

Journal of the House

THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 10, 2016, 11:00 a.m.

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

The roll was called with 121 members present.

Reps. Concannon, Edmonds and Ewy were excused on excused absence by the Speaker.

Rep. Suellentrop was absent.

Prayer by Chaplain Brubaker:

Our Loving God in heaven,
Thank you for this beautiful day
which portrays Your wonderful creation.
As our leaders work today,
help them to work hard and play fair.
Help them to collaborate and work together as a team.
Help each one to realize it is not about him or her getting all the points,
but that it is equally important to assist one another.
Help them to work with respect and show good sport.
As emotions get high, keep tempers down.
Constantly give them the greater picture of the whole,
not just that of a single person or of this day.
And please do the same in the big
Sunflower State Showdown this afternoon.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Lusk.

PERSONAL PRIVILEGE

Rep. Seiwert welcomed the Government class of Fairfield High School from Langdon, Kansas who are here today shadowing various Representatives and Senators today with the intent to be more aware of the activities of their legislators.

Rep. Thimesch introduced Jody Lubbers, the government teacher whose idea it was to initiate this educational trip to the Capitol.

Students in attendance are: Logan Kalmar, Jasmine Pancratz, Emma Schwertfeger, Hanna Durham, Araseli Espinosa, Josei Zink, Mackenzie MacMahon, Tristen Pike, Kara Gaeddert, Jesse Dealy, Alyssa Alvarez, Ethan Williams, Branden Knight, Baylie Graham, Brad Bates, Jaden Evans, Melissa Schoenecker and Tessa Lofton.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2728, AN ACT concerning education; relating to the financing thereof; relating to unencumbered cash balances held by school districts, by Committee on Appropriations.

CORRECTION OF REFERENCE

Speaker Merrick announced **HB 2726** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Education Budget, should be corrected to be referred to Committee on Insurance and Financial Institutions.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2725**.

Insurance and Financial Institutions: **HB 2726**.

Pensions and Benefits: **HB 2724**.

Social Services Budget: **HB 2727**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2269** from Committee on Children and Seniors and referral to Committee on Calendar and Printing.

Also, the withdrawal of **HB 2171** from Committee on Commerce, Labor and Economic Development and referral to Committee on Calendar and Printing.

Also, the withdrawal of **HB 2291**, **HB 2295**, **HB 2312**, **HB 2322**, **HB 2584**, **HB 2628**, **HB 2650** from Committee on Federal and State Affairs and referral to Committee on Calendar and Printing.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **House Substitute for SB 44**, requests a conference and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **House Substitute for SB 128**, requests a conference and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 319**, requests a conference and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 321**, requests a conference and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **H Sub for SB 44**.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **H Sub for SB 128**.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 319**.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 321**.

Speaker Merrick thereupon appointed Reps. Barker, Macheers and Carmichael as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 370** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2369, AN ACT concerning tanning facilities; prohibiting minors' access to a tanning device, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Ballard, Barker, Becker, Billinger, Boldra, Bollier, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Curtis, Dierks, Doll, Dove, Estes, Finch, Finney, Frownfelter, Gallagher, Goico, Gonzalez, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hill, Hineman, Houston, Jennings, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lusk, Lusker, Mason, Mast, Merrick, Moxley, Ousley, F. Patton, Pauls, Phillips, Proehl, Rahjes, Rooker, Rubin, Ruiz, Ryckman Sr., Sawyer, Schroeder, Scott, Sloan, C. Smith, S. Swanson, Thompson, Tietze, Todd, Trimmer, Victors, Ward, Waymaster, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barton, Bradford, B. Carpenter, W. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Esau, Francis, Garber, Grosserode, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Lunn, Macheers, McPherson, O'Brien, Osterman, Peck, R. Powell, Read, Rhoades, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Sutton, Thimesch, Vickrey, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Ewy, Suellentrop.

The bill passed.

