

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 4, 2016, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Kiegerl and Seiwert were excused on verified illness.

Rep. Henry was excused on legislative business.

Prayer by Chaplain Brubaker:

Lord God,
For this new day You have given us,
we are thankful and desire to live it to the fullest.
Lord, as these leaders face making tough decisions today
I ask that You surround them with Your wise counsel.
In choosing their decisions, help them to adequately
evaluate the positive and negative attributes,
but to avoid the paralysis of analysis.
Help them to not make a hasty decision,
but also not to delay too long.
Help them to not be influenced by their own personal desires
but to choose what is best for the people of Kansas.
Help them to carry out their decision-making process objectively
and be guided by Your wisdom.
These things I ask in Christ's Name,
Amen.

The Pledge of Allegiance was led by Rep. Mason.

INTRODUCTION OF GUESTS

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

This month as we take time to recognize and honor individuals for Black History from our past and present who have made a special contribution through their life work or achievements, I have with me this morning, Mrs. Phyllis Bass, whose life and achievements have reached across political lines as well as generations of men and women and children and she is deserving of both honor and recognition.

Phyllis A. Bass was born in Iola, KS on November 5, 1929 to Vernon "Bus" Garner and Gladys Williams Garner. She married Wendell M. Bass, Sr. and they had 3 children: Wendell Jr., Elliott and Ralph.

Coming from some of the early Black settlers of Kansas, she learned that Blacks could be respected and successful with education and hard work. Being married to Wendell, she learned from his parents that there were many successful Blacks right there in Iola. Her husband's grandfather was among the first formally trained Black doctors in the United States, graduating in the second class of Meharry Medical School in Nashville, Tenn.

He penned his short autobiography beginning with these words, "Hoping that one day this may be of worth to my children and family, I thought I would write a short story of my life, which has been one of hardship. I was a slave born on the Plantation of Major John Bass." These words served as a daily inspiration to Phyllis and her family.

She spent the next 40 years researching the genealogy of the Bass family. Her search ended with finding the plantation where Grandpa Bass was born and actually staying in the original plantation house. She has also written a book about her search for these roots.

Phyllis started her first Black History Museum in the Ward Chapel AME Church in Iola, KS. Her love for history, especially Black history, led her to Leavenworth, KS, where she became the director of the Richard Allen Cultural Center. This museum started as a small house. With her direction and trust in God a \$500,000.00 addition was added to it which was paid for when the builders finished.

She immediately began a tutoring program for kids which have produced many successful students. One such student was KU basketball great Wayne Simien, Jr. She has given tours to people from all over the world including General Petraeus, writer Lerone Bennett, Jr. and U.S. Representatives Nancy Boyda and Emanuel Cleaver. Her motto for the center was ten two letter words, "If it is to be, it is up to me." She also worked with General Colin Powell and Commander Philpott in raising \$1.3 million to erect the Buffalo Soldier Monument at Fort Leavenworth.

Phyllis has received many awards, including:

The Commanders Award for Civilian Achievement from General Caldwell of Fort Leavenworth.

She was honored by Kansas City Community College as one of 5 women to bring history forward.

She received a citation from the President of the United States Congressional Black Caucus, Emanuel Cleaver.

She received a standing ovation from the History Class at the University of Kansas for her Black History Presentation.

Phyllis has taken Black History programs into prisons, schools, churches and has even taken exhibits to the States of Washington and California. She is a firm believer in God and will tell everyone, "God did not put us here on this earth to take up space."

She finally retired at the age of 85.

Rep. Barton welcomed Mrs. Bass, members of her family; Mrs. Edna Wagner, Director of the Richard Allen Cultural Center and Gloria Wallace, a volunteer at the center to the House. He presented Mrs. Bass with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2614, AN ACT concerning the state board of pharmacy; powers, duties and functions thereof; amending K.S.A. 65-669, 65-1633, 65-1635, 65-1648, 65-1660 and 65-7007 and K.S.A. 2015 Supp. 65-1626, 65-1627, 65-1636, 65-1637, 65-1642, 65-1643, 65-1645, 65-1655, 65-1663, 65-1669, 65-1676, 65-2837a and 65-4202 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 65-1637b and 65-1651a, by Committee on Health and Human Services.

