

Journal of the House

FORTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 20, 2019, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Mason and Straub were excused on excused absence by the Speaker.

Excused later: Rep. Carlson.

Present Later: Reps. Carlson and Mason.

Prayer by guest chaplain, Emmanuel Herron, Youth Male Leader and Teacher, Fellowship Bible Church Hi-Crest, Topeka, and guest of Rep. Vickrey:

Dear Heavenly Father,

We thank you for another opportunity to come before your Mighty Throne. And we praise you for who you are, not what you do.

As we stand before you, we come humbly asking that you forgive us of our trespasses, as we forgive those who trespass against us.

You promised that you are the one who forgives all sins and heals all diseases. (Psalm 103:3) We ask that you go to those in the Nation who are suffering from cancer, mental illness, depression and any other incurable diseases that have plagued their lives. It was also your words that said: "For I will restore health to you, and your wounds I will heal, declares The LORD" (Jeremiah 30:17). You said: "Don't be afraid, just believe" (Luke 8:50) and that we are to "cast all our cares on You because You care for us." (1 Peter 5:7)

We are asking that you restore our neighborhood and rid it of crime and poverty. We are asking that you rectify any issues that are not pleasing unto you. We are asking that you give our leaders the strength to stand strong in the heat of the battle, and the peace that comes with your discernment as they make decisions that will affect our nation.

As we decrease, may your grace, mercy, and peace be multiplied to our neighborhoods, city, and nation. May your favor fall heavily upon our city, and may your glory be exalted for all to see.

We pray all of these things in Jesus name...Amen!

The Pledge of Allegiance was led by Rep. Ward.

INTRODUCTION OF GUESTS

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

Last week this body recognized the winners of the VFW Elementary Teacher of the Year for the State of Kansas. Today I would like to recognize two other winners of VFW State Awards. Prior to the recognition, I would like to introduce VFW members that are leaders at the National and State levels:

- Ken Romine, Director of Member Services for the National VFW from Leavenworth
- Kansas VFW State Commander Patrick M. Briggs, Lyons
- Kansas VFW State Sr. Vice Commander Lee Hursey, Wichita
- Kansas VFW State Jr. Vice Commander Kenneth Allred, Wichita
- Kansas VFW Chief of Staff Gerald Marvin, LaCrosse
- Kansas VFW Inspector Jim Ratcliff, Lincoln
- VFW Post Commander, Dan Watkins, Manhattan

The Veterans of Foreign War and VFW Auxiliary is dedicated to promoting patriotism and investing in our future generations. The VFW sponsors two contests each year for young people. The Patriots Pen contest is an essay contest for students in grades 6-8. The essay encourages young people to examine American society along with their own experiences in modern American society. The entry is drafted requiring 300-400 words essay expressing their view based on a patriotic theme. The theme for the 2018-2019 school year is "Why I honor the American Flag."

The voice of Democracy contest is an audio-essay program. This contest is for high school students to express themselves regarding a democratic and patriotic theme recorded essay. Each year nearly 80,000 high school students from across the country enter this contest. The 2018-2019 Voice of Democracy theme was "Why My Vote Matters."

I am a member of the Tonganoxie VFW Post 9271. I coordinate the Patriots Pen and Voice of Democracy contests for the local post.

Today I am recognizing the State winners of the Patriot Pen and the Voice of Democracy:

- The Patriots Pen state winner is Malachi Feil. Malachi is the son of Travis and Michelle Fiel of Wichita. Malachi is home schooled through Legacy Academy. He placed 19th in the national competition. Malachi received a \$1000 prize.
- The Voice of Democracy winner is Alyssa Troyer of Manhattan, Kansas. She is the daughter of Travis and Bridgette Troyer. Alyssa is a student at Rock Creek High school. She placed 11th in the national competition and will receive a \$2500 scholarship. Please show our appreciation for these young Patriots.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2403, AN ACT establishing the joint committee on child welfare system oversight; concerning the safety and well-being of children in the child welfare system in the state of Kansas; requiring an annual report to the legislature, by Committee on Taxation.

HB 2404, AN ACT establishing the Kansas senior services task force, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HR 6018**.

Federal and State Affairs: **HB 2401**.

Health and Human Services: **HB 2402**.

MESSAGE FROM THE GOVERNOR

March 14, 2019

Message to the Kansas House of Representatives:

Enclosed is Executive Directive No. 19-500 for your information.

EXECUTIVE DIRECTIVE NO. 19-500
Authorizing Expenditure of Federal Funds

LAURA KELLY
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ohaebosim, **HR 6019**, by Reps. Ohaebosim and Finney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. **HR 6019**—A RESOLUTION recognizing Storytime Village, Inc. for its work in giving young Kansas children the opportunity for a better future through its literacy programs.

A RESOLUTION recognizing Storytime Village, Inc., for its work in giving young Kansas children the opportunity for a better future through its literacy programs.

WHEREAS, According to the Annie E. Casey Foundation, children who are proficient in reading by the end of third grade are more likely to graduate from high school and be economically successful in adulthood; and

WHEREAS, 57% of Caucasian, 72% of Hispanic and 83% of African-American fourth graders in Kansas scored below the "proficient" reading level in a 2017 study conducted by the National Assessment for Educational Progress (NAEP); and

WHEREAS, Many underserved populations in Kansas are lacking the quality literacy skills essential for future success in school and life; and

WHEREAS, Storytime Village, Inc., under the leadership of Director Prisca Barnes, has been working since 2009 to help Kansas children, beginning at birth through age eight, thrive in partnerships that provide early childhood development, family engagement involving reading, and access to books; and

WHEREAS, With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc., inspires children, regardless of their socio-economic background, race or gender, to read by providing them free books and literacy resources; and

WHEREAS, In 2016, Storytime Village, Inc., launched their Literacy Champions program, a high school leadership program that empowers and inspires students to volunteer and gain leadership skills as they impact the literacy issue in their communities; and

WHEREAS, March 20, 2019, is designated as the 5th Literacy Day at the Capitol, which will focus on addressing the literacy gap in Kansas by mobilizing high school students to raise their voices through meetings with legislators, panel discussions, and an advocacy workshop, with the theme: "Why Reading Matters": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize Storytime Village, Inc., for its work in giving young Kansas children the opportunity for a better future through its literacy programs; and

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

INTRODUCTION OF GUESTS

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

This year marks Storytime Village's fifth annual Literacy Day at the Capitol. The event is sponsored by the Kansas African American Affairs Commission and Butler Community College and the Kansas Reading Roadmap.

