

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 2, 2015, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Edmonds was excused on verified illness.

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

Rep. Kleeb was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dan Rhoades, senior pastor, First Baptist Church, Louisburg, and guest of Rep. Vickrey:

Almighty God, As we gather here today we thank you for the privilege of living in this country and in the great state of Kansas. We thank you for the beauty of a Kansas sunset, the waving wheat fields, the rolling flint hills, and the vast prairies of western Kansas. We have some beautiful sites in this place we call home, but what really makes Kansas great is the people that live here.

We thank you for all the men and women who have dedicated themselves to serving our state. We thank you for those who serve others: our state representatives, senators, governor and lieutenant governor, our US Congress and Senate representatives, our police departments, sheriff departments, highway patrol; for those serving our great state in the Armed Services, our fire departments; our teachers and all involved in education; and the medical personnel who are there in some of our greatest times of need. Thank you for those who serve in positions that we forget to say thank you to... our workers who keep our roadways safe from the sign holder to the snow plow driver. Help us to be grateful for this great state that we call home and for all of our neighbors.

Today as decisions are being made for our state, we pray that you will grant wisdom to our leaders. We thank you for these, our leaders, who are representing the ordinary citizen. Help them to seek that which is best for our state. Be with all who are here today. Be the light in the darkness, strength

when we are weak, and our hope in the midst of despair. May the burdens of each be lightened as they share their workload together. May they experience personal peace and joy from this work that they have been commissioned to perform.

Bless our leaders. I ask all of this in Jesus' Name. Amen.

The Pledge of Allegiance was led by Rep. Ruiz.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2418, AN ACT relating to energy conservation measures; concerning contracts or lease-purchase agreements by state agencies or political subdivisions; limitations on such agreements and review by attorney general; amending K.S.A. 2014 Supp. 72-6760, 72-6760h and 75-37,125 and repealing the existing sections, by Committee on Appropriations.

MESSAGES FROM THE GOVERNOR

HB 2267 approved on April 1, 2015

COMMUNICATIONS FROM STATE OFFICERS

From Nick Jordan, Secretary of the Kansas Department of Revenue, as required by K.S.A. 74-50, 118(c), 2014 Annual Report -- Kansas Enterprise Zone Act.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **S Sub for HB 2135**, and has appointed Senators Masterson, Denning and Kelly as second conferees on the part of the Senate.

Also, the Senate accedes to the request of the House for a conference on **S Sub for HB 2177** and has appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

The Senate announced the appointment of Senator Pettey as a conferee on **S Sub for Sub for HB 2170**.

The Senate adopts the Conference Committee report to agree to disagree on **HB 2149**, and has appointed Senators Pilcher-Cook, O'Donnell and Kelly as second conferees on the part of the Senate.

The Senate adopts the Conference Committee report to agree to disagree on **S Sub for HB 2042**, and has appointed Senators Pilcher-Cook, O'Donnell and Kelly as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Finney, **HR 6022**, by Reps. Patton and Finney, as follows, was introduced and adopted:

HR 6022—A RESOLUTION designating the month of April as Parkinson's Disease Awareness Month.

A RESOLUTION designating the month of April as Parkinson's Disease Awareness Month.

WHEREAS, Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease; and

WHEREAS, It is estimated that the disease affects over 1,000,000 people in the United States, including thousands of Kansans; and

WHEREAS, Although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown; and

WHEREAS, There is no objective test for Parkinson's disease and the rate of misdiagnosis can be high; and

WHEREAS, Symptoms of Parkinson's disease vary from person to person and include tremor, slowness, difficulty with balance, swallowing, chewing and speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems and sleep disruptions; and

WHEREAS, Medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects; and

WHEREAS, Ultimately the medications and treatments lose their effectiveness, generally after four to eight years, leaving the person unable to move, speak or swallow; and

WHEREAS, There is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

WHEREAS, Increased education and research are needed to help find more effective treatments or a cure for Parkinson's disease; and

WHEREAS, The federal government, through the National Institute of Health, the Department of Defense Neurotoxin Exposure Treatment Parkinson's Research Program, the Veterans Affairs Parkinson's Disease Research, Education and Clinical Center, and other agencies, support vital work to better understand Parkinson's disease and to find new treatments; and

WHEREAS, In the fight against Parkinson's, Kansans can be proud. The University of Kansas Medical Center's Parkinson's Disease Center is designated as a National Parkinson's Foundation Center of Excellence. Support groups and organizations such as the National Parkinson's Foundation – Heartland in Leawood; patients, including Rob Peppers, the Honorable J. Basil Dannebohm, Lisa Reser and Barbara Sowards; and many advocates working to promote Parkinson's Disease awareness, education and patient support: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we designate the month of April as Parkinson's Disease Awareness Month. We will continue to support research to find better treatments, and eventually, a cure for Parkinson's disease.

