

Journal of the House

FORTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 16, 2017, 11:00 a.m.

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

The roll was called with 125 members present.

Prayer by guest chaplain, Kenneth J. Harder, pastor, Emmanuel Mennonite Church, Meade, and guest of Rep. Orr:

Dear Heavenly Father, What a privilege is to serve you and this great State of Kansas. You say in your Holy Word that if any lack wisdom we were to ask you for it, not trust in ourselves for it. I ask you for wisdom. Infuse your divine wisdom into the representatives of this house, to the senators also, and the governor. Protect their families as we know that families are the backbone and foundation of a prospering society. Thank you Lord for each family and the situations which they are facing today. Thank you also for our firefighters who protected us last week during the wild fires. Bless them and their families. Renew the land once again by sending us the rain and restore what has been lost and comfort those who have lost loved ones. Bring us together to rebuild for your glory and our benefit. Then last but not least, thank you for all of the human and material resources we as Kansans have access to; they belong to you. Since they belong to you, will you bless us again and show us how to get out of the budget shortfall. Let the decisions that come forth from this legislature and from judges in our courts be just and right God honoring.

I ask all these things in the Name of the Lord Jesus Christ who died to pay our sins. Amen!

The Pledge of Allegiance was led by Rep. Curtis.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2392, HB 2393, HB 2394.**

Federal and State Affairs: **HB 2391.**

Taxation: **HB 2395.**

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Ryckman, **HR 6023**, A RESOLUTION honoring the life of Srinivas Kuchibhotla and recognizing a united community and state, was adopted.

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

In February, an innocent life was taken in Olathe, at Austin's Bar and Grill. Our hearts go out to the family, friends, coworkers, and neighbors of Srinivas Kuchibhotla who are grieving and mourning at home and abroad. Srinivas was a specialized engineer at Garmin, who came to Kansas to pursue the American Dream.

These two gentlemen, Alok Madasani and Ian Grillot, were injured and are still actively recovering. We are very grateful that both of them could be with us today. They acted in good faith and are heroes, and we would like to thank them.

We would also like to thank the India Association of Kansas City, the City of Olathe, and Garmin for providing so much support for the community, and especially for the victims families.

This tragedy has devastated Olathe, and while it has been a shock, it has also strengthened our community and reaffirmed our compassion and unity. This event certainly does not represent our city, our county, or our state. Thousands have come together to offer love, support, and continued prayers. These evil acts do not define us, and they will not divide us. This is Kansas, and acts of evil, like this, have no place here.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 32, AN ACT relating to mental health care; medical student and resident loan assistance; medical student loan agreements; practice commitment agreements; providing for agreements for the practice of psychiatry; establishing the psychiatry medical loan repayment fund and the rural health bridging psychiatry fund; concerning mental healthcare facilities; amending K.S.A. 76-387 and 76-12a07 and K.S.A. 2016 Supp. 75-3373, 76-381, 76-382, 76-383, 76-384 and 76-385 and repealing the existing sections, was considered on final action.

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

Yeas: Alcalá, Alford, Arnberger, Aurand, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams,

Wilson, Winn, Wolfe Moore.

Nays: Awerkamp, DeGraaf, Garber, Jacobs, R. Powell.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 42, AN ACT concerning children and minors; relating to the revised Kansas juvenile justice code; amending K.S.A. 2015 Supp. 38-2304, as amended by section 30 of chapter 46 of the 2016 Session Laws of Kansas, 38-2342, as amended by section 36 of chapter 46 of the 2016 Session Laws of Kansas, 38-2361, as amended by section 42 of chapter 46 of the 2016 Session Laws of Kansas, 38-2368, as amended by section 45 of chapter 46 of the 2016 Session Laws of Kansas, 38-2369, as amended by section 46 of chapter 46 of the 2016 Session Laws of Kansas, 38-2375, as amended by section 51 of chapter 46 of the 2016 Session Laws of Kansas and K.S.A. 2016 Supp. 38-2330, 38-2346, 38-2391, 38-2392, 75-52,161, 75-52,162, 75-52,164 and 75-6704 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeyes, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, Landwehr, Lewis, Lusk, Lusker, Markley, Mason, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Osterman, Ousley, Parker, F. Patton, Phelps, Phillips, Pittman, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ruiz, Ryckman, Sawyer, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Stogsdill, Sutton, S. Swanson, Tarwater, Terrell, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2343** be passed.