Joining Prisca Barnes- Founder and CEO of Storytime Village for this impactful day are:

- Commissioners with the Kansas African American Affairs Commission: Daphne Maxwell, Jonathon Westbrook, Bobby Love, Sr.
- Kenya Cox, Exec. Director, KAAAC and Storytime Village Board Chair
- Wakeelah Martinez, Storytime Village Education Program Coordinator VISTA
- Carol Hazen- Kansas Reading Roadmap
- Victoria George- Independent School- Literacy Champion, Wichita
- Ashleigh Carter-South High School Literacy Champion, Wichita
- Bethany Stock- Heights High School Literacy Champion, Wichita

The theme for Literacy Day at the Capitol is "Why Reading Matters" and will address the literacy achievement gap in the state of Kansas by mobilizing high school students to raise their voices and bring awareness to the critical issue. The day will

feature literacy discussions, workshops and the opportunity to network and discuss these important issues with state leaders. A Kansas youth will be named the “Outstanding Youth Literacy Advocate” during our Literacy Champions program. The mission of Storytime Village, Inc., with the support of parents and the community, is to inspire a lifelong love of reading for underserved Kansas children from birth to age eight.

Since its beginning in 2009, Storytime Village has worked to help the youngest in our communities thrive through partnerships that provide early childhood development, family engagement around reading and access to books.

Rep. Ohaebosim also welcomed guests in the gallery - representatives of Storytime Village from across the state.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Hawkins, **HR 6020**, by Reps. Ryckman, Hawkins and Sawyer, as follows, was introduced and adopted:

HR 6020—A RESOLUTION assignment of seats in the house of representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2019 regular session of the legislature shall occupy the same seats assigned pursuant to 2019 House Resolution No. 6002 with the following exception: Straub, seat No. 108.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hawkins, **HR 6013**, A RESOLUTION strengthening the sister-state relations between Kansas and Taiwan, was adopted.

INTRODUCTION OF GUESTS

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

Colleagues: This morning, we will vote on the adoption of **HR 6013**, “Strengthening the sister-state relations between the State of Kansas and Taiwan.” This year marks the 30th anniversary of Kansas close relationship with Taiwan, and coincidentally, the 40th Anniversary of the Taiwan Relations Act, a U.S. public law.

In 2017, Taiwan was Kansas' 12th largest export market in the world, with Taiwan ranking as Kansas 3rd largest import country. The goods Kansas exports to Taiwan include processed food products, agricultural products, computer & electronic products, leather and allied products, and many more.

According to 2015 data, Taiwan contributes a total 26,762 jobs in Kansas. Taiwan-affiliated companies located in Kansas include GARMIN, Hyper Tech Computers, and Sun Marble Company. Taiwan shares our values of a robust democracy, individual liberty, the rule of law, and human rights.

With us this morning, is Director General Jerry Chang from the Taipei Economic and Cultural Office in Denver. Mr. Chang has an impressive resume in government service to his nation. His career spans nearly 26 years and includes assignments in Singapore,

Hungary and New York, to name a few. Joining Director General Chang is his colleague, Director Jeffrey Liu. Please join me this morning in a warm welcome for our honored guests.

CONSENT CALENDAR

No objection was made to **SB 40, SB 41, SB 59** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 40, AN ACT regulating traffic; concerning authorized emergency vehicles; amending K.S.A. 8-1530 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Burroughs, Capps, Carlin, Carlson, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Finney, Francis, French, Frownfelter, Garber, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: None.

Present but not voting: None.

Absent or not voting: Mason, Straub.

The bill passed.

SB 41, AN ACT concerning motor vehicles; relating to the use of safety belts; classifying violations as a traffic infraction; amending K.S.A. 8-2116 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Arnberger, Awerkamp, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burris, Capps, Carlin, Carlson, Carpenter, B., Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Garber, Gartner, Hawkins, Helgerson, Hibbard, Highberger, Highland, Hineman, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, Patton,

Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Victors, Waggoner, Ward, Warren, Wasinger, Waymaster, Weigel, Wheeler, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Burroughs, Carmichael, Carpenter, W., Dove, Finney, Frownfelter, Helmer, Henderson, Hodge, Ruiz, L., Seiwert, Vickrey, Warfield, Whipple.

Present but not voting: none.

Absent or not voting: Mason, Straub.

The bill passed.

SB 59, AN ACT creating the Eudora community library district act, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Amyx, Amberger, Baker, Ballard, Barker, Benson, Bergquist, Bishop, Blex, Burroughs, Carlin, Carlson, Carmichael, Carpenter, B., Carpenter, W., Claeys, Clark, Clayton, Collins, Concannon, Corbet, Cox, Croft, Curtis, Delperdang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Finch, Finney, Francis, French, Frownfelter, Gartner, Hawkins, Helgerson, Helmer, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Hoheisel, Holscher, Horn, Houser, Howard, Huebert, Humphries, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Landwehr, Long, Lusk, Lynn, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Owens, Pannbacker, Parker, Patton, Phillips, Pittman, Probst, Proehl, Rahjes, Ralph, Resman, Rhiley, Ruiz, L., Ruiz, S., Ryckman, Samsel, Sawyer, Schreiber, Seiwert, Smith, A., Smith, E., Stogsdill, Sutton, Tarwater, Thimesch, Thomas, Thompson, Vickrey, Victors, Waggoner, Ward, Warfield, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, Williams, Winn, Wolfe Moore, Woodard, Xu.