HB 2509, AN ACT concerning state agencies, relating to the office of information technology services, executive chief information technology officer; concerning the establishment of the Kansas information security office; appointment of the executive chief information security officer; executive chief information security officer duties; amending K.S.A. 2015 Supp. 75-7205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 1; Absent or not voting: 4.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Carmichael.

Present but not voting: Hemsley.

Absent or not voting: Concannon, Edmonds, Ewy, Suellentrop.

The bill passed, as amended.

HB 2571, AN ACT concerning community mental health centers; relating to license renewal; amending K.S.A. 2015 Supp. 75-3307b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 5; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Sutton, S. Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Victors, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Carmichael, Helgerson, Kuether, Tietze, Ward.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Ewy, Suellentrop.

The bill passed, as amended.

H Sub for SB 193, AN ACT concerning state educational institutions; relating to degree program transparency, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 31; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Anthimides, Ballard, Barker, Barton, Becker, Boldra, Bollier, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Clark, Corbet, E. Davis, DeGraaf, Dierks, Dove, Esau, Estes, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hill, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, C. Smith, Sutton, S. Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson.

Nays: Alcalá, Billinger, Burroughs, Carlin, Carmichael, Clayton, Curtis, Doll, Finch, Finney, Francis, Frownfelter, Helgerson, Henderson, Henry, Highberger, Hineman, Houston, Kuether, Lusk, Lusker, Ousley, F. Patton, Rooker, Ruiz, Scott, Tietze, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Ewy, Suellentrop.

The substitute bill passed as amended.

SB 312, AN ACT concerning the legislative post audit committee; auditing unified school districts; amending K.S.A. 2015 Supp. 46-1133 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, W. Carpenter, Claeys, Clark, Clayton, Corbet, Curtis, E. Davis, Dierks, Doll, Dove, Esau, Estes, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: B. Carpenter, DeGraaf, R. Powell, Whitmer.

Present but not voting: None.

Absent or not voting: Concannon, Edmonds, Ewy, Suellentrop.
The bill passed.

On motion of Rep. Vickrey, the House resolved into the Committee of the Whole, with Rep. Kleeb in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **SB 369** be passed.

HB 2612 be passed over and retain a place on the calendar. (See further action.)

Committee report to **HB 2573** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 55** be adopted; and the substitute bill be passed.

On motion of Rep. Kelly, **SB 390** be amended, as amended by Senate Committee, on page 57, in line 11, after the second "company" by inserting ", with the prior written approval of the commissioner"; in line 14, by striking all after "state"; in line 15, by striking "commissioner"; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Whipple to amend **HB 2612 on page 2, following line 39, by inserting:**

"(d) "Religious organization" means any organization, church, body of communicants, or group, gathered in common membership for mutual support and edification in piety, worship, and religious observances, or a society of individuals united for religious purposes at a definite place and of which no part of the net earnings inures to the benefit of any private shareholder or individual member of such organization.";

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

On page 5, following line 35, by inserting:

"Sec. 7. Nothing in this act shall be construed to prohibit any religious organization from providing any refugee resettlement services to refugees, if providing such services is part of such religious organization's religious beliefs, tenets or mission.";

And by renumbering remaining sections accordingly

On roll call, the vote was: Yeas 54; Nays 56; Present but not voting: 0; Absent or not voting: 15.

Yeas: Alcalá, Ballard, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Curtis, Dierks, Doll, Finch, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Helgerson, Henderson, Henry, Hibbard, Highberger, Hildabrand, Hill, Hineman, Houston, Jennings, K. Jones, Kuether, Lewis, Lusk, Lusker, McPherson, Moxley, Ousley, F. Patton, Phillips, Rooker, Ruiz, Sawyer, Schroeder, Scott, Sloan, S. Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, B.

