

# Journal of the House

FORTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 21, 2017, 11:00 a.m.

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

The roll was called with 122 members present.

Rep. Alford was excused on verified illness.

Reps. Barker and Houser were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,  
thank You for your goodness, Your mercy,  
and Your faithfulness that You give to us freely  
each and every day.  
We thank You for all that has been accomplished thus far.  
We recognize that there is much more to do  
and as these leaders face even more difficult  
challenges and decisions in the days remaining,  
the temptation might be to become  
less patient and more aggressive;  
less tolerant and more insensitive;  
less agreeable and more belligerent;  
less soft spoken and more verbally abusive.  
Through Your Spirit I ask that You give to each one  
a spirit of unity and harmony.  
Help each one to have a gentle response,  
humbleness and gentleness,  
and to give grace as they have been given grace.  
In Christ's Name I pray,  
Amen.

The Pledge of Allegiance was led by Rep. Dove.

## INTRODUCTION OF GUESTS

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

Today I would like to welcome Miss Capital City, Hannah Mauler, and Miss Barton County, Maddy Hayden. Hannah is a sophomore at Kansas State University with a

personal platform of “How Fit is Your Life? A Healthy Lifestyle.” Hannah was also the 2016 Miss Barton County. Maddy Hayden is a senior at Great Bend High School with a personal platform of “Promoting Positive Body Image” and is attending Washburn University in the fall. Both are preparing for the Miss Kansas pageant in June.

Miss Kansas is a state preliminary to Miss America, one of the nation’s leading achievement programs and the world’s largest provider of scholarship assistance for young women; over \$45 million in tuition assistance is made available annually at the local, state and national levels. The program exists to provide personal and professional opportunities for young women to express their viewpoints, talents and accomplishments to audiences relative to culture, politics, and community service. Through the four program hallmarks, also known as the 4 points of the crown are scholarship, service, style and success, women are empowered and educated to be outstanding leaders.

Annually, over \$50,000 of scholarships are made available to Miss Kansas contestants at the state and local levels. In 2016, over \$75,000 was made available.

The 75th crowning of Miss Kansas was celebrated in 2016. Kansas is proud to have three Miss Americas. Miss Kansas is an advocate for the national platform, Children’s Miracle Network Hospitals, and her personal platform.

The 2017 Miss Kansas Pageant will be held the first full week of June in Pratt at Pratt Community College. The final competition will be held on Saturday, June 10. If we’re not still in session, I invite everyone to attend and support your local title holders. Please help me welcome Miss Capitol City, Hannah Mauler, and Miss Barton County, Maddy Hayden to the Kansas House of Representatives floor.

Rep. Arnberger presented Miss Mauler and Miss Hayden with framed House certificates.

## **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2406**, AN ACT concerning property taxation; relating to exemptions; repeal of exemption for certain pipeline property purchased after June 30, 2017; preserving exemption in certain circumstances; repealing K.S.A. 2016 Supp. 79-227, by Committee on Taxation.

## **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to committees as indicated:

Appropriations: **HB 2405**.

## **CHANGE OF REFERENCE**

Speaker pro tem Schwab announced the withdrawal of **HB 2374** from Committee on K-12 Education Budget and referral to Committee on Education.

## **MESSAGES FROM THE SENATE**

The Senate accedes to the request of the House for a conference on **Senate Substitute for Substitute for HB 2052** and has appointed Senators McGinn, Billinger and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 19**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **Substitute for SB 60**, requests a conference and has appointed Senators Kerschen, Estes and Francisco as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 65**, requests a conference and has appointed Senators Longbine, Billinger and Rogers as conferees on the part of the Senate.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 19**.

Speaker pro tem Schwab thereupon appointed Reps. Vickrey, Dove and Neighbor as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **H Sub for SB 60**.

Speaker pro tem Schwab thereupon appointed Reps. Hoffman, Thompson and Carlin as conferees on the part of the House.

On motion of Rep. Hineman, the House acceded to the request of the Senate for a conference on **SB 65**.

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

### CONSENT CALENDAR

No objection was made to **SB 15**, **SB 166** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

Objection was made to **SB 100** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 15**, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2016 Supp. 40-2c01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, 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: Alford, Barker, Houser.

The bill passed.