Nays: Awerkamp, Burris, Capps, Erickson, Esau, Garber, Jacobs, Toplikar.

Present but not voting: none.

Absent or not voting: Mason, Straub.

The bill passed.

On motion of Rep. Hawkins, the House resolved into the Committee of the Whole, with Rep. Johnson in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2082** be adopted.

Also, on motion of Rep. Carlin to amend **HB 2082**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2066** be adopted.

Also, on motion of Rep. Wolfe Moore to amend **HB 2066** on page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 15;

On page 16, by striking all in lines 1 through 28; following line 28, by inserting:

"New Section 1. Sections 1 through 13, and amendments thereto, shall be known and may be cited as the KanCare bridge to a healthy Kansas program, which is hereby established. The department of health and environment shall administer and promote the program and provide information to potential eligible individuals who live in medically underserved areas of Kansas. The legislature expressly consents to expand eligibility for receipt of benefits under the Kansas program of medical assistance, as required by K.S.A. 39-709(e)(2), and amendments thereto, by the passage and enactment of the KanCare bridge to a healthy Kansas program.

New Sec. 2. For purposes of eligibility determinations under the Kansas program of medical assistance on and after January 1, 2020, medical assistance shall be granted to 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 the KanCare bridge to a healthy Kansas program.

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

(1) The Kansasworks program administered by the department of commerce; or
 (2) the generating opportunities to attain lifelong success program administered by the Kansas department for children and families.

(b) The KanCare bridge to a healthy Kansas program application shall:

(1) Screen applicants for education status;

(2) screen applicants for employment status; and

(3) require applicants to acknowledge the referral required by subsection (a).

(c) Full-time students shall be exempted from the referral required by subsection (a) for each year they are enrolled in a postsecondary education institution or technical school.

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

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

(1) The individual has an annual household income of not more than 133% of the federal income poverty level, based on the modified adjusted gross income provisions set forth in section 2001(a)(1) of the federal patient protection and affordable care act; or

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

(b) A program established under this section must:

(1) Contain eligibility requirements that are the same as in sections 2 and 3, and amendments thereto; and

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

New Sec. 5. A denial of federal approval and federal financial participation that applies to any part of the KanCare bridge to a healthy Kansas program shall not prohibit the department of health and environment from implementing any other part of the program that is federally approved for federal financial participation or does not require federal approval or federal financial participation.

New Sec. 6. The department of health and environment shall submit to the centers for medicare and medicaid services of the United States department of health and human services any state plan amendment, waiver request or other approval request necessary to implement the KanCare bridge to a healthy Kansas program.

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

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

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

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

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

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

(e) On or before January 11, 2021, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes all expenditures from the KanCare bridge to a healthy Kansas program drug rebate fund, fund revenues and recommendations regarding the adequacy of the fund to support necessary KanCare bridge to a healthy Kansas program expenditures.

New Sec. 8. (a) All moneys collected or received by the secretary of health and environment for privilege fees collected pursuant to K.S.A. 40-3213, and amendments thereto, connected to KanCare bridge to a healthy Kansas program beneficiaries shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall

deposit the entire amount in the state treasury to the credit of the KanCare bridge to a healthy Kansas privilege fee fund.

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

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

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

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

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

(e) On or before January 11, 2021, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes all expenditures from the KanCare bridge to a healthy Kansas privilege fee fund, fund revenues and recommendations regarding the adequacy of the fund to support necessary KanCare bridge to a healthy Kansas program expenditures.

New Sec. 9. (a) On or before January 11, 2021, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of health and environment shall prepare and deliver a report to the legislature that summarizes the cost savings achieved by the state from the movement of beneficiaries from the KanCare program to the KanCare bridge to a healthy Kansas program, including, but not limited to, the MediKan program, the medically needy spend-down program and the breast and cervical cancer program.

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

New Sec. 10. On or before January 11, 2021, and on or before the first day of the regular session of the legislature each year thereafter, the secretary of corrections shall prepare and deliver a report to the legislature that identifies cost savings to the state from the use of the KanCare bridge to a healthy Kansas program to cover inmate inpatient hospitalization.

New Sec. 11. On or before February 15 of each year, the secretary of health and environment shall present a report to the house committee on appropriations and the senate committee on ways and means that summarizes the costs for the KanCare bridge

to a healthy Kansas program and the cost savings and additional revenues identified in sections 7 through 9, and amendments thereto.

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

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

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

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

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

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

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

(5) one representative from the Kansas hospital association;

(6) one representative from the Kansas medical society;

(7) one representative from the community care network of Kansas;

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

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

(10) one representative from the Kansas dental association;

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

(12) one representative from the Kansas optometric association;

(13) one representative from the Kansas pharmacists association; and

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

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

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

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

(e) Legislative staff shall provide such assistance as may be requested by the working group.

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

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

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

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

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

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

Sec. 14. K.S.A. 2018 Supp. 40-3213 is hereby amended to read as follows: 40-3213. (a) Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

- (1) For filing an application for a certificate of authority, \$150;
- (2) for filing each annual report, \$50; or
- (3) for filing an amendment to the certificate of authority, \$10.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to the following percentages of the total of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees: 3.31% during the reporting period beginning January 1, 2015, and ending December 31, 2017; and 5.77% on and after January 1, 2018. In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time that the application of the privilege fee, or a change in the rate of the privilege fee, would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee or the change in such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 2018 Supp. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall verify such returns and reconcile the fees pursuant to subsection (f) upon such organization on the basis and at the rate provided in this section.

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, except as provided in section 8, and amendments thereto, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medical assistance fee fund created by K.S.A. 2018 Supp. 40-3236, and amendments thereto.