Carpenter, W. Carpenter, Corbet, DeGraaf, Dove, Esau, Estes, Garber, Goico, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, Kelley, Kelly, Kiegerl, Kleeb, Macheers, Mason, Mast, Merrick, O'Brien, Osterman, Pauls, Peck, R. Powell, Proehl, Rahjes, Rubin, Ryckman Sr., Scapa, Schwartz, Seiwert, C. Smith, Sutton, Todd, Vickrey, Waymaster, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Bruchman, Campbell, Claeys, Concannon, E. Davis, Edmonds, Ewy, Kahrs, Lunn, Read, Rhoades, Ryckman, Schwab, Suellentrop, Thimesch.

The motion did not prevail.

Also, on further motion of Rep. Whipple to amend, Rep. Jennings moved to re-refer **HB 2612** to Committee on Federal and State Affairs. The motion prevailed, and **HB 2612** was re-referred to Committee on Federal and State Affairs with an amendment pending.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 97**, as amended by Senate Committee of the Whole, be amended on page 1, in line 6, by striking "2014" and inserting "2015"; in line 34, by striking "2014" and inserting "2015";

On page 2, in line 4, by striking "and" and inserting a comma; in line 5, by striking "not including clouded leopards," and inserting "and"; in line 8, by striking "non-native,"; in line 19, by striking "2014" and inserting "2015"; in line 30, by striking "2014" and inserting "2015";

On page 3, in line 10, by striking "non-native,"; in line 14, by striking "non-native,"; in line 32, by striking "40" and inserting "25"; in line 38, by striking "2014" and inserting "2015"; in line 43, by striking "2014" and inserting "2015";

On page 4, in line 3, by striking "2014" and inserting "2015"; in line 9, by striking "2014" and inserting "2015"; in line 14, by striking "2014" and inserting "2015";

On page 1, in the title, in line 2, by striking "2014" and inserting "2015"; and the bill be passed as amended.

Committee on **Appropriations** recommends **SB 249**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 249," as follows:

"House Substitute for SENATE BILL NO. 249

By Committee on Appropriations

"AN ACT concerning the authority of state agencies to enter into indebtedness on behalf of the state; relating to the issuance of bonds by the Kansas development finance authority; monthly reports by the authority; amending K.S.A. 74-8913 and K.S.A. 2015 Supp. 74-8905 and repealing the existing sections.";

And the substitute bill be passed.

(H Sub for SB 249 was thereupon introduced and read by title.)

Committee on **Children and Seniors** recommends **HB 2585** 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 22, 2016, and the bill, as printed with amendments by House Committee, be passed as amended.

Committee on **Elections** recommends **Substitute for HB 2543** be amended on page 1, by striking all in lines 35 and 36;

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

Committee on **General Government Budget Committee** recommends **HB 2660**, be amended by adoption of the amendments recommended by the House General Government Budget Committee as reported in the Journal of the House on February 19, 2016, and the bill, as printed with amendments by House Committee, be passed as amended.

Committee on **Judiciary** recommends **SB 334, SB 361** be passed.

Committee on **Pensions and Benefits** recommends **HB 2700** be amended on page 1, following line 9, by inserting:

"Section 1. K.S.A. 2015 Supp. 46-2201 is hereby amended to read as follows: 46-2201. (a) There is hereby created the joint committee on pensions, investments and benefits which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be the chairperson of the standing committee on ways and means of the senate, or a member of such committee appointed by the chairperson, two members appointed by the president and two members appointed by the minority leader. The eight representative members shall be the chairperson of the standing committee on appropriations of the house of representatives, or a member of such committee appointed by the chairperson, four members appointed by the speaker and three members appointed by the minority leader.

(b) All members of the joint committee on pensions, investments and benefits shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. ~~The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members selected by the speaker. Thereafter,~~ On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president and on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on pensions, investments and benefits shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending

meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on pensions, investments and benefits.

(e) The joint committee on pensions, investments and benefits may introduce such legislation as deemed necessary in performing such committee's functions.