Roll call was demanded on motion of Rep. Hodge to amend **SB 17** on page 1, following line 4, by inserting:

"WHEREAS, The amendments to K.S.A. 40-284 and K.S.A. 2016 Supp. 40-3107 by this act shall be known and may be cited as the injured motorist fair compensation act.

Now, therefore:"

Also on page 1, following line 31, by inserting:

"Sec. 2. On and after January 1, 2018, K.S.A. 40-284 is hereby amended to read as follows: 40-284. (a) No automobile liability insurance policy covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be renewed, delivered or issued for delivery in this state on or after January 1, 2018, with respect to any motor vehicle registered or principally garaged in this state, unless the policy contains or has endorsed thereon, a provision with coverage limits equal to the limits of liability coverage for bodily injury or death in such automobile liability insurance policy sold to the named insured for payment of part or all sums which the insured or the insured's legal representative shall be legally entitled to recover as damages from the uninsured owner or operator of a motor vehicle because of bodily injury, sickness or disease, including death, resulting therefrom, sustained by the insured, caused by accident and arising out of ownership, maintenance or use of such motor vehicle, or providing for such payment irrespective of legal liability of the insured or any other person or organization. No insurer shall be required to offer, provide or make available coverage conforming to this section in connection with any excess policy, umbrella policy or any other policy which does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.

(b) Any uninsured motorist coverage shall include an underinsured motorist provision with coverage limits equal to the limits of liability provided by such uninsured motorist coverage which enables the insured or the insured's legal representative to recover from the insurer the amount of damages for bodily injury or death to which the insured is legally entitled from the owner or operator of another motor vehicle ~~with coverage limits equal to the limits of liability provided by such uninsured motorist coverage~~ to the extent such ~~coverage exceeds damages exceed~~ the limits of the bodily injury coverage carried by the owner or operator of the other motor vehicle. In no event shall the amount of available underinsured motorist coverage be reduced because of any payment by or on behalf of the owner or operator of the other motor vehicle or any third party.

(c) The insured named in the policy shall have the right to reject, in writing, the uninsured motorist coverage required by subsections (a) and (b) which is in excess of the limits for bodily injury or death set forth in K.S.A. 40-3107, and amendments thereto. A rejection by an insured named in the policy of the uninsured motorist coverage shall be a rejection on behalf of all parties insured by the policy. Unless the insured named in the policy requests such coverage in writing, such coverage need not be provided in any subsequent policy issued by the same insurer for motor vehicles owned by the named insured, including, but not limited to, supplemental, renewal, reinstated, transferred or substitute policies where the named insured had rejected the coverage in connection with a policy previously issued to the insured by the same insurer.

(d) Coverage under the policy shall be limited to the extent that the total limits

available cannot exceed the highest limits of any single applicable policy, regardless of the number of policies involved, persons covered, claims made, vehicles or premiums shown on the policy or premiums paid or vehicles involved in an accident.

(e) Any insurer may provide for the exclusion or limitation of coverage:

(1) When the insured is occupying or struck by an uninsured automobile or trailer owned or provided for the insured's regular use;

(2) when the uninsured automobile is owned by a self-insurer or any governmental entity;

(3) when there is no evidence of physical contact with the uninsured motor vehicle and when there is no reliable competent evidence to prove the facts of the accident from a disinterested witness not making claim under the policy;

(4) to the extent that workers' compensation benefits apply;

(5) when suit is filed against the uninsured motorist without notice to the insurance carrier; and

(6) to the extent that personal injury protection benefits apply.