(f) (1) On and after January 1, 2018, in addition to any other filing or return required by this section, each health maintenance organization shall submit a report to the commissioner on or before March 31 and September 30 of each year containing an estimate of the total amount of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees that the organization expects to collect during the current calendar year. Upon filing each March 31 report, the organization shall submit payment equal to ½ of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimate. Upon filing each September 30 report, the organization shall submit payment equal to the balance of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimates.

(2) Any amount of privilege fees actually owed by a health maintenance organization during any calendar year in excess of estimated privilege fees paid shall be assessed by the commissioner and shall be due and payable upon issuance of such assessment.

(3) Any amount of estimated privilege fees paid by a health maintenance organization during any calendar year in excess of privilege fees actually owed shall be reconciled when the commissioner assesses privilege fees in the ensuing calendar year. The commissioner shall credit such excess amount against future privilege fee assessments. Any such excess amount paid by a health maintenance organization that is no longer doing business in Kansas and that no longer has a duty to pay the privilege fee shall be refunded by the commissioner from funds appropriated by the legislature for such purpose.";

Also on page 16, in line 29, by striking all after "K.S.A."; by striking all in line 30; in line 31, by striking all before "2018"; also in line 31, by striking "40-3401 are" and inserting "40-3213 is"; in line 33, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 5; by striking all in line 6 and inserting "the department of health and environment; establishing the KanCare bridge to a healthy Kansas program; amending K.S.A. 2018 Supp. 40-3213 and repealing the existing section."

Also, Rep. Hawkins requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, roll call was demanded on motion of Rep. Sawyer, the question being "Shall the Rules Chair be sustained?"

On roll call, the vote was: Yeas 55; Nays 62; Present but not voting: 0; Absent or not voting: 8.

Yeas: Arnberger, Awerkamp, Barker, Bergquist, Blex, Burris, Capps, Carpenter, B., Carpenter, W., Claeys, Collins, Corbet, Croft, Delpendang, Donohoe, Dove, Ellis, Erickson, Esau, Finch, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Johnson, Landwehr, Lynn, Owens, Patton, Rahjes, Ralph, Resman, Rhiley, Ryckman, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carlson,

Carmichael, Clayton, Cox, Curtis, Dierks, Dietrich, Eplee, Finney, Francis, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hodge, Holscher, Horn, Karleskint, Kessinger, Kuether, Long, Lusk, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, Phillips, Pittman, Probst, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Smith, A., Stogsdill, Thompson, Victors, Ward, Warfield, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: none.

Absent or not voting: Clark, Concannon, Hineman, Jennings, Kelly, Mason, Proehl, Straub.

The Rules Chair was overruled.

Also, roll call was demanded on motion of Rep. Wolfe Moore to amend **HB 2066**.

On roll call, the vote was: Yeas 69; Nays 53; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Cox, Curtis, Dierks, Dietrich, Eplee, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, Patton, Phillips, Pittman, Probst, Proehl, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Smith, A., Stogsdill, Thompson, Victors, Ward, Warfield, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Barker, Bergquist, Blex, Burris, Capps, Carpenter, B., Carpenter, W., Claeys, Collins, Corbet, Croft, Delperdang, Donohoe, Dove, Ellis, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Landwehr, Lynn, Owens, Rahjes, Resman, Rhiley, Ryckman, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, Williams.

Present but not voting: none.

Absent or not voting: Carlson, Mason, Straub.

The amendment was adopted.

On motion of Rep. Hawkins, rose and reported progress.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2173**, be amended as recommended by the Committee on Agriculture as reported in the Journal of the House on February 22, 2019, and the bill, as printed with amendments by House Committee, be further amended on page 1, in line 35, by striking "subject to subsection (g)" and inserting "any licensing requirements or other rules and regulations deemed necessary by the Kansas department of agriculture for the proper monitoring and regulation of industrial hemp cultivation and production for commercial purposes, including, but not limited to";

On page 2, in line 2, by striking all after "that"; in line 3, by striking all before the first "to" and inserting "any person in possession of unprocessed industrial hemp may use"; by striking all in lines 4 and 5; in line 6, by striking all before the semicolon and inserting "industrial hemp was lawfully grown under this section"; in line 23, by striking "that" and inserting "who"; in line 31, by striking "person" and inserting "individual"; in line 32, by striking the colon; by striking all in lines 33 through 35; in

line 36, by striking "(2)"; also in line 36, by striking "person" and inserting "individual"; in line 38, after "(e)" by inserting "(1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal as a hemp producer under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure as a hemp producer pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure as a hemp producer under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking a license or license renewal as a hemp producer under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(f)";

Also on page 2, in line 38, by striking "may" and inserting "shall";

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

On page 3, following line 22, by inserting:

"New Sec. 4. (a) (1) There is hereby established the industrial hemp regulatory commission within the Kansas department of revenue. The industrial hemp regulatory commission shall be administered under the direction of a director of the industrial hemp regulatory commission, who shall be appointed by and serve at the pleasure of the secretary of revenue. The director shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of revenue and approved by the governor.

(2) The director of the industrial hemp regulatory commission shall be responsible for all powers, duties and functions assigned to the department of revenue under the commercial industrial hemp act.

(3) The industrial hemp regulatory commission shall adopt rules and regulations as necessary to implement and administer the provisions of the commercial industrial hemp act relating to the licensure and regulation of hemp processors and may advise and consult with the department of health and environment and the Kansas department of agriculture on such rules and regulations.

(4) The provisions of this section and any rules and regulations promulgated hereunder shall apply to any individual licensed by the Kansas department of agriculture to process, manufacture, produce or distribute industrial hemp under the research program established by K.S.A. 2018 Supp. 2-3902, and amendments thereto, except that no such individual shall be subject to the licensure application or renewal fees set forth in this section.

(b) (1) The industrial hemp regulatory commission shall establish an electronic database to store information detailing:

(A) Each license issued to any hemp processor in accordance with this section, including any modification, revocation, suspension or other action relating to the license;

(B) each individual working as an employee, agent or unpaid worker of a hemp processor; and

(C) other information deemed necessary or appropriate by the director of the industrial hemp regulatory commission.