(f) The joint committee on pensions, investments and benefits shall:

(1) Monitor, review and make recommendations regarding investment policies and objectives formulated by the board of trustees of the Kansas public employees retirement system;

(2) review and make recommendations relating to benefits for members under the Kansas public employees retirement system;

(3) consider and make recommendations to the standing committee of the senate specified by the president of the senate relating to the confirmation of members of the board of trustees of the Kansas public employees retirement system appointed pursuant to K.S.A. 74-4905, and amendments thereto. The information provided by the Kansas bureau of investigation or other criminal justice agency pursuant to K.S.A. 74-4905(h), and amendments thereto, relating to the confirmation of members of the board to the standing committee of the senate specified by the president shall be forwarded by the Kansas bureau of investigation or such other criminal justice agency to such joint committee for such joint committee's consideration and other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the joint committee as necessary to determine qualifications of such member. The committee, in accordance with K.S.A. 75-4319, and amendments thereto, shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection;

(4) review and make recommendations relating to the inclusion of city and county correctional officers as eligible members of the Kansas police and firemen's retirement system; and

(5) review reports ~~and approve or deny appeals~~ regarding working after retirement exceptions pursuant to K.S.A. 74-4914 and 74-4937, and amendments thereto. The joint committee may appoint a subcommittee to carry out the provisions of this subsection.";

On page 2, in line 33, by striking "who retired on or after July 1, 1988,";

On page 4, in line 39, after "apply" by inserting ", except as specifically provided in this subsection,";

On page 5, in line 6, before the semicolon by inserting ". Any retiree employed by a school district in a position under K.S.A. 74-4937(4) or (5), and amendments thereto, shall be subject to the provisions of subsection (7)(h) which relate to a limitation on the total term of employment with any participating employer in which a retiree may receive such retiree's full retirement benefit";

Also on page 5, in line 7, after "(iii)" by inserting "employed by a school district in a position that required a license under K.S.A. 72-1388, and amendments thereto, or other provision of law requiring a similar license and subject to the provisions of K.S.A. 74-4940, and amendments thereto, and who retired at age 62 or later. The school district shall pay to the system a 30% employer contribution based on the retiree's compensation during any such period of employment. On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting

actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%;

(iv) ";

On page 6, in line 3, by striking "the actuarially determined" and inserting "a 30%"; in line 5, by striking "plus 8%" and inserting ". On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%"; also in line 5, after the semicolon, by inserting "and";

Also on page 6, in line 10, by striking "appeal" and inserting "assurance protocol"; also in line 10, by striking all after "the"; in line 11, by striking all before "to" and inserting "system"; in line 12, by striking "one year" and inserting "one-year increments for a total extension not to exceed three years. A written assurance protocol shall be submitted to the system for each one-year increment extension. If a school district submits a written assurance protocol, such written assurance protocol shall be signed by the superintendent and the board president of such school district. If a municipality, as defined in K.S.A. 75-1117, and amendments thereto, other than a school district, submits a written assurance protocol, such written assurance protocol shall be signed by the governing body or such governing body's designee for such municipality";

Also on page 6, in line 12, by striking "appeal" and inserting "assurance protocol"; also in line 12, by striking "include"; by striking all in lines 13 and 14; in line 15, by striking all before the period and inserting "state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

- (i) No applications were submitted for the position;
- (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
- (iii) if applications were submitted, none of the applicants possessed the appropriate licensure, certification or other necessary credentials for the position";

Also on page 6, following line 23, by inserting:

"(h) Any retirant hired by any participating employer under the provisions of subsection (7)(d) or K.S.A. 74-4937(4) or (5), and amendments thereto, may continue to receive such retirant's full retirement benefit so long as such retirant's total term of employment with all participating employers under one or more of such provisions does not exceed 48 months or four school years, whichever is less. After such period, such

retirant shall not receive any retirement benefit for any month in any calendar year in which such retirant receives compensation in an amount equal to \$25,000 or more in such calendar year.";

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

On page 7, in line 23, by striking "2017" and inserting "2020";