(f) An underinsured motorist coverage insurer shall have subrogation rights under the provisions of K.S.A. 40-287, and amendments thereto. If a tentative agreement to settle for liability limits has been reached with an underinsured tortfeasor, written notice must be given by certified mail to the underinsured motorist coverage insurer by its insured. Such written notice shall include written documentation of pecuniary losses incurred, including copies of all medical bills and written authorization or a court order to obtain reports from all employers and medical providers. Within 60 days of receipt of this written notice, the underinsured motorist coverage insurer may substitute its payment to the insured for the tentative settlement amount. The underinsured motorist coverage insurer is then subrogated to the insured's right of recovery to the extent of such payment and any settlement under the underinsured motorist coverage. If the underinsured motorist coverage insurer fails to pay the insured the amount of the tentative tort settlement within 60 days, the underinsured motorist coverage insurer has no right of subrogation for any amount paid under the underinsured motorist coverage.";

On page 2, following line 4, by inserting:

"Sec. 4. On and after January 1, 2018, K.S.A. 2016 Supp. 40-3107 is hereby amended to read as follows: 40-3107. Every policy of motor vehicle liability insurance issued or renewed on or after January 1, ~~2017~~ 2018, by an insurer to an owner residing in this state shall:

(a) Designate by explicit description or by appropriate reference of all vehicles with respect to which coverage is to be granted;

(b) insure the person named and any other person, as insured, using any such vehicle with the expressed or implied consent of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of any such vehicle within the United States of America or the Dominion of Canada, subject to the limits stated in such policy;

(c) state the name and address of the named insured, the coverage afforded by the policy, the premium charged and the policy period;

(d) contain an agreement or be endorsed that insurance is provided in accordance with the coverage required by this act;

(e) contain stated limits of liability, exclusive of interest and costs, with respect to

each vehicle for which coverage is granted, not less than ~~\$25,000~~ \$50,000 because of bodily injury to, or death of, one person in any one accident and, subject to the limit for one person, to a limit of not less than ~~\$50,000~~ \$100,000 because of bodily injury to, or death of, two or more persons in any one accident, and to a limit of not less than \$25,000 because of harm to or destruction of property of others in any one accident;

(f) include personal injury protection benefits to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a motor vehicle, not exceeding the limits prescribed for each of such benefits, for loss sustained by any such person as a result of injury. The owner of a motorcycle, as defined by K.S.A. 8-1438, and amendments thereto, or motor-driven cycle, defined by K.S.A. 8-1439, and amendments thereto, who is the named insured, shall have the right to reject in writing insurance coverage including such benefits for injury to a person which occurs while the named insured is operating or is a passenger on such motorcycle or motor-driven cycle; and unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy when the named insured has rejected the coverage in connection with a policy previously issued by the same insurer. The fact that the insured has rejected such coverage shall not cause such motorcycle or motor-driven cycle to be an uninsured motor vehicle;

(g) notwithstanding any omitted or inconsistent language, any contract of insurance which an insurer represents as or which purports to be a motor vehicle liability insurance policy meeting the requirements of this act shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act;

(h) notwithstanding any other provision contained in this section, any insurer may exclude coverage required by subsections (a), (b), (c) and (d) of this section while any insured vehicles are:

(1) Rented to others or used to carry persons for a charge, however, such exclusion shall not apply to the use of a private passenger car on a share the expense basis; or

(2) being repaired, serviced or used by any person employed or engaged in any way in the automobile business. This does not apply to the named insured, spouse or relative residents; or the agents, employers, employees or partners of the named insured, spouse or resident relative; and

(i) in addition to the provisions of subsection (h) and notwithstanding any other provision contained in subsections (a), (b), (c) and (d) of this section, any insurer may exclude coverage:

(1) For any damages for which the United States government might be liable for the insured's use of the vehicle;

(2) for any damages to property owned by, rented to, or in charge of or transported by an insured, however, this exclusion shall not apply to coverage for a rented residence or rented private garage;

(3) for any obligation of an insured, or the insured's insurer under any type of workers' compensation or disability or similar law;

(4) for liability assumed by an insured under any contract or agreement;

