appointed Reps. Kelly, Powell and Finney as conferees on the part of the House.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Proehl, the House nonconcurred in Senate amendments to **Sub HB 2194** and asked for a conference.

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

On motion of Rep. Jennings, the House nonconcurred in Senate amendments to **HB 2454** and asked for a conference.

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

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2042** and asked for a conference.

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

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2145** and asked for a conference.

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

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2476** and asked for a conference.

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

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

## COMMITTEE OF THE WHOLE

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

Recommended that **SB 398** be passed.

Committee report to **HB 2625** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **HB 2103** be adopted.

Roll call was demanded on motion of Rep. Miller to amend **Sub HB 2103**, on page 1, in line 5, before "Section" by inserting:

"New";

On page 2, following line 3, by inserting:

"New Sec. 2. (a) The provisions of K.S.A. 40-2249a, and amendments thereto, shall apply to the provisions of this section.

(b) On and after July 1, 2018, every insurer that issues any individual or group policy of accident and sickness insurance providing medical, surgical or hospital

expense coverage and that is delivered, issued for delivery, amended or renewed on or after July 1, 2018, shall also provide coverage for hearing instruments, including necessary batteries and repairs, fitted or dispensed by a person authorized by law to fit or dispense a hearing instrument.

(c) The coverage required by this section shall be subject to the same annual deductibles, copayments or coinsurance limits as established for all other covered benefits under the individual or group policy of accident and sickness insurance referred to in subsection (b).

(d) As used in this section, the term "hearing instrument" means the same as defined in K.S.A. 74-5807, and amendments thereto.

(e) This section shall apply to the state health care benefits program and municipal self-funded pools.

(f) This section shall not apply to any policy or certificate that provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rules and regulations, any coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

Sec. 3. On and after July 1, 2018, K.S.A. 2017 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 and, 40-2,194 and section 2, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 4. On and after July 1, 2018, K.S.A. 2017 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to through 40-2116, inclusive, 40-2215 to through 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to through 40-2421, inclusive, and 40-3301 to through 40-3313, inclusive; K.S.A. 2017 Supp. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190 and, 40-2,194 and section 2, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise

restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 5. On and after July 1, 2018, K.S.A. 2017 Supp. 40-2,103 and 40-19c09 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "formula" by inserting "; coverage for hearing instruments; amending K.S.A. 2017 Supp. 40-2,103 and 40-19c09 and repealing the existing sections"

On roll call, the vote was: Yeas 38; Nays 83; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Ballard, Bishop, Burroughs, Carlin, Carmichael, Clark, Clayton, Crum, S., Curtis, Deere, Finney, Frownfelter, Henderson, Highberger, Hodge, Holscher, Horn, Kuether, Lusk, Lusker, Miller, Murnan, Ohaebosim, Ousley, Parker, Probst, Ruiz, Sawyer, Smith, E., Stogsdill, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Bergquist, Blex, Brim, Burris, B. Carpenter, Claeys, Concannon, Corbet, Cox, E. Davis, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Gartner, Good, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Landwehr, Lewis, Markley, Mason, Mastroni, Neighbor, Orr, Osterman, F. Patton, Phelps, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schroeder, Schwab, Sloan, Smith, A., Sutton, S. Swanson, Tarwater, Thimesch, Thompson, Trimboli, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Helgerson, Jennings, Pittman, Seiwert.

The motion of Rep. Miller to amend did not prevail and **Sub HB 2103** be passed.

Committee report to **SB 375** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2773** be amended on page 1, following line 22, by inserting:

*"Provided,* That all moneys in the school safety and security grant fund expended for fiscal year 2019 shall be matched by the receiving school district on a \$1 for \$1 basis from other moneys of the district.";

Also on page 1, in line 32, after "board" by inserting ":

(1);

Also on page 1, in line 33, by striking the second "Kansas"; in line 34, after "environment" by inserting ", the state fire marshal"; in line 35, after "board" by inserting "; and

(2) may consult with any local agencies and school boards as deemed necessary by the state board";

On page 2, in line 24, after "board" by inserting ":

(1)":

Also on page 2, in line 26, by striking "Kansas"; also in line 26, after "environment" by inserting ", the state fire marshal"; in line 27, after "board" by inserting "; and

(2) may consult with any local agencies and school boards as deemed necessary by the state board";

On page 4, in line 14, after "include" by inserting "the current school district safety and security policies and procedures and";

On page 5, in line 21, after "the" where it appears for the first time, by inserting "accident prevention guidelines and"; also in line 21, by striking all after "established"; by striking all in line 22; in line 23, by striking all before the period and inserting "in subsections (a), (b) and (c)"; and the bill be passed as amended.