On page 8, in line 18, by striking "2017" and inserting "2020";

On page 9, in line 11, by striking "the actuarially determined" and inserting "a 30%"; in line 12, by striking "plus 8%"; in line 13, before "The" by inserting "On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%.";

Also on page 9, in line 28, by striking "appeal" and inserting "assurance protocol"; also in line 28, by striking all after "the"; in line 29, by striking all before "to" and inserting "system"; in line 30, after the first period by inserting "Such written assurance protocol shall be signed by the superintendent and the board president of the school district."; also in line 30, by striking "appeal" and inserting "assurance protocol"; also in line 30, by striking "include"; by striking all in lines 31 through 34; in line 35, by striking all before the period and inserting "state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

- (i) No applications were submitted for the position;
- (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
- (iii) if applications were submitted, none of the applicants possessed an appropriate teaching license for the state of Kansas or possessed the appropriate credentials to receive any type of teaching license from the state of Kansas";

On page 10, in line 36, by striking all after "system"; in line 37, by striking "determined" and inserting "a 30%"; in line 38, by striking "plus 8%"; also in line 38, before "The" by inserting "On or before July 1, 2019, and at least every three years thereafter, the board, in consultation with the system's consulting actuary, shall evaluate the plan's experience with employment of such retirants and the corresponding employer contribution rate to assess whether the employer contribution rate can be expected to fund adverse experience or higher liabilities accruing under the system in connection with employment of such retirants, to the extent that such liability can be ascertained or estimated. Based on this evaluation of the plan's experience, the board may certify to the division of the budget, in the case of the state, and to the agent for each other participating employer, a new rate if needed to more fully fund such adverse experience or additional liabilities, but such rate shall not be less than 30%.";

On page 11, in line 12, by striking "appeal" and inserting "assurance protocol"; also

in line 12, by striking all after "the"; in line 13, by striking all before "to" and inserting "system"; in line 14, after the period by inserting "Such written assurance protocol shall be signed by the superintendent and the board president of the school district."; also in line 14, by striking "appeal" and inserting "assurance protocol"; also in line 14, by striking "include"; by striking all in lines 15 through 18; in line 19, by striking all before the period and inserting "state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

- (i) No applications were submitted for the position;
- (ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or
- (iii) if applications were submitted, none of the applicants possessed an appropriate teaching license for the state of Kansas or possessed the appropriate credentials to receive any type of teaching license from the state of Kansas";

Also on page 11, following line 25, by inserting:

"(7) Any retirant hired by any participating employer under the provisions of subsection (4) or (5) or K.S.A. 74-4914(7)(d), and amendments thereto, may continue to receive such retirant's full retirement benefit so long as such retirant's total term of employment with all participating employers under one or more of such provisions does not exceed 48 months or four school years, whichever is less. After such period, such retirant shall not receive any retirement benefit for any month in any calendar year in which such retirant receives compensation in an amount equal to \$25,000 or more in such calendar year.

Sec. 4. K.S.A. 2015 Supp. 74-4957 is hereby amended to read as follows: 74-4957.

(1) The normal retirement date for a member of the system who is appointed or employed prior to July 1, 1989, and who does not make an election pursuant to K.S.A. 74-4955a, and amendments thereto, shall be the first day of the month coinciding with or following termination of employment not followed by employment with any participating employer within 30 days, and the attainment of age 55 and the completion of 20 years of credited service or the completion of 32 years of credited service regardless of the age of the member. Any member may retire on such member's normal retirement date or on the first day of any month thereafter.

(2) *Early retirement.* Any member who is appointed or employed prior to July 1, 1989, and who does not make an election pursuant to K.S.A. 74-4955a, and amendments thereto, may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment not followed by employment with any participating employer within 30 days and the attainment of age 50 and the completion of 20 years of credited service.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section and K.S.A. 74-4955a, 74-4957a, 74-4958a, 74-4960a, 74-4963a and 74-4964a, and amendments thereto, the normal retirement date for any member who was, up to the entry date of such member's employer, covered by a pension system under the provisions of K.S.A. 13-14a01 to 13-14a14, inclusive, or 14-10a01 to 14-10a15, inclusive, and amendments thereto, shall be the first day of the month coinciding with or following the attainment of age 50 and the completion of 25 years of credited service.