(5) if two or more vehicle liability policies apply to the same accident, the total limits of liability under all such policies shall not exceed that of the policy with the highest limit of liability;

- (6) for any damages arising from an intentional act;
- (7) for any damages to any person who would be covered for such damages under a nuclear energy liability policy;
- (8) for any obligation of the insured to indemnify another for damages resulting from bodily injury to the insured's employee by accident arising out of and in the course of such employee's employment;
- (9) for bodily injury to any fellow employee of the insured arising out of and in the course of such employee's employment;
- (10) for bodily injury or property damage resulting from the handling of property:
 - (A) Before it is moved from the place where it is accepted by the insured for movement into or onto the covered auto; or
 - (B) after it is moved from the covered auto to the place where it is finally delivered by the insured;
- (11) for bodily injury or property damage resulting from the movement of property by a mechanical device, other than a hand truck, not attached to the covered auto; and
- (12) for bodily injury or property damage caused by the dumping, discharge or escape of irritants, pollutants or contaminants; however, this exclusion does not apply if the discharge is sudden and accidental.
- (j) Commencing with the 2026 legislative interim period, and at least every 10 years thereafter, subject to authorization by the legislative coordinating council, a legislative interim study committee shall study the issue of whether the minimum limits of liability in subsection (e) should be adjusted.";

Also on page 2, following line 5, by inserting:

"Sec. 6. On and after January 1, 2018, K.S.A. 40-284 and K.S.A. 2016 Supp. 40-3107 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after the semicolon by inserting "relating to motor vehicle liability insurance; uninsured motorist coverage and underinsured motorist coverage; increasing the minimum policy limit for bodily injury;"; also in line 2, after "K.S.A." by inserting "40-284 and"; also in line 2, after "and" by inserting "K.S.A. 2016 Supp. 40-3107 and"; in line 3, by striking "section" and inserting "sections"

On roll call, the vote was: Yeas 40; Nays 84; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alcalá, Ballard, Bishop, Burroughs, Carlin, Carmichael, Crum, S., Curtis, Deere, Finney, Frownfelter, Gartner, Henderson, Highberger, Hodge, Holscher, Kuether, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Pittman, Ruiz, Sawyer, Schroeder, Stogsdill, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Baker, Barker, Becker, Blex, Brim, Campbell, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Francis, Gallagher, Garber, Good, Hawkins, Helgerson, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Landwehr, Lewis, Markley, Mason, Mastroni, Orr, Osterman, F. Patton, Phillips, R. Powell, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schwab, Seiwert, Smith, A., Smith, E., Sutton,

S. Swanson, Tarwater, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Sloan.

The motion of Rep. Hodge did not prevail, and **SB 17** be passed.

Committee report to **SB 19** be adopted; and the bill be passed as amended.

Committee report to **Sub. HB 2223** be adopted; and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 46**, as amended by Senate Committee, be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 82a-716 is hereby amended to read as follows: 82a-716. If any appropriation, or the construction and operation of authorized diversion works results in an injury to any common-law claimant, such person shall be entitled to due compensation in a suitable action at law against the appropriator for damages proved for any property taken. Any person with a valid water right or permit to divert and use water may, after first exhausting the remedies available under K.S.A. 82a-717a, and amendments thereto, restrain or enjoin in any court of competent jurisdiction a subsequent diversion by a common-law claimant without vested rights without first condemning those common-law rights. After first exhausting the remedies available under K.S.A. 82a-717a, and amendments thereto, an appropriator shall have the right to injunctive relief to protect his or her prior right of beneficial use as against use by an appropriator with a later priority of right.

Sec. 2. K.S.A. 82a-717a is hereby amended to read as follows: 82a-717a. (a) No common-law claimant without a vested right, or other person without a vested right, a prior appropriation right, or an earlier permit shall divert or threaten to divert water if such diversion or threatened diversion impairs or would impair any vested right, appropriation right, or right under a permit to appropriate water. But any common-law claimant with a vested right, or other person with a vested right, a prior appropriation right, or an earlier permit may divert water in accordance with any such right or permit although such diversion or use thereunder conflicts with the diversion, use, proposed diversion, or proposed use made or proposed by a common-law claimant who does not have a vested right, or other person who does not have a vested right, a prior appropriation right or an earlier permit.