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

There being no objection, the following remarks of Reps. Patton and Finney are spread upon the Journal:

Remarks of Rep. Patton:

Parkinson's Disease Awareness Month was first proclaimed by the Kansas House in 2013. Celebrating its third consecutive year, it is my honor, along with Representative Finney, to sponsor this important resolution.

Each year, the resolution has been coordinated by J. Basil Dannebohm. In the summer of 2012, Dannebohm was diagnosed with Young Onset Parkinson's Disease. Since that time, he has been an advocate for Parkinson's disease research, treatment and awareness. In 2015, he briefly served in the Kansas House of Representatives, representing the 113th District, until such time as he resigned due to health complications. Former Representative Dannebohm joins us here today and I am happy to welcome him back to the Capitol.

Also joining us is Lisa Reser from Ellinwood, Kansas. Mrs. Reser is a fifth grade teacher suffering from Parkinson's disease. Though she faces the daily challenges of living with the disease, from the time she started her career as a child care provider to the present day as an educator, Lisa has been committed to the well-being of Kansas children for more than 25 years.

Our final guest is my mother-in-law, Bobbie Sowards, who suffers from Parkinson's disease. It is my sincere honor to have her attend today as we bring attention to this awful disease.

Remarks of Rep. Finney:

Parkinson's disease is a progressive neurological disorder that affects nearly one million people in the United States. In 2005, an estimated 5,500 Kansans suffered from Parkinson's Disease. By 2012, that number had increased to an estimated 9,000 Kansans. Although promising research is being conducted, there is currently no cure for or definitive cause of Parkinson's disease.

We are mindful of those who struggle and pledge our support and encouragement to them in their fight against this terrible disease. On behalf of Representative Patton and myself, I'd like to thank this legislative body for your support of Parkinson's Disease Awareness Month.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Houston, **HR 6023**, by Reps. Houston and Finney, as follows, was introduced and adopted:

HR 6023—A RESOLUTION recognizing Storytime Village, Inc. for its work to give young Kansas children the opportunity for a better future through literacy.

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

WHEREAS, Storytime Village, Inc. has worked since 2009 to help Kansas children from birth to age eight thrive through partnerships that provide early childhood development, family engagement around reading and access to books; and

WHEREAS, According to a 2013 study conducted by the National Kids Count Data Center, 56% of Caucasian fourth graders in Kansas scored below the "proficient"

reading level, while 80% of Hispanic children and 83% of African-American fourth graders in Kansas scored below the "proficient" reading level. With the support of parents and the help of many dedicated volunteers, Storytime Village, Inc. inspires children, regardless of their socioeconomic background, race or gender to read by providing them with free books and literacy resources. Storytime Village, Inc. is currently the only nonprofit organization based in Kansas that focuses exclusively on children's literacy: Now, therefore,

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

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to Prisca Barnes, Founder and CEO of Storytime Village, Inc., Representative Houston and Representative Finney.

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

Today is Literacy Day at the Capitol and Rep. Finney and myself are here today with a two-fold purpose: One is to celebrate International Children's Book Day, which is an annual event held on April 2: which is also the birth date of Hans Christian Andersen, the famous author who wrote some classic fairytales such as the "Little Mermaid," "The Snow Queen," "The Ugly Duckling," "The Nightingale" and many more. The celebration is sponsored by the International Board on Books for Young People (IBBY) with the goal to "inspire a love of reading and to call attention to children's books."

I think we would all agree that books open new worlds of possibilities for children and taking the time and making the investment into our children's education, when they are young helps them to be more prepared for what the future will bring to them.

Also, we want to welcome Storytime Village, Inc., who with the support of parents and the community, are fostering a lifelong love of reading in underserved Kansas children from birth to age 8." Standing on the ancient African proverb "it takes a village to raise a child", they strive to give every child in Kansas, regardless of their socioeconomic background, race, and/or gender the opportunity for a better future through literacy. Since its inception in 2009, Storytime Village has been dedicated to helping the youngest in our communities thrive through partnerships that provide early childhood development, family engagement fostered through reading, and better access to books.