(2) Information in the database shall be shared with law enforcement authorities in a manner prescribed by the Kansas bureau of investigation for the purpose of verifying the validity of any identification card or license issued in accordance with the commercial industrial hemp act or the location of any operations authorized by the commercial industrial hemp act.

(c) (1) A person may apply to the industrial hemp regulatory commission for initial or renewed licensure as a hemp processor on a form, in a manner and accompanied by a licensure fee not to exceed \$5,000 prescribed by the industrial hemp regulatory commission. Licensure as a hemp processor shall authorize the licensee to process industrial hemp into hemp products in accordance with and for the purposes set forth in this section, and to perform other acts deemed necessary and incidental thereto by the industrial hemp regulatory commission, as established in rules and regulations adopted by the industrial hemp regulatory commission.

(2) No person not in current compliance with any Kansas tax law administered by the director of taxation of the department of revenue, any tax, fee or payment administered by the department of labor or any fee or charge administered by any other state agency shall have an ownership interest in a hemp processor.

(3) An applicant shall provide the following information and documentation on an application for licensure as a hemp processor:

(A) The name, address and telephone number of the applicant;

(B) the physical location of any premises that will be operated as a part of the hemp processor's operations;

(C) documentation that the applicant is a resident of the state of Kansas;

(D) the name of each owner of any land, structure or building where any operations of the hemp processor will occur or any motor vehicle that will be used to distribute or transport industrial hemp or hemp products and each individual who will otherwise be involved with the hemp processor's operations, whether as an employee, agent or unpaid worker; and

(E) any other information required by the industrial hemp regulatory commission.

(4) (A) The industrial hemp regulatory commission shall require any individual working as an employee, agent or unpaid worker of a hemp processor to be fingerprinted and to submit to a state and national criminal history record check. The

fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The commission is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The commission may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications and fitness of the individual to work as an employee, agent or unpaid worker of the hemp processor. Disclosure or use of any information received by the commission for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(B) As a condition of licensure as a hemp processor under this section, an individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from being employed, serving as an agent or otherwise working in any manner under a hemp processor under this section.

(C) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(D) The individual seeking to work as an employee, agent or unpaid worker of a hemp processor shall pay the costs of fingerprinting and the state and national criminal history record checks.

(5) Within 60 calendar days of receiving any application pursuant to this section, the industrial hemp regulatory commission shall issue a decision to grant or deny licensure to the applicant as a hemp processor.

(6) If the industrial hemp regulatory commission denies initial or renewed licensure to a hemp processor, the industrial hemp regulatory commission shall refund $\frac{1}{2}$ of the applicant's application fee or renewal fee.

(7) (A) Licensure as a hemp processor shall be effective for a period of two years. If the industrial hemp regulatory commission grants initial or renewed licensure to a hemp processor, the industrial hemp regulatory commission shall require the applicant or licensee to:

- (i) Pay a licensure fee not to exceed \$5,000; and
- (ii) provide satisfactory evidence that the hemp processor has obtained a surety bond in an amount required by the industrial hemp regulatory commission based on the size and actual and projected yield of the hemp processor operations, the number of facilities operated by the hemp processor and other factors established by the industrial hemp regulatory commission in rules and regulations.

(B) The industrial hemp regulatory commission shall remit all moneys from any fees under this section to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount of moneys into the state treasury to the credit of the commercial industrial hemp processor fund established by this section.

(8) The industrial hemp regulatory commission shall require any individual working as an employee, agent or unpaid worker of a hemp processor to have documentation in their possession at all times that they are engaged in the processing,

manufacturing or distribution of industrial hemp or hemp products that would prove to any law enforcement officer that such individual is authorized to engage in such activities.

(9) All actions by the industrial hemp regulatory commission under this subsection shall be in accordance with the Kansas administrative procedure act and reviewable in accordance with the Kansas judicial review act.

(d) It shall be unlawful for a person to process, manufacture or distribute industrial hemp or hemp products in violation of the provisions of this section.

(1) Upon a first conviction for a violation of subsection (d), a person shall be guilty of a class A nonperson misdemeanor and sentenced to not more than one year in confinement and fined not less than \$1,000, nor more than \$2,500.

(2) On a second conviction for a violation of subsection (d), a person shall be guilty of a severity level 9, nonperson felony and fined a sum of not less than \$10,000, nor more than \$100,000, and sentenced according to the provisions of K.S.A. 21-6804, and amendments thereto.

(3) On a third or subsequent conviction for a violation of subsection (d), a person shall be guilty of a severity level 9, nonperson felony and fined a sum of not less than \$50,000, nor more than \$100,000, and sentenced according to the provisions of K.S.A. 21-6804, and amendments thereto.

(4) The penalties provided hereunder are cumulative to the remedies or penalties, including all civil penalties, under all other laws of this state.

(e) There is hereby established in the state treasury the commercial industrial hemp processor fund. The commercial industrial hemp processor fund shall be administered by the industrial hemp regulatory commission. All expenditures from the commercial industrial hemp processor fund shall be used for costs related to hemp processor regulation and enforcement by the industrial hemp regulatory commission. All expenditures from the commercial industrial hemp processor fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the industrial hemp regulatory commission or the director's designee. All moneys received by the director of the industrial hemp regulatory commission from fees imposed by this section shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the commercial industrial hemp processor fund.

(f) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 5. (a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

- (A) Cigarettes containing industrial hemp;
- (B) cigars containing industrial hemp;
- (C) chew, dip or other smokeless material containing industrial hemp;
- (D) teas containing industrial hemp;
- (E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and

(F) any hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp, unless any such ingredient is generally recognized as safe under its intended conditions of use or otherwise approved by the

United States food and drug administration under the federal drug and cosmetic act.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

(i) Ingested orally; or
 (ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

(i) Designed by the manufacturer for human or animal consumption;

(ii) marketed for human or animal consumption; or

(iii) distributed with the intent that it be used for human or animal consumption.