**SB 166**, AN ACT concerning higher education; relating to private and out-of-state educational institutions; exempting Cleveland university-Kansas City; amending K.S.A. 2016 Supp. 74-32,164 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcalá, Arnberger, Aurand, Awerkamp, Baker, Ballard, Becker, Bishop, Blex, Brim, Burroughs, Campbell, Carlin, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, Crum, S., Curtis, E. Davis, Deere, DeGraaf, Delperdang, Dierks, Dietrich, Dove, Elliott, Ellis, Eplee, Esau, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gartner, Good, Hawkins, Helgerson, Henderson, Hibbard, Highberger, Highland, Hineman, Hodge, Hoffman, Holscher, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Kuether, Lakin, 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, Waymaster, Weber, C., Weigel, Wheeler, Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Carmichael, Landwehr, Ward.

Present but not voting: None.

Absent or not voting: Alford, Barker, Houser.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 20** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **SB 51** be adopted; on motion of Rep. Wilson, **H Sub for SB 51** be amended (Corrected), on page 4, in line 32, after "include" by inserting ": (1)"; in line 36, after "germination" by inserting "; or (2) any substance listed in schedules II through V of the uniform controlled substances act";

On page 9, in line 14, after "include" by inserting ": (1)"; in line 19, after

"germination" by inserting "; or (2) any substance listed in schedules II through V of the uniform controlled substances act";

On page 25, following line 30, by inserting:

"Sec. 6. K.S.A. 2016 Supp. 65-4111 is hereby amended to read as follows: 65-4111.

(a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code ~~which that~~ has been assigned to it.

(b) Any material, compound, mixture or preparation ~~which that~~ contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1)	Alprazolam.....	2882
(2)	Barbital.....	2145
(3)	Bromazepam.....	2748
(4)	Camazepam.....	2749
(5)	Carisoprodol.....	8192
(6)	Chloral betaine.....	2460
(7)	Chloral hydrate.....	2465
(8)	Chlordiazepoxide.....	2744
(9)	Clobazam.....	2751
(10)	Clonazepam.....	2737
(11)	Clorazepate.....	2768
(12)	Clotiazepam.....	2752
(13)	Cloxazolam.....	2753
(14)	Delorazepam.....	2754
(15)	Diazepam.....	2765
(16)	Dichloralphenazone.....	2467
(17)	Estazolam.....	2756
(18)	Ethchlorvynol.....	2540
(19)	Ethinamate.....	2545
(20)	Ethyl loflazepate.....	2758
(21)	Fludiazepam.....	2759
(22)	Flunitrazepam.....	2763
(23)	Flurazepam.....	2767
(24)	Fospropofol.....	2138
(25)	Halazepam.....	2762
(26)	Haloxazolam.....	2771
(27)	Ketazolam.....	2772
(28)	Loprazolam.....	2773
(29)	Lorazepam.....	2885
(30)	Lormetazepam.....	2774
(31)	Mebutamate.....	2800
(32)	Medazepam.....	2836
(33)	Meprobamate.....	2820
(34)	Methohexital.....	2264
(35)	Methylphenobarbital (mephobarbital).....	2250

(36)	Midazolam.....	2884
(37)	Nimetazepam.....	2837
(38)	Nitrazepam.....	2834
(39)	Nordiazepam.....	2838
(40)	Oxazepam.....	2835
(41)	Oxazolam.....	2839
(42)	Paraldehyde.....	2585
(43)	Petrichloral.....	2591
(44)	Phenobarbital.....	2285
(45)	Pinazepam.....	2883
(46)	Prazepam.....	2764
(47)	Quazepam.....	2881
(48)	Temazepam.....	2925
(49)	Tetrazepam.....	2886
(50)	Triazolam.....	2887
(51)	Zolpidem.....	2783
(52)	Zaleplon.....	2781
(53)	Zopiclone.....	2784
(54)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol). .....	9752
(55)	Alfaxalone.....	2731
(56)	Suvorexant.....	2223

(c) Any material, compound, mixture, or preparation ~~which that~~ contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

(d) Any material, compound, mixture or preparation ~~which that~~ contains any quantity of lorcaserin (1625), including its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation ~~which that~~ contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Cathine ((+)-norpseudoephedrine).....	1230
(2)	Diethylpropion.....	1610
(3)	Fencamfamin.....	1760
(4)	Fenproporex.....	1575
(5)	Mazindol.....	1605
(6)	Mefenorex.....	1580
(7)	Pemoline (including organometallic complexes and chelates thereof).....	1530

(8) Phentermine.....1640

The provisions of this subsection (e)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 U.S.C. § 812; 21 code of federal regulations 1308.14).