We would ask that you join me in congratulating Storytime Village, Inc. for their great efforts in reaching out to our communities and helping children through this great program.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 117** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 2, following line 13, by inserting:

"(h) "Vehicle owner" means the owner of a personal vehicle.";

Also on page 2, by striking all in lines 21 through 25; in line 41, by striking "July 1, 2015" and inserting "January 1, 2016"; in line 42, after "driver" by inserting "or vehicle owner";

On page 3, in line 19, after "driver" by inserting "or vehicle owner"; in line 34, after "driver" by inserting "or vehicle owner"; in line 38, after "driver" by inserting "or vehicle owner";

On page 4, in line 38, after "the" by inserting "driver's or vehicle";

On page 5, in line 26, by striking "9" and inserting "8"; in line 29, by striking "9" and inserting "8"; in line 38, by striking "9" and inserting "8";

On page 6, in line 17, by striking all after "(2)"; by striking all in lines 18 through 22 and inserting "obtain a local and national criminal background check on the individual, conducted by the Kansas bureau of investigation;

(A) fingerprints submitted pursuant to this section shall be released by the attorney general to the Kansas bureau of investigation for the purpose of conducting criminal history records checks, utilizing the files and records of the Kansas bureau of investigation and the federal bureau of investigation; and

(B) each individual shall be subject to a state and national criminal history records check which conforms to applicable federal standards for the purpose of verifying the identity of the individual and whether the individual has been convicted of any crime that would disqualify the individual from being a transportation network driver under this act;";

On page 7, by striking all in lines 42 and 43;

On page 8, by striking all in lines 1 through 5; by striking all in lines 20 through 22; in line 24, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

And your committee on conference recommends the adoption of this report.

SCOTT SCHWAB
 ROB BRUCHMAN
 Roderick Houston
 Conferees on part of House

JEFF LONGBINE
 ELAINE BOWERS
 TOM HAWK
 Conferees on part of Senate

On motion of Rep. Schwab, the conference committee report on **H Sub for SB 117** was adopted.

On roll call, the vote was: Yeas 107; Nays 16; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carmichael, B. Carpenter, Clark, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Hildabrand, Hill,

Hineman, Hoffman, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, Kahrs, Kelly, Kiegerl, Kleeb, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Smith, Suellentrop, Swanson, Thimesch, Thompson, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Wolfe Moore.

Nays: Ballard, Couture-Lovelady, Carlin, W. Carpenter, Claeys, Clayton, Grosserode, Highland, Houser, K. Jones, Kelley, Kuether, McPherson, Sutton, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Edmonds, Sloan.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 154** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MARK HUTTON

LES MASON

Conferees on part of House

JULIA LYNN

SUSAN WAGLE

Conferees on part of Senate

On motion of Rep. Hutton the conference committee report on **SB 154** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Hutton, Mason and Frownfelter as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2135** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

TY MASTERSON

JIM DENNING

Conferees on part of Senate

RON RYCKMAN

SHARON SCHWARTZ

JERRY HENRY

Conferees on part of House

On motion of Rep. Ryckman the conference committee report on **S Sub for HB 2135** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Ryckman, Schwartz and Henry as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2042** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
MICHAEL O'DONNELL, II
Conferees on part of Senate

DANIEL R. HAWKINS
SUSAN CONCANNON
Conferees on part of House

On motion of Rep. Hawkins the conference committee report on **S Sub for HB 2042** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Hawkins, Concannon and Ward as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2149** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
MICHAEL O'DONNELL, II
Conferees on part of Senate

DANIEL R. HAWKINS
SUSAN CONCANNON
Conferees on part of House

On motion of Rep. Hawkins the conference committee report on **S Sub for HB 2149** to agree to disagree, was adopted.