(b) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not operating under a hemp processor license pursuant to this section, or any individual who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to section 2, and amendments thereto, or the research program established pursuant to K.S.A. 2018 Supp. 2-3902, and amendments thereto:

(1) Industrial hemp buds;

(2) ground industrial hemp floral material; and

(3) ground industrial hemp leaf material.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor and sentenced to not more than one year in confinement and fined not less than \$1,000, nor more than \$2,500.

(2) On a second conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony and fined a sum of not less than \$10,000, nor more than \$100,000, and sentenced according to the provisions of K.S.A. 21-6804, and amendments thereto.

(3) On a third or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony and fined a sum of not less than \$50,000, nor more than \$100,000, and sentenced according to the provisions of K.S.A. 21-6804, and amendments thereto.

(4) The penalties provided hereunder are cumulative to the remedies or penalties, including all civil penalties, under all other laws of this state.

(d) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 6. (a) (1) All solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and all hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, resulting from the cultivation, production or processing of industrial hemp under the commercial industrial hemp act shall be managed in accordance with all applicable solid and hazardous waste laws and regulations and the requirements of subsection (a)(2).

(2) (A) If any such waste can be used in the same manner as, or has the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto, all such waste shall be rendered unusable and unrecognizable before the waste is transported or disposed.

(B) This requirement shall not apply to waste that is managed as a hazardous waste and sent to a hazardous waste facility, as defined in K.S.A. 65-3430, and amendments thereto.

(3) For the purposes of this section, "unusable and unrecognizable" means that such waste can not be used in the same manner as, and does not have the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto.

(b) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.";

Also on page 3, in line 29, by striking all after "(1)"; by striking all in lines 30 through 32; in line 33, by striking "(2)"; in line 43, by striking "clearing" and inserting "disposing of";

On page 4, in line 7, by striking "certified" and inserting "authorized"; also in line 7, after "seed" by inserting "or clone plants"; in line 10, by striking the first comma and inserting "or"; also in line 10, by striking ", distribution or processing"; in line 13, after "(7)" by inserting "'Hemp processor" means a person licensed under section 4, and amendments thereto, to process, manufacture and distribute industrial hemp and hemp products.

(7) ";

Also on page 4, in line 18, after "(8)" by inserting "'Person" means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

(9)";

Also on page 4, following line 23, by inserting:

"(11) "Authorized seed or clone plants" means a source of industrial hemp seeds or clone plants that:

(A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;

(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor that such seeds or clone plants possess such qualities; or

(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq.";

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

Also on page 4, in line 27, by striking "certified" and inserting "authorized"; also in line 27, after "seed" by inserting "or clone plants";

On page 5, in line 9, by striking "certified" and inserting "authorized"; also in line 9, after "seed" by inserting "or clone plants"; in line 17, by striking "certified" and inserting "authorized"; also in line 17, after "seed" by inserting "or clone plants";

On page 6, in line 9, before "The" by inserting "(1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under the research program established under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of

investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking a license or license renewal under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(e)";

Also on page 6, in line 12, by striking "fingerprinting, background checks or"; in line 17, after the stricken material by inserting "Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp pursuant to this section.";

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

On page 25, in line 3, by striking all after "tetrahydrocannabinols"; by striking all in lines 4 and 5; in line 6, by striking all before the period and inserting "in any of the following:

- (A) Industrial hemp, as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto;
- (B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis; or
- (C) hemp products, as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to section 5, and amendments thereto";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Children and Seniors** recommends **HB 2228** be amended by adoption of the amendments recommended by the House Committee on Children and Seniors as reported in the Journal of the House on February 26, 2019, and the bill, as

printed with amendments by House Committee, be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5009** be adopted.

Committee on **Federal and State Affairs** recommends **SB 53** be amended on page 1, in line 11, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 77**, as amended by Senate Committee, be amended on page 1, in line 13, after "center" by inserting "or other mental health provider"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2389** be amended on page 1, in line 6, by striking all after "(a)"; by striking all in lines 7 through 18; in line 19, by striking all before the period and inserting "Every prescription order issued for a controlled substance in schedules II-IV that contains an opiate, as described in the uniform controlled substances act, shall be transmitted electronically unless:

(1) Electronic prescription orders are not possible due to technological or electronic system failures;

(2) electronic prescribing is not available to the prescriber due to economic hardship or technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances exist, as demonstrated by the prescriber;

(3) the prescription order is for a compounded preparation containing two or more components or requires information that makes electronic submission impractical, such as complicated or lengthy instructions for use;

(4) the prescription order is issued by a licensed veterinarian;

(5) the prescriber reasonably determines that it would be impractical for the patient to obtain the substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition;

(6) the prescription order is issued pursuant to drug research or drug therapy protocols;

(7) the prescription order is by a prescriber who issues 50 or fewer prescription orders per year for controlled substances that contain opiates; or

(8) the United States food and drug administration requires the prescription order to contain elements that are not compatible or possible with electronic prescriptions";

Also on page 1, in line 36, by striking all after "(c)";

On page 2, by striking all in lines 1 through 3; in line 4, by striking "(d)"; in line 7, by striking "January 1, 2020" and inserting "July 1, 2021"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2244** be amended on page 1, in line 16, by striking all after "a"; by striking all in line 17; in line 18, by striking all before the period and inserting "medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery";

Also on page 1, in line 25, by striking "agreed requirements" and inserting "international standards organization 17025 or national environmental laboratory accreditation program standards"; in line 27, by striking all after "(c)"; by striking all in lines 28 through 35; in line 36, by striking "(d)";

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

On page 3, in line 24, by striking "any"; also in line 24, by striking "K.S.A."; in line 25, by striking all before "arising" and inserting "this section"; in line 26, by striking "that" and inserting "if the person"; in line 27, by striking all after "(1)"; by striking all in lines 28 through 32; in line 33, by striking "condition" and inserting "Has a debilitating medical condition, as defined in section 1, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;

(2) is possessing a cannabidiol treatment preparation, as defined in section 1, and amendments thereto, that is being used to treat such debilitating medical condition; and

(3) has possession of a letter dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery who diagnosed the debilitating medical condition that identifies the person or the person's minor child as a patient and identifies the patient's debilitating medical condition";

On page 1, in the title, in line 1, by striking "health and healthcare" and inserting "medical treatments"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2179** 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 ASSIGNMENT CHANGES

Speaker pro tem Finch announced the appointment of Rep. Straub to serve on Committee on Local Government, Committee on Agriculture and Natural Resources Budget and Committee on Agriculture.