(9) Pipradrol.....1750
(10) SPA((-)-1-dimethylamino-1, 2-diphenylethane).....1635
(11) Sibutramine.....1675
(12) Mondafinil.....1680

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which that contains any quantity of the following, including salts thereof:

(1) Pentazocine.....9709
(2) Butorphanol (including its optical isomers).....9720

(3) Cannabidiol, when comprising the sole active ingredient of a drug product approved by the United States food and drug administration: Some other names for cannabidiol: 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol

(3)(4) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid)(including its optical isomers) and its salts, isomers, and salts of isomers.....9725

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....9167
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane).....9278

(h) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which that have a depressant effect on the central nervous system.";

On page 26, in line 41, after "4107" by inserting ", 65-4111";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "65-4107" by inserting ", 65-4111" and **H Sub for SB 51** be passed as amended.

Committee report to **SB 14** be adopted; on motion of Rep. Hawkins, **SB 14** be amended on page 1, in line 5, before "Section" by inserting "New"; in line 6, by striking all after "(1)"; by striking all in lines 7 through 9; in line 10, by striking all before the period and inserting "'Licensee" means a person authorized to sell limited line insurance relating to the rental of self-service storage units pursuant to K.S.A. 2016 Supp. 40-4903, and amendments thereto"; in line 23, by striking all after "(b)"; by striking all in lines 24 through 34;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 15; in line 16, by striking "licensed insurance agents or brokers." and inserting " Insurance relating to the rental of self-service storage units shall only be sold by a licensee, and no such insurance shall be sold to any person in this state unless all of the following apply:

- (1) The rental period of the rental agreement does not exceed two years;
- (2) at every location where such insurance agreements are executed, brochures or other written materials are readily available to the prospective renter that:
  - (A) Summarize, clearly and correctly, the material terms of insurance coverage, including the identity of the insurer, offered to renters;
  - (B) disclose that this insurance may provide duplication of coverage already provided by a renter's or homeowner's insurance policy or other source of coverage;
  - (C) state that the purchase by the renter of this insurance is not required in order to rent a storage unit;
  - (D) describe the process for filing a claim in the event the renter elects to purchase coverage and in the event of a claim; and
  - (E) contain any additional information on the price, benefits, exclusions, conditions or other limitations of such policies as the commissioner may, by rules and regulations, prescribe;
- (3) at every location where such insurance agreements are executed, a sign, approved by the commissioner, is posted that contains the following, or substantially the same information: "State law requires the operator of this facility to inform you that insurance sold by this self-storage company may provide duplication of coverage already provided by a renter's or homeowner's policy or other source of coverage. You are encouraged to contact your primary insurance carrier if you have questions about your existing coverage."; and
- (4) evidence of coverage is provided to every renter who elects to purchase such insurance.

(c) ";

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

Also on page 4, following line 20, by inserting:

"(d) The commissioner shall adopt rules and regulations as necessary to carry out the provisions of this section by January 1, 2018.

Sec. 2. On and after January 1, 2018, K.S.A. 2016 Supp. 40-4903 is hereby amended to read as follows: 40-4903. (a) Unless denied licensure pursuant to K.S.A. 2016 Supp. 40-4909, and amendments thereto, any person who meets the requirements



of K.S.A. 2016 Supp. 40-4905, and amendments thereto, shall be issued an insurance agent license. An insurance agent may receive qualifications for a license in one or more of the following lines of authority:

(1) Life — insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(2) Accident and health or sickness — insurance coverage for sickness, bodily injury or accidental death and may include benefits for disability income.

(3) Property — insurance coverage for the direct or consequential loss or damage to property of every kind.

(4) Casualty — insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property.

(5) Variable life and variable annuity products — insurance coverage provided under variable life insurance contracts, variable annuities or any other life insurance or annuity product that reflects the investment experience of a separate account.

(6) Personal lines — property and casualty insurance coverage sold primarily to an individual or family for noncommercial purposes.

(7) Credit — limited line credit insurance.

(8) Crop insurance — limited line insurance for damage to crops from unfavorable weather conditions, fire, lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or any other peril subsidized by the federal crop insurance corporation, including multi-peril crop insurance.