(b) (1) ~~Moreover,~~ Any common-law claimant with a vested right, or other person with a vested right, a prior appropriation right, or an earlier permit may ~~restrain or enjoin in any court of competent jurisdiction, in accordance with this subsection, obtain an order from the chief engineer that limits, curtails or prevents~~ any diversion or proposed diversion that impairs or would impair such right in the event that any such diversion or proposed diversion is made or is threatened to be made by any common-law claimant, or other person who does not have a vested right, a prior appropriation right, or an earlier permit.

(2) Any common-law claimant with a vested right, or other person with a vested right, a prior appropriation right, or an earlier permit who claims impairment of such right by any other person without a prior right to the same water shall submit a

complaint to the chief engineer in accordance with rules and regulations of the chief engineer.

(A) Within two weeks of receiving a complaint of impairment, the chief engineer shall initiate an investigation of such complaint and provide notice of such investigation to the complainant and the allegedly impairing party or parties. As part of the investigation, the chief engineer shall provide an opportunity for the parties to submit any relevant information, including submission of an engineering study that meets standards designated by the chief engineer through rules and regulations.

(B) Following the investigation, the chief engineer may issue an order, consistent with K.S.A. 82a-706b, and amendments thereto, and rules and regulations of the chief engineer, that limits, curtails or prevents the diversion and use of water by any person without a prior right to the same water or that otherwise disposes of the complaint.

(C) The chief engineer shall complete any investigation initiated pursuant to this subsection within 12 months of the date the complaint was submitted to the chief engineer, provided that the chief engineer may extend the investigation for good cause by notifying the parties in writing of the amount of time needed to complete the investigation.

(3) Concurrent with submission of a complaint under paragraph (2), or during the pendency of the chief engineer's investigation pursuant to the complaint, the complainant may petition the chief engineer to issue a temporary order, to be effective until a final order is issued under paragraph (2)(B), that limits, curtails or prevents the diversion and use of water by any person without a prior right to the same water upon a finding by the chief engineer that a substantial likelihood exists that impairment is occurring or will occur and that an order limiting, curtailing or preventing diversion and use of water by any person without a prior right to the same water would not be adverse to the public interest.

(4) Any order issued by the chief engineer pursuant to this subsection is subject to review in accordance with the Kansas judicial review act.;

On page 3, in line 31, after "(f)" by inserting "In addition to a management plan under subsection (e).";

On page 5, in line 13, before "K.S.A" by inserting "K.S.A. 82a-716 and 82a-717a and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the second semicolon by inserting "relating to the diversion of water; chief engineer; remedies for the impairment of a valid water right or permit to divert and use water.;" also in line 1, after "amending" by inserting "K.S.A. 82a-716 and 82a-717a and"; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2180** be amended on page 1, following line 6, by inserting:

"New Section 1. There is hereby established in the state treasury the community mental health center improvement fund. All moneys credited to the community mental health center improvement fund shall be used by the Kansas department for aging and disability services only for purposes related to community mental health centers. All expenditures from the community mental health center improvement 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 for aging and disability

services or the secretary's designee.";

Also on page 1, in line 20, by striking all before the second comma and inserting "June 30, 2017"; also in line 20, by striking all after the third comma; in line 21, by striking all before "1" and inserting "during the reporting period beginning July"; also in line 21, after the second comma by inserting "and ending December 31, 2022,"; also in line 21, after "5.77%" by inserting "and on and after January 1, 2023, the privilege fee shall be 2%";

On page 2, in line 30, after "(b)" by inserting "(1)"; also in line 30, by striking "first" and inserting "subject to the following priorities:

(A) First,";

Also on page 2, in line 32, by striking "and then" and inserting ";

(B) second, on July 1, 2017, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the sum of \$3,500,000 to the community mental health center improvement fund created by section 1, and amendments thereto, and on July 1 of each year thereafter, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer the sum of \$15,000,000 to the community mental health center improvement fund created by section 1, and amendments thereto; and

(C) third";

Also on page 2, in line 33, after the period by inserting:

"(2) ";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the semicolon by inserting "establishing the community mental health center improvement fund;"; and the bill be passed as amended.