Also, the appointment of Rep. B. Carpenter to replace Rep. Landwehr on Committee on Appropriation on March 20, 2019.

Also, the appointment of Rep. Parker to replace Rep. Alcalá on Committee on Taxation on March 20, 2019.

Also, the appointment of Rep. Whipple to replace Rep. Alcalá on Committee on Appropriations on March 20, 2019.

On motion of Rep. Hawkins, the House recessed until 3:45 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE GOVERNOR

March 20, 2019

Message to the Kansas House of Representatives:

Enclosed is Executive Order No. 19-04 for your information.

EXECUTIVE ORDER NO. 19-04
Establishing the Governor's Military Council

Laura Kelly
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

On motion of Rep. Sutton, Committee of the Whole report, as follows, was adopted:
Recommended that discussion resume on **HB 2066**.

On motion of Rep. Waymaster, to amend **HB 2066** by amending the amendment designated fa_2019_hb2066_h_1427, adopted by the House Committee of the Whole on March 20, 2019, in new section 1 of the amendment by striking "13" and inserting "14";

In new section 13 of the amendment, by striking "may" and inserting "shall";

Following the written material in new section 13 of the amendment by inserting:

"New Sec. 14. (a) The department of health and environment shall charge to each person enrolled under the KanCare bridge to a healthy Kansas program a \$25 monthly fee as a condition of participation in the program, up to a maximum of \$100 per month per family household.

(b) The department of health and environment shall remit all moneys collected under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state general fund.

(c) (1) The department of health and environment shall suspend an enrollee's coverage under the KanCare bridge to a healthy Kansas program for three calendar months following three consecutive calendar months of nonpayment of the fee established under this section.

(2) Any such suspended enrollee may apply for reinstatement of coverage one time.

(3) The department of health and environment shall suspend an enrollee's reinstated coverage permanently following another three consecutive months of nonpayment of the fee established under this section.";

And by renumbering sections accordingly.

Also, roll call was demanded on motion of Rep. Owens to amend **HB 2066**, as amended by House Committee, by amending the amendment designated as fa_2019_hb2066_h_1427, adopted by the House Committee of the Whole on March 20, 2019, in new section 2 of the amendment, after "program." by inserting "The department of health and environment shall submit each new enrollee-applicant under the KanCare bridge to a healthy Kansas program to the e-verify system operated by the United States department of homeland security. Only enrollee-applicants who meet the e-verify requirements for employment in accordance with federal law shall be eligible to enroll in the KanCare bridge to a healthy Kansas program.

On roll call, the vote was: Yeas 61; Nays 63; Present but not voting: 0; Absent or not voting: 1.

Yeas: Arnberger, Awerkamp, Barker, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Claeyes, Clark, Collins, Corbet, Croft, Delperdang, Dietrich, Donohoe, Dove, Ellis, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hodge, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Johnson, Landwehr, Lynn, Mason, Owens, Pannbacker, F. Patton, Rahjes, Resman, Rhiley, Ryckman, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar,

Vickrey, Waggoner, Warren, Wasinger, Waymaster, K. Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carlson, Carmichael, Clayton, Concannon, Cox, Curtis, Dierks, Eplee, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Holscher, Horn, Jennings, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phillips, Pittman, Probst, Proehl, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Stogsdill, Thompson, Victors, Ward, Warfield, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Straub.

The motion of Rep. Owens did not prevail.

Also, roll call was demanded on motion of Rep. Humphries, to amend **HB 2066**, as amended by House Committee, by amending the amendment designated as `fa_2019_hb2066_h_1427`, adopted by the House Committee of the Whole on March 20, 2019, in new section 1 of the amendment by striking "13" and inserting "14";

Following the written material in new section 13 of the amendment by inserting:

"New Sec. 14. The KanCare bridge to a healthy Kansas program shall not provide coverage or reimbursement for any abortion services.";

And by renumbering sections accordingly.

On roll call, the vote was: Yeas 90; Nays 34; Present but not voting: 0; Absent or not voting: 1.

Yeas: Arnberger, Awerkamp, Baker, Barker, Bergquist, Blex, Burris, Burroughs, Capps, Carlson, B. Carpenter, W. Carpenter, Claeys, Clark, Collins, Concannon, Corbet, Cox, Croft, Delderang, Dierks, Dietrich, Donohoe, Dove, Ellis, Eplee, Erickson, Esau, Finch, Francis, French, Frownfelter, Garber, Hawkins, Helmer, Hibbard, Highland, Hineman, Hodge, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Jennings, Johnson, Karleskint, Kelly, Kessinger, Landwehr, Long, Lynn, Mason, Mastroni, Moore, Orr, Owens, Pannbacker, F. Patton, Phillips, Pittman, Proehl, Rahjes, Ralph, Resman, Rhiley, Ryckman, Samsel, Schreiber, Seiwert, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thomas, Thompson, Toplikar, Vickrey, Waggoner, Ward, Warren, Wasinger, Waymaster, Weigel, Wheeler, Whipple, K. Williams.

Nays: Alcalá, Amyx, Ballard, Benson, Bishop, Carlin, Carmichael, Clayton, Curtis, Finney, Gartner, Helgerson, Henderson, Highberger, Holscher, Horn, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Probst, Ruiz, L., Ruiz, S., Sawyer, Stogsdill, Victors, Warfield, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Straub.