(9) Title insurance — limited line insurance that insures titles to property against loss by reason of defective titles or encumbrances.

(10) Travel insurance — limited line insurance for personal risks incidental to planned travel, including, but not limited to:

(A) Interruption or cancellation of trip or event;

(B) loss of baggage or personal effects;

(C) damages to accommodations or rental vehicles; or

(D) sickness, accident, disability or death occurring during travel. Travel insurance does not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting six months or longer, for example, persons working overseas including military personnel deployed overseas.

(11) Pre-need funeral insurance — limited line insurance that allows for the purchase of a life insurance or annuity contract by or on behalf of the insured solely to fund a pre-need contract or arrangement with a funeral home for specific services.

(12) Bail bond insurance — limited line insurance that provides surety for a monetary guarantee that an individual released from jail will be present in court at an appointed time.

(13) Self-service storage unit insurance — limited line insurance relating to the rental of self-service storage units, including: (A) Personal effects insurance that provides coverage to renters of storage units at the same facility for the loss of, or damage to, personal effects that occurs at the same facility during the rental period; and (B) any other coverage that the commissioner may approve as meaningful and appropriate in connection with the rental of storage units. Such insurance may only be issued in accordance with section 1, and amendments thereto.

(14) Any other line of insurance permitted under the provisions of chapter 40 of the

Kansas Statutes Annotated, and amendments thereto, and any rules and regulations promulgated thereunder.

(b) Unless suspended, revoked or refused renewal pursuant to K.S.A. 2016 Supp. 40-4909, and amendments thereto, an insurance agent license shall remain in effect as long as education requirements for resident individual agents are met by such insurance agent's biennial due date.

(c) On and after the effective date of this act: (1) Each licensed insurance agent who is an individual and holds a property or casualty qualification, or both, or a personal lines qualification shall biennially obtain a minimum of 12 C.E.C.s in courses certified as property and casualty which shall include at least one hour of instruction in insurance ethics which also may include regulatory compliance. No more than three of the required C.E.C.s shall be in insurance agency management.

(2) Each licensed insurance agent who is an individual and holds a life, accident and health, or variable contracts qualification, or any combination thereof, shall biennially complete 12 C.E.C.s in courses certified as life, accident and health, or variable contracts which shall include at least one hour of instruction in insurance ethics which also may include regulatory compliance. No more than three of the required C.E.C.s shall be in insurance agency management.

(3) Each licensed insurance agent who is an individual and holds only a crop qualification shall biennially obtain a minimum of two C.E.C.s in courses certified as crop C.E.C.s under the property and casualty category.

(4) Each licensed insurance agent who is an individual and is licensed only for title insurance shall biennially obtain a minimum of four C.E.C.s in courses certified by the board of abstract examiners as title C.E.C.s under the property and casualty category.

(5) Each licensed insurance agent who is an individual and holds a life insurance license solely for the purpose of selling pre-need funeral insurance or annuity products shall file a report on or before such agent's biennial due date affirming that such agent transacted no other insurance business during the period covered by the report. Upon request of the commissioner, an agent shall provide certification from an officer of each insurance company which has appointed such agent that the agent transacted no other insurance business during the period covered by the report. Agents who have offered to sell or sold only pre-need funeral insurance are exempt from the requirement to obtain C.E.C.s.

(6) Each licensed insurance agent who is an individual and holds only a bail bond qualification is exempt from the requirement to obtain C.E.C.s.

(7) Each licensed insurance agent who is an individual and holds only a self-service storage unit qualification shall biennially obtain a minimum of two C.E.C.s in courses certified as self-service storage unit C.E.C.s under the property and casualty category.

(d) On and after the effective date of this act, each individual insurance agent who holds a license with both a property or casualty qualification, or both, and a life, accident and health or variable contracts qualification, or any combination thereof, and who earns C.E.C.s from courses certified by the commissioner as qualifying for credit in any class, may apply, at such insurance agent's option, such C.E.C.s toward either the property or casualty continuing education requirement or to the life, accident and health or variable contracts continuing education requirement. However, no C.E.C. shall be applied to satisfy both the biennial property or casualty requirement, or both, and the biennial requirement for life, accident and health or variable contracts, or any

combination thereof.

(e) An instructor of an approved subject shall be entitled to the same C.E.C. as a student completing the study.