Speaker pro tem Mast thereupon appointed Reps. Hawkins, Concannon and Ward as second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 175** be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 67, by Representative Greg Lewis, congratulating St. John High School Boys Basketball Team for winning the 2A Kansas State Basketball Championship for 2015;

Request No. 68, by Representative Becky Hutchins, congratulating Holton High School 2015 Wrestling Team for winning 3rd Place in the 4A Kansas State Wrestling Tournament;

Request No. 69, by Representative John Alcalá, commending Gabriel J. Alcalá, in recognition of his awards, accomplishments, service and retirement from the United States Air Force;

Request No. 70, by Representative Brandon Whipple, congratulating Wichita South High School Girls Basketball Team for winning the 6A Kansas State Basketball Championship for 2015;

Request No. 71, by Representative Brandon Whipple, congratulating Antwain Scales in recognition of being named 2015 Class 6A Girls Basketball Coach of the Year;

Request No. 72, by Representative Brandon Whipple, congratulating Cara Ledy, Principal of Wichita South High School for being named the KASSP High School Principal of the Year;

Request No. 73, by Representative John Whitmer, congratulating Campus High School Girls Bowling Team in recognition for winning the 2015 Class 6A Kansas State Girls Bowling Championship;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Vickrey, the committee report was adopted.

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 2419, AN ACT concerning taxation; relating to the taxation of moneys, notes and other evidences of indebtedness; providing for the administration, collection and enforcement of the tax thereon, by Committee on Taxation.

HB 2420, AN ACT concerning property taxation; relating to exemptions; taxes levied by or on behalf of a school district, by Committee on Taxation.

HB 2421, AN ACT concerning property taxation; relating to exemptions; qualifying pipeline property; sunset of exemption for future taxpayers and retention of exemptions for existing taxpayers; amending K.S.A. 2014 Supp. 79-227 and repealing the existing

section, by Committee on Taxation.

HB 2422, AN ACT concerning property taxation; relating to valuation, appeals; amending K.S.A. 2014 Supp. 79-1404a, 79-1494 and 79-2005 and repealing the existing sections, by Committee on Taxation.

HB 2423, AN ACT concerning property taxation; relating to the state-wide school levy; amending section 11 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing section. , by Committee on Taxation.

HB 2424, AN ACT concerning property taxation; relating to the state-wide school levy, rate of taxation, exempt property; amending section 11 of 2015 House Substitute for Senate Bill No. 7 and repealing the existing section, by Committee on Taxation.

HB 2425, AN ACT concerning income taxation; relating to rates, rate reductions; amending K.S.A. 2014 Supp. 79-32,110 and repealing the existing section; also repealing K.S.A. 2014 Supp. 79-32,269, by Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Mast announced the appointment of Rep. Sawyer to replace Rep. Carlin on Committee on Appropriations on April 23 and 24 only.

On motion of Rep. Vickrey, the House recessed until 3:30 p.m..

AFTERNOON SESSION

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

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **SB 154**, and has appointed Senators Lynn, Wagle and Holland as second conferees on the part of the Senate.

Announcing passage of **SB 274**, as amended.

Announcing passage of **HB 2003**, as amended, **HB 2154**, as amended, and **S Sub for HB 2258**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 274.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hutton to concur in Senate amendments to **S Sub for HB 2258**, Rep. Ward offered a substitute motion to nonconcur and that a conference committee be appointed. The motion of Rep. Ward did not prevail.

The question reverted back to the motion of Rep. Hutton and the House concurred to Senate amendments to **S Sub for HB 2258**, AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a,

59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122.

On roll call, the vote was: Yeas 87; Nays 35; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Nays: Alcalá, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clayton, Curtis, Finney, Frownfelter, Gallagher, Henderson, Henry, Highberger, Hill, Houston, Kuether, Lane, Lusk, Lusker, Ousley, Rooker, Ruiz, Sawyer, Smith, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Edmonds, Kleeb, Sloan

EXPLANATION OF VOTE

MR. SPEAKER: I vote NO on **S Sub for HB 2258**. In a time when childhood poverty and homelessness is on the rise in Kansas it is not prudent to restrict one of the only lifelines available to combat poverty. Kansans who are receiving assistance have fallen on hard times and are using these programs as a means to merely make ends meet. This legislation only makes it more difficult for Kansans to lift themselves out of poverty. I cannot in good conscience vote for this bill. — CAROLYN BRIDGES, BRODERICK HENDERSON, HAROLD LANE, JOHN ALCALA, GAIL FINNEY, VALDENIA WINN, RODERICK HOUSTON, JARROD OUSLEY, DENNIS “BOOG” HIGHBERGER, STAN FROWN FELTER, PAM CURTIS, ED TRIMMER, TOM BURROUGHS, LOUIS RUIZ, SYDNEY CARLIN, PONKA-WE VICTORS, JOHN WILSON

On motion of Rep. Houser to concur in Senate amendments to **HB 2003**, Rep. Alcalá offered a substitute motion to nonconcur in Senate amendments and that a conference committee be appointed. The substitute motion prevailed.