The motion of Rep. Humphries prevailed.

Also roll call was demanded on motion of Rep. Williams to amend **HB 2066**, as amended by House Committee, by amending the amendment designated as `fa_2019_hb2066_h_1427`, adopted by the House Committee of the Whole on March 20, 2019, in new section 1 of the amendment by striking "13" and inserting "14";

Following the written material in new section 13 by inserting:

"New Sec. 14. The department shall implement a dashboard or other publicly available monitoring and reporting system, updated on at least a monthly basis, that demonstrates outcomes that the KanCare bridge to a healthy Kansas program is having on enrollees and healthcare providers. Such monitoring and reporting system shall

include information about improved health outcomes and economic benefits resulting from the KanCare bridge to a healthy Kansas program.";

And by renumbering sections accordingly.

On roll call, the vote was: Yeas 55; Nays 67; Present but not voting: 0; Absent or not voting: 3.

Yeas: Arnberger, Averkamp, Barker, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Claeys, Collins, Corbet, Croft, Delperdang, Donohoe, Dove, Ellis, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Landwehr, Lynn, Mason, Owens, F. Patton, Rahjes, Resman, Rhiley, Ryckman, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, K. Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carlson, Carmichael, Clark, Clayton, Concannon, Cox, Curtis, Dierks, Dietrich, Eplee, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Johnson, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, Phillips, Pittman, Probst, Proehl, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Stogsdill, Thompson, Victors, Ward, Warfield, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Jennings, Smith, A., Straub.

The motion of Rep. Williams did not prevail.

Also roll call was demanded on motion of Rep. Landwehr to amend **HB 2066**, as amended by House Committee, by amending the amendment designated fa_2019_hb2066_h_1427, adopted by the House Committee of the Whole on March 20, 2019, in new section 1 of the amendment, by striking "13" and inserting "14";

In new section 5 of the amendment, by striking "shall not" and inserting "shall"; also in new section 5 of the amendment, by striking "does not require" and inserting "requires";

Following the written material in new section 13 of the amendment by inserting:

"New Sec. 14. Notwithstanding any other provision of law to the contrary, no state moneys or matching federal moneys allocated for state medicaid services under the Kansas program of medical assistance shall be expended for reimbursement to any non-public entity provider that provides family planning services but does not provide comprehensive primary and preventative care services.";

And by renumbering sections accordingly.

On roll call, the vote was: Yeas 55; Nays 69; Present but not voting: 0; Absent or not voting: 1.

Yeas: Arnberger, Averkamp, Barker, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Claeys, Collins, Corbet, Croft, Delperdang, Donohoe, Dove, Ellis, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Johnson, Landwehr, Lynn, Mason, Owens, F. Patton, Rahjes, Resman, Rhiley, Ryckman, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger, K. Williams.

Nays: Alcalá, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carlson,

Carmichael, Clark, Clayton, Concannon, Cox, Curtis, Dierks, Dietrich, Eplee, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jennings, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, Phillips, Pittman, Probst, Proehl, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Smith, A., Stogsdill, Thompson, Victors, Ward, Warfield, Waymaster, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Present but not voting: None.

Absent or not voting: Straub.

The motion of Rep. Landwehr did not prevail.

Also, roll call was demanded on motion to recommend **HB 2066** favorably for passage as amended.

On roll call, the vote was: Yeas 70; Nays 54; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcala, Amyx, Baker, Ballard, Benson, Bishop, Burroughs, Carlin, Carlson, Carmichael, Clark, Clayton, Concannon, Cox, Curtis, Dierks, Dietrich, Eplee, Finney, Frownfelter, Gartner, Helgerson, Henderson, Hibbard, Highberger, Hineman, Hodge, Holscher, Horn, Jennings, Johnson, Karleskint, Kelly, Kessinger, Kuether, Long, Lusk, Mastroni, Moore, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Pannbacker, Parker, F. Patton, Phillips, Pittman, Probst, Proehl, Ralph, Ruiz, L., Ruiz, S., Samsel, Sawyer, Schreiber, Smith, A., Stogsdill, Thompson, Victors, Ward, Warfield, Weigel, Wheeler, Whipple, Winn, Wolfe Moore, Woodard, Xu.

Nays: Arnberger, Awerkamp, Barker, Bergquist, Blex, Burris, Capps, B. Carpenter, W. Carpenter, Claeys, Collins, Corbet, Croft, Delperdang, Donohoe, Dove, Ellis, Erickson, Esau, Finch, Francis, French, Garber, Hawkins, Helmer, Highland, Hoffman, Hoheisel, Houser, Howard, Huebert, Humphries, Jacobs, Landwehr, Lynn, Mason, Owens, Rahjes, Resman, Rhiley, Ryckman, Seiwert, Smith, E., Sutton, Tarwater, Thimesch, Thomas, Toplikar, Vickrey, Waggoner, Warren, Wasinger, Waymaster, K. Williams.

Present but not voting: None.

Absent or not voting: Straub.

The motion prevailed and **HB 2066** be passed as amended.

The following notation is made in accordance with House Rule 3906: **HB 2066** was amended upon motion on Rep. Wolfe-Moore, on March 20, 2019, to strike all sections after the enacting clause and insert the contents of Sections 1 through 14 of **HB 2102**.

HB 2041 be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2337** be passed.

Committee on **Education** recommends **SB 71** be passed.

Committee on **Elections** recommends **SB 105** 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 **Education** recommends **SB 128**, as amended by Senate Committee of the Whole, be passed.

Committee on **Education** recommends **SB 199** be passed.

Committee on **Elections** recommends **SB 7**, as amended by Senate Committee, be passed.

Committee on **Insurance** recommends **SB 67** be passed.

REPORT ON ENGROSSED BILLS

HB 2082 reported correctly engrossed March 20, 2019.

On motion of Rep. Hawkins, the House adjourned until 11:00 a.m., Thursday, March 21, 2019.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