(f) (1) An individual insurance agent who has been licensed for more than one year, on or before such insurance agent's biennial due date, shall file a report with the commissioner certifying that such insurance agent has met the continuing education requirements for the previous biennium ending on such insurance agent's biennial due date. Each individual insurance agent shall maintain a record of all courses attended together with a certificate of attendance for the remainder of the biennium in which the courses were attended and the entire next succeeding biennium.

(2) If the required report showing proof of continuing education completion is not received by the commissioner by the individual insurance agent's biennial due date, such individual insurance agent's qualification and each and every corresponding license shall be suspended automatically for a period of 90 calendar days or until such time as the producer satisfactorily demonstrates completion of the continuing education requirement whichever is sooner. In addition the commissioner shall assess a penalty of \$100 for each license suspended. If such insurance agent fails to furnish to the commissioner the required proof of continuing education completion and the monetary penalty within 90 calendar days of such insurance agent's biennial due date, such individual insurance agent's qualification and each and every corresponding license shall expire on such insurance agent's biennial due date. If after more than three but less than 12 months from the date the license expired, the insurance agent wants to reinstate such insurance agent's license, such individual shall provide the required proof of continuing education completion and pay a reinstatement fee in the amount of \$100 for each license suspended. If after more than 12 months from the date an insurance agent's license has expired, such insurance agent wants to reinstate such insurance agent's license, such individual shall apply for an insurance agent's license, provide the required proof of continuing education completion and pay a reinstatement fee in the amount of \$100 for each license suspended. Upon receipt of a written application from such insurance agent claiming extreme hardship, the commissioner may waive any penalty imposed under this subsection.

(3) On and after the effective date of this act, any applicant for an individual insurance agent's license who previously held a license which expires on or after June 30, 2001, because of failure to meet continuing education requirements and who seeks to be relicensed shall provide evidence that appropriate C.E.C.s have been completed for the prior biennium.

(4) Upon receipt of a written application from an individual insurance agent, the commissioner, in cases involving medical hardship or military service, may extend the time within which to fulfill the minimum continuing educational requirements for a period of not to exceed 180 days.

(5) This section shall not apply to any inactive insurance agent during the period of such inactivity. For the purposes of this paragraph, "inactive period" or "period of inactivity" shall mean a continuous period of time of not less than two years and not more than four years starting from the date inactive status is granted by the commissioner. Before returning to active status, such inactive insurance agent shall:

(A) File a report with the commissioner certifying that such agent has met the continuing education requirement; and

(B) pay the renewal fee. If the required proof of continuing education completion and the renewal fee is not furnished at the end of the inactive period, such individual insurance agent's qualification and each and every corresponding license shall expire at the end of the period of inactivity. For issuance of a new license, the individual shall apply for a license and pass the required examination.

(6) Any individual who allows such individual's insurance agent license in this state and all other states in which such individual is licensed as an insurance agent to expire for a period of four or more consecutive years, shall apply for a new insurance agent license and pass the required examination.

(g) (1) Each course, program of study, or subject shall be submitted to and certified by the commissioner in order to qualify for purposes of continuing education.

(2) Each request for certification of any course, program of study or subject shall contain the following information:

- (A) The name of the provider or provider organization;
- (B) the title of such course, program of study or subject;
- (C) the date the course, program of study or subject will be offered;
- (D) the location where the course, program of study or subject will be offered;
- (E) an outline of each course, program of study or subject including a schedule of times when such material will be presented;
- (F) the names and qualifications of instructors;
- (G) the number of C.E.C.s requested;
- (H) a nonrefundable C.E.C. qualification fee in the amount of \$50 per course, program of study or subject or \$250 per year for all courses, programs of study or subjects submitted by a specific provider or provider organization; and
- (I) a nonrefundable annual provider fee of \$100.

(3) Upon receipt of such information, the commissioner shall grant or deny certification of any submitted course, program of study or subject as an approved subject, program of study or course and indicate the number of C.E.C.s that will be recognized for each approved course, program of study or subject. Each approved course, program of study or subject shall be assigned by the commissioner to one or both of the following classes:

- (A) Property and casualty; or
- (B) life insurance, including annuity and variable contracts, and accident and health insurance.

(4) Each course, program of study or subject shall have a value of at least one C.E.C.