Committee on **Appropriations** recommends **SB 276**, as amended by Senate Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Elections** recommends **SB 57**, as Amended by Senate Committee of the Whole, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 57," as follows:

"House Substitute for SENATE BILL NO. 57

By Committee on Elections

"AN ACT concerning certain statewide elected officials; amending K.S.A. 25-101a and repealing the existing section."; and the substitute bill be passed.

(**H Sub for SB 57** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 307**, as amended by Senate Committee of the Whole, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 307," as follows:

"House Substitute for SENATE BILL NO. 307

By Committee on Federal and State Affairs

"AN ACT concerning amusement rides; relating to the Kansas amusement ride act; relating to limited-use amusement rides and registered agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing the existing sections."; and the substitute bill be passed.

(**H Sub for SB 307** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **SB 348**, as amended by Senate Committee, be amended on page 1, in line 17, by striking ", so long as printed documents are readily available" and inserting "only if: (A) Paper documents are readily available; and (B) notification has been provided to the party explaining the party's option to receive paper documents via U.S. mail"; in line 36, by striking "40-2209d" and inserting "40-4602";

On page 2, in line 1, after the period by inserting "'Health benefit plan" shall also include any: (1) Individual health insurance policy; (2) individual or group dental insurance policy; or (3) nonprofit dental services corporation."; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 410**, as amended by Senate Committee, be amended on page 7, in line 29, after "(l)" by inserting "'Securitization" means a transaction or a group of related transactions, which may include capital market offerings, that are effected through related risk transfer instruments and facilitating

administrative agreements where all or part of the result of such transactions is used to fund a special purpose insurance captive's obligations under a reinsurance contract with a ceding insurer and by which proceeds are: (1) Obtained by a special purpose insurance captive, directly or indirectly, through the issuance of securities by the special purpose insurance captive or any other person; or (2) provided through one or more letters of credit or other assets for the benefit of the special purpose insurance captive that the commissioner authorizes to treat as admitted assets for purposes of the special purpose insurance captive's annual statement, where all or any part of such proceeds, letters of credit, or assets, as applicable, are used to fund the special purpose insurance captive's obligations under a reinsurance contract with a ceding insurer. The term "securitization" does not include the issuance of a letter of credit for the benefit of the commissioner to satisfy all or part of the special purpose insurance captive's capital and surplus requirements under the captive insurance act.

(m) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 13, in line 10, by striking "only"; also in line 10, after "invest" by inserting "at least 90% of"; in line 11, after the period by inserting "The balance may be invested in cash, securities or other assets otherwise permitted in chapter 40 of the Kansas Statutes Annotated, and amendments thereto.>"; in line 12, by striking all after "25."; by striking all in lines 13 and 14; in line 15, by striking "commissioner" and inserting "Admitted assets of the special purpose insurance captive shall include permitted investments, proceeds from a securitization, premium and other amounts payable by a ceding insurer to the special purpose insurance captive, and any other assets approved by the commissioner. Additionally, letters of credit and guarantees of a parent may be recognized as an admitted asset on the special purpose insurance captive's financial statements with prior approval of the commissioner. The commissioner may, by order, reduce the amount of admitted assets previously approved if the commissioner determines that the value of those assets has decreased. At least 30 days prior to issuing any such order, the commissioner shall notify the special purpose insurance captive and provide it with an opportunity to remedy the issues identified by the commissioner. If the issues identified by the commissioner have not been resolved to the commissioner's satisfaction at the end of the 30-day period, the commissioner shall issue the order. The special purpose insurance captive shall have the right to a hearing, at which the insurer may challenge any determination or action by the commissioner. The special purpose insurance captive shall notify the commissioner of its request for hearing within 15 days after the issuance of the order. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act"; and the bill be passed as amended.

## COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Carpenter to replace Rep. Seiwert on Committee on Agriculture on March 20, 2018.

Also, the appointment of Rep. Schwab to replace Rep. Hawkins on Committee on Taxation on March 20, 2018.

Also, the appointment of Rep. Burris to replace Rep. Williams on Committee on Appropriations on March 21, 2018.

Also, the appointment of Rep. Curtis to replace Rep. Pittman on Committee on Transportation on March 20, 2018.

Also, the appointment of Rep. Probst to replace Rep. Pittman on Committee on Agriculture on March 20, 2018.

#### **REPORT ON ENROLLED BILLS**

**HB 2469, HB 2498, HB 2567** reported correctly enrolled, properly signed and presented to the Governor on March 20, 2018.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Wednesday, March 21, 2018.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