Speaker pro tem Mast thereupon appointed Reps. Huebert, Phillips and Alcalá as conferees on the part of the House.

On motion of Rep. Goico, the House nonconcurred in Senate amendments to **HB 2154** and asked for a conference.

Speaker pro tem Mast thereupon appointed Reps. Goico, Osterman and Lane as conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on

House amendments to **SB 154** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 53, by striking all in lines 42 and 43;

By striking all on pages 54 through 63;

On page 64, by striking all in lines 1 through 3; in line 5, by striking ", 44-717";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after "44-714"; in line 5, by striking "717";

And your committee on conference recommends the adoption of this report.

MARK HUTTON

LES MASON

Conferees on part of House

JULIA LYNN

SUSAN WAGLE

Conferees on part of Senate

On motion of Rep. Hutton to adopt the conference committee report on **SB 154**, Rep. Frownfelter offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed.

The substitute motion of Rep. Frownfelter did not prevail.

The question reverted back to the motion of Rep. Hutton and the conference committee report was adopted.

On roll call, the vote was: Yeas 85; Nays 36; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Barker, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, B. Carpenter, W. Carpenter, Claeys, Clark, Concannon, Corbet, Davis, DeGraaf, Dierks, Dove, Esau, Estes, Ewy, Finch, Francis, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Lewis, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Smith, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Nays: Alcala, Anthimides, Ballard, Bollier, Bridges, Burroughs, Carlin, Carmichael, Clayton, Curtis, Doll, Finney, Frownfelter, Henderson, Henry, Highberger, Hill, Houston, Kuether, Lane, Lusk, Lusker, Moxley, Ousley, Rooker, Ruiz, Sawyer, Swanson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Edmonds, Kleeb, Rhoades, Sloan.

EXPLANATION OF VOTE

MR. SPEAKER: Everyone who works hard deserves the right to get ahead, which is why I am voting NO on **SB 154**. This legislation decreases the employer contributions to the Unemployment Insurance Trust Fund and simultaneously limits the maximum weekly unemployment insurance benefit available to a Kansas worker. In doing so, it prioritizes the interests of big business over the needs of middle class and working families. For these reasons, I am voting NO on this unfair and damaging piece of legislation. – CAROLYN BRIDGES, BRODERICK HENDERSON, HAROLD LANE, JOHN ALCALA, GAIL FINNEY, PAM CURTIS, ED TRIMMER, KATHY WOLFE MOORE, DENNIS “BOOG” HIGHBERGER

MESSAGES FROM THE SENATE

The Senate adopts the Conference Committee report on **HB 2013**.
 The Senate adopts the Conference Committee report on **HB 2044**.
 The Senate adopts the Conference Committee report on **HB 2064**.
 The Senate adopts the Conference Committee report on **S Sub for HB 2090**.
 The Senate adopts the Conference Committee report on **S Sub for HB 2101**.
 The Senate adopts the Conference Committee report on **HB 2111**.
 The Senate adopts the Conference Committee report on **S Sub for HB 2225**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2101** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2101, as follows:

On page 1, by striking all in lines 9 through 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 36 and inserting the following:

"Section 1. K.S.A. 2014 Supp. 74-4952 is hereby amended to read as follows: 74-4952. As used in K.S.A. 74-4951 et seq., and amendments thereto:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

(2) "Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

(3) "Eligible employer" means any city, county, township or other political subdivision of the state employing one or more employees as firemen or policemen.

(4) "Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

(5) "Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

(6) "Final average salary" means:

(a) For members who are first hired as an employee, as defined in subsection (4),

before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual salary, as defined in ~~subsection (33)~~ of K.S.A. 74-4902(33), and amendments thereto, paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual salary, as defined in ~~subsection (34)~~ of K.S.A. 74-4902(33), and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(c) for purposes of subparagraphs (a) and (b) of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system; and

(d) for any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or who will have contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, or will begin paying to the system a lump-sum amount for such member's purchase or repurchase, and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications.

(e) Notwithstanding any other provision of this section, for purposes of applying limits as provided by the federal internal revenue code, salary shall have the meaning as determined pursuant to K.S.A. 74-49,123, and amendments thereto.

(7) "Retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member as provided under the system or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification such surviving spouse may negotiate the warrant issued in the name of the retiree.

(8) "Normal retirement date" means the date on or after which a member may retire with eligibility for retirement benefits for age and service as provided in ~~subsections (1) and (3)~~ of K.S.A. 74-4957(1) and (3), and amendments thereto.