Committee on **Children and Seniors** recommends **HB 2232** be amended on page 1, in line 31, after "(2)" by inserting "be informed of the proper procedures for reporting complaints, as outlined by the Kansas department for aging and disability services;

(3) ";

On page 2, following line 1, by inserting:

"The adult care home shall provide a copy of the completed form to the resident, any resident or residents with whom the resident shall share a room and the office of the state long-term care ombudsman.";

Also on page 2, in line 8, by striking all after "accommodations"; in line 9, by striking "options"; in line 15, by striking all after "accommodations"; in line 16, by striking "options"; in line 20, after "(f)" by inserting "Any resident who has previously conducted authorized electronic monitoring must obtain consent from any new roommates before the resident may resume authorized electronic monitoring. If a new roommate does not consent to electronic monitoring and the resident conducting the authorized electronic monitoring does not remove or disable the electronic monitoring device, the adult care home may turn off the device.

(g) Consent may be withdrawn by the resident, the resident's guardian or legal representative, or any roommate at any time, and the withdrawal of consent shall be documented in the resident's clinical record. If a roommate withdraws consent and the resident conducting the electronic monitoring does not remove or disable the electronic monitoring device, the facility may turn off the electronic monitoring device.

(h) ";

Also on page 2, in line 23, by striking "(g)" and inserting "(i) (1)"; following line 26, by inserting:

"(2) Each adult care home shall require that a resident, or such resident's guardian or legal representative, who conducts the electronic monitoring to post a conspicuous notice at the entrance to the resident's room stating that the room is being monitored electronically.

(j) If electronic monitoring is conducted, the adult care home may require the resident, the resident's guardian or legal representative, to conduct the electronic monitoring in plain view.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2264** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2264," as follows:

"Substitute for HOUSE BILL NO. 2264

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to a mandatory minimum term of imprisonment; amending K.S.A. 2016 Supp. 21-6620, 21-6623 and 21-6627 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub. HB 2264** was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 100**, 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 **Education** recommends **SB 166** 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 **Federal and State Affairs** recommends **HB 2042** be passed.

Committee on **Insurance** recommends **SB 110** be passed.

Committee on **Insurance** recommends **SB 15** 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 **Insurance** recommends **SB 14**, as amended by Senate Committee, be amended on page 3, in line 8, by striking all after "the"; in line 9, by striking "department" and inserting "commissioner"; in line 11, by striking "Section 1" and inserting "State law"; in line 16, by striking all before the quote; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 26** be passed.

Committee on **Transportation** recommends **SB 36**, as amended by Senate Committee, be passed.

Committee on **Transportation** recommends **HB 2194** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2194," as follows:

"Substitute for HOUSE BILL NO. 2194

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to motorcycles, approved safety training curriculum, location for safety courses; amending K.S.A. 2016 Supp. 8-240 and 8-272 and repealing the existing sections.";

And the substitute bill be passed.

(**Sub. HB 2194** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2396, AN ACT concerning income taxation; relating to credits and certain taxpayers domiciled in a rural opportunity zone; amending K.S.A. 2016 Supp. 79-32,267 and repealing the existing section, by Committee on Taxation.

HB 2397, AN ACT concerning the Kansas consumer protection act; relating to unconscionable acts or practices; attorneys, by Committee on Federal and State Affairs.

HB 2398, AN ACT concerning traffic control devices; relating to the maintenance thereof, counties and townships; amending K.S.A. 2016 Supp. 8-2005 and 68-526 and repealing the existing sections, by Committee on Federal and State Affairs.

COMMITTEE ASSIGNMENT CHANGES

Speaker Ryckman announced the appointment of Rep. Frownfelter to replace Rep. Miller on Committee on Federal and State Affairs on March 17, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Friday, March 17, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*