(5) Each provider seeking approval of a course, program of study or subject for continuing education credit shall issue or cause to be issued to each person who attends a course, program of study or subject offered by such provider a certificate of attendance. The certificate shall be signed by either the instructor who presents the course, program of study or course or such provider's authorized representative. Each provider shall maintain a list of all individuals who attend courses offered by such provider for continuing education credit for the remainder of the biennium in which the courses are offered and the entire next succeeding biennium.

The commissioner shall accept, without substantive review, any course, program of study or subject submitted by a provider which has been approved by the insurance supervisory authority of any other state or territory accredited by the NAIC. The

commissioner may disapprove any individual instructor or provider who has been the subject of disciplinary proceedings or who has otherwise failed to comply with any other state's or territory's laws or regulations.

(6) The commissioner may grant or approve any specific course, program of study or course that has appropriate merit, such as any course, programs of study or course with broad national or regional recognition, without receiving any request for certification. The fee prescribed by ~~paragraph (2)~~ of subsection (g)(2) shall not apply to any approval granted pursuant to this provision.

(7) The C.E.C. value assigned to any course, program of study or subject, other than a correspondence course, computer based training, interactive internet study training or other course pursued by independent study, shall in no way be contingent upon passage or satisfactory completion of any examination given in connection with such course, program of study or subject. The commissioner shall establish, by rules and regulations criteria for determining acceptability of any method used for verification of the completion of each stage of any computer based or interactive internet study training. Completion of any computer based training or interactive internet study training shall be verified in accordance with a method approved by the commissioner.

(h) Upon request, the commissioner shall provide a list of all approved continuing education courses currently available to the public.

(i) An individual insurance agent who independently studies an insurance course, program of study or subject which is not an agent's examination approved by the commissioner and who passes an independently monitored examination, shall receive credit for the C.E.C.s assigned by the commissioner as recognition for the approved subject. No other credit shall be given for independent study.

(j) Any licensed individual insurance agent who is unable to comply with license renewal procedures due to military service or some other extenuating circumstances may request a waiver of those procedures from the commissioner. Such agent may also request from the commissioner a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

Sec. 3. On and after January 1, 2018, K.S.A. 2016 Supp. 40-4903 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "units" by inserting "; amending K.S.A. 2016 Supp. 40-4903 and repealing the existing section" and **SB 14** be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2279** be amended on page 1, by striking all in lines 7 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 28 and inserting:

"Section 1. On and after July 1, 2018, K.S.A. 2016 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the

charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to

comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of ~~\$59~~ \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees 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 and shall credit ~~42.37%~~ the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, ~~31.78%~~ 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, ~~10.59%~~ 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and ~~15.26%~~ 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2016 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. ~~In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.~~

(e) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2015, through June 30, 2017, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.";

On page 4, following line 18, by inserting:

"Sec. 3. On and after July 1, 2018, K.S.A. 8-2110 is hereby repealed."; in line 19, by striking "8-241 and"; also in line 19, by striking "are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "drivers' license" and inserting "failure to comply with a traffic citation"; in line 3, by striking "8-241" and inserting "8-2110"; and the bill be passed as amended.

Committee on **Elections** recommends **SB 78** be amended on page 1, in line 26, after "(d)" by inserting "(1)"; following line 29, by inserting:

"(2) Failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the results of the election.

New Sec. 2. The secretary of state shall issue a press release and post a notice on the secretary of state's website notifying the public whenever the online voter registration website is unavailable for a period of 24 hours or more.";

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

Committee on **Health and Human Services** recommends **HB 2047** be amended on page 1, in line 7, by striking "withing" and inserting "within"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2277** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2277," as follows:

"Substitute for HOUSE BILL NO. 2277

By Committee on Local Government

"AN ACT concerning alcoholic liquor; creating common consumption areas designated by cities and counties; authorizing common consumption area permits; amending K.S.A. 2016 Supp. 41-719 and repealing the existing section.";

And the substitute bill be passed.

(Sub **HB 2277** was thereupon introduced and read by title.)

## REPORT ON ENROLLED RESOLUTIONS

**HR 6021, HR 6023** reported correctly enrolled and properly signed on March 21, 2017.

On motion of Rep. Hineman, the House adjourned until 11:00 a.m., Wednesday, March 22, 2017.

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

SUSAN W. KANNARR, *Chief Clerk.*