(9) "Retirement system" or "system" means the Kansas police and firemen's

retirement system as established by this act and as it may be hereafter amended.

(10) "Service-connected" means with regard to a death or any physical or mental disability, any such death or disability resulting from external force, violence or disease occasioned by an act of duty as a policeman or fireman and, for any member after five years of credited service, there shall be a rebuttable presumption, that any death or disability resulting from a heart disease or disease of the lung or respiratory tract or cancer as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death or disability resulting from a heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. If the retirement system receives evidence to the contrary of such presumption, the burden of proof shall be on the member or other party to present evidence that such death or disability was service-connected. The provisions of this section relating to the presumption that the death or disability resulting from cancer is service-connected shall only apply if the condition that caused the death or disability is a type of cancer which may, in general, result from exposure to heat, radiation or a known carcinogen.

(11) Prior to July 1, 1998, "fireman" or "firemen" means an employee assigned to the fire department and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, "fireman" or "firemen" means an employee assigned to the fire department whose principal duties are engagement in the fighting and extinguishment of fires and the protection of life and property therefrom and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(12) Prior to July 1, 1998, "police," "policeman" or "policemen" means an employee assigned to the police department and engaged in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs' deputies, or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, "police," "policeman" or "policemen" means an employee assigned to the police department whose principal duties are engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs' deputies; who has successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and is certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto; and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. ~~Notwithstanding any other provisions of this subsection,~~

"police," "policeman" or "policemen" shall include a city or county correctional officer who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such commencing on July 1, 1998, and ending on June 30, 1999. "Police," "policeman" or "policemen" who have been assigned to the police department, whose duties have included engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, who have been certified pursuant to K.S.A. 74-5607a, and amendments thereto, who have been designated as "police," "policeman" or "policemen" as provided in this subsection and for whom required contributions have been made to the Kansas police and firemen's retirement system shall not be denied benefits due to a temporary or full-time assignment to a jail, adult detention center or other correctional facility by the state or any of its political subdivisions, and this provision shall be applied retroactively to July 1, 1999, to any member meeting such requirements as provided in this enactment.

(13) Except as otherwise defined in this act, words and phrases used in K.S.A. 74-4951 et seq., and amendments thereto, shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902, and amendments thereto.

Sec. 2. K.S.A. 2014 Supp. 74-4952 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, in the title, in line 1, by striking all after "ACT"; by striking all in lines 2 through 5; in line 6, by striking all before the period and inserting "concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; defining eligible employees as police; providing retroactive application; amending K.S.A. 2014 Supp. 74-4952 and repealing the existing section";

And your committee on conference recommends the adoption of this report.

JEFF KING

JEFF LONGBINE

ANTHONY HENSLEY

Conferees on part of Senate

STEVEN C. JOHNSON

KENT THOMPSON

ED TRIMMER

Conferees on part of House

On motion of Rep. Johnson, the conference committee report on **S Sub for HB 2101** was adopted.

Call of the House was demanded

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

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Couture-Lovelady, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins,

Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kuether, Lane, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Edmonds, Hill, Kleeb, Rhoades, Sloan.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Vickrey, **HCR 5017**, by Reps. Merrick and Burroughs, as follows, was introduced and adopted:

HCR 5017 – A CONCURRENT RESOLUTION amending 2015 House Concurrent Resolution No. 5016, relating to the adjournment of the senate and house of representatives for periods during the 2015 regular session of the legislature.

Be it resolved by the the House of Representatives of the State of Kansas, the Senate concurring therein: That 2015 House Concurrent Resolution No. 5016 is hereby amended to read as follows: "That the legislature shall adjourn at the close of business of the daily session convened on March 25, 2015, and shall reconvene on March 30, 2015, pursuant to adjournment of the daily session convened on March 25, 2015; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April-3 2, 2015, and shall reconvene on April 29, 2015, pursuant to adjournment of the daily session convened on April-3 2, 2015; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a (a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and

amendments thereto."

REPORT ON ENGROSSED BILLS

HB 2216, HB 2259 reported correctly re-engrossed April 1, 2015.

REPORT ON ENROLLED RESOLUTIONS

HCR 5016 reported correctly enrolled and properly signed on April 2, 2015.

On motion of Rep. Vickrey, the House adjourned until 2:00 p.m., Wednesday, April 29, 2015.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