(4) In no event shall a member be eligible to retire until such member has been a

contributing member of the system for 12 months of participating service, and shall have given such member's employer prior notice of retirement.

(5) If a retirant who retired on or after July 1, 1994, is employed, elected or appointed in or to any position or office for which compensation for service is paid in an amount equal to ~~\$15,000~~ \$25,000 or more in any one such calendar year, by the same state agency or the same police or fire department of any county, city, township or special district or the same sheriff's office of a county during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any retirant employed by a participating employer in the Kansas police and firemen's retirement system shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act.

Sec. 5. K.S.A. 74-4957a is hereby amended to read as follows: 74-4957a. (1) The normal retirement date for a member of the system who is appointed or employed on or after July 1, 1989, or who makes an election pursuant to K.S.A. 74-4955a, and amendments thereto, to be covered by the provisions of this act shall be the first day of the month coinciding with or following termination of employment not followed by employment with any participating employer within 30 days and the attainment of age 55 and the completion of 20 years of credited service, age 50 and the completion of 25 years of credited service or age 60 with the completion of 15 years of credited service. Any such member may retire on such member's normal retirement date or on the first day of any month thereafter.

(2) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment not followed by employment with any participating employer within 30 days and the attainment of age 50 and the completion of 20 years of credited service.

(3) In no event shall a member be eligible to retire until such member has been a contributing member of the system for 12 months of participating service, and shall have given such member's employer prior notice of retirement.

(4) If a retirant who retired on or after July 1, 1996, is employed, elected or appointed in or to any position or office for which compensation for service is paid in an amount equal to ~~\$15,000~~ \$25,000 or more in any one such calendar year, by the same state agency or the same police or fire department of any county, city, township or special district or the same sheriff's office of a county during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any retirant employed by a participating employer in the Kansas police and firemen's retirement system shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act.

(5) The provisions of this section shall be effective on and after July 1, 1989, and shall apply only to members who were appointed or employed prior to July 1, 1989, and who made an election pursuant to K.S.A. 74-4955a, and amendments thereto; and persons appointed or employed on or after July 1, 1989.";

Also on page 11, in line 26, after "K.S.A." by inserting "74-4957a and K.S.A."; also in line 26, after "Supp." by inserting "46-2201,"; also in line 26, by striking "and" and inserting a comma; also in line 26, after "74-4937" by inserting "and 74-4957";

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after the second semicolon by inserting "employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; employer rate of contribution; increasing compensation limitation for members of the Kansas police and firemen's retirement system,"; in line 6, after "K.S.A." by inserting "74-4957a and K.S.A."; also in line 6, after "Supp." by inserting "46-2201,"; also in line 6, by striking the first "and" and inserting a comma; also in line 6, after "74-4937" by inserting "and 74-4957"; and the bill be passed as amended.

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 2729, AN ACT concerning school districts; relating to the department of administration; procurement of certain items and services; amending K.S.A. 2015 Supp. 72-6760 and repealing the existing section, by Committee on Appropriations.

HB 2730, AN ACT concerning school districts; relating to insurance; pertaining to the establishment of a school district group-funded pool, by Committee on Appropriations.

PERSONAL PRIVILEGE

Rep. Carlin rose on a point of personal privilege to request consent of the body to change her vote on Final Action on **H Sub for SB 193** from aye to nay. (See HJ p. 2228) Her request was granted. The final vote has therefore been corrected and the vote tally is 90-31.

REPORT ON ENGROSSED BILLS

HB 2509, **HB 2571** reported correctly engrossed March 9, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Friday, March 11, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*