HB 2615, AN ACT concerning charitable healthcare providers; relating to continuing education credits for gratuitous care; amending K.S.A. 2015 Supp. 65-2809 and 75-6102 and repealing the existing sections, by Committee on Health and Human Services.

HB 2616, AN ACT concerning sales taxation; relating to certain cash rebates on sales or leases of new motor vehicles; amending K.S.A. 2015 Supp. 79-3602 and repealing the existing section, by Committee on Taxation.

HB 2617, AN ACT concerning workers compensation; relating to the medical administrator; electronic filing for administrative hearings; amending K.S.A. 44-534 and 44-536a and K.S.A. 2015 Supp. 44-510i and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

HB 2618, AN ACT concerning the department of corrections; relating to the prison-made goods act of Kansas; authorized sales; amending K.S.A. 2015 Supp. 75-5275 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2619, AN ACT concerning the department of administration; relating to competitive bids; bidding procedures; amending K.S.A. 2015 Supp. 75-3739 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2620, AN ACT concerning crimes, punishment and criminal procedure; relating to delinquent time lost on parole; amending K.S.A. 2015 Supp. 75-5217 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2621, AN ACT concerning crimes, punishment and criminal procedure; relating to release procedures; mandatory postrelease supervision; amending K.S.A. 2015 Supp. 22-3717 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2598**, **HB 2606**.

Federal and State Affairs: **HB 2612**.

Health and Human Services: **HB 2599**, **HB 2600**, **HB 2607**, **HB 2608**.

Insurance and Financial Institutions: **HB 2602**.

Judiciary: **HB 2611**.

Local Government: **HB 2613**.

Taxation: **HB 2603**, **HB 2604**, **HB 2609**.

Transportation: **HB 2601**, **HB 2605**, **HB 2610**.

Utilities and Telecommunications: **HB 2597**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 19, Substitute for SB 22, Substitute for SB 182, SB 242, SB 313.**

Announcing passage of **HB 2049**, as amended by **Senate Substitute for HB 2049.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 19, Sub SB 22, Sub SB 182, SB 242, SB 313

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hineman, **HR 6034**, A RESOLUTION recognizing February 5, 2016, as National Wear Red Day, was adopted.

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

Eighteen years ago my wife Betsy dropped dead. She was tending to a group of preschoolers at the preschool she owned and operated in our hometown when she suddenly dropped to the floor and passed out. Fortunately an adult aide was present who quickly called 911. As the call went out the first to respond were a retired EMT who was picking up his mail at the post office next door and the courthouse custodian who had heard the request on the sheriff's scanner at the courthouse.

Those two individuals, along with other volunteers who joined them later, performed CPR on Betsy until the EMS service arrived. After multiple attempts with the paddles of a defibrillator the EMTs were finally able to revive and stabilize Betsy. I was present at the time and I can tell you that it seemed like an eternity. She was then transported to Lane County Hospital and further stabilized for an ambulance trip to Scott City Airport twenty three miles away. At the airport she was transferred to an airplane operated by Eagle Med and was flown to Wesley Hospital in Wichita.

The team of cardiologists and electrophysiologists at Wesley soon determined that Betsy had experienced a sudden cardiac arrest. Her heart had slipped into ventricular fibrillation, where the heart is merely quivering and no longer effectively pumping blood through her body. The solution to that problem was to insert an automatic implantable cardioverter device into her chest. That device functions to monitor her heart and deliver therapy to shock her heart back into normal rhythm when necessary. In the past eighteen years the device has activated only twice but we were certainly glad it was available when needed. The most recent event occurred a few years ago when she attempted to relive her youth and get up on a slalom water ski. The doctor later told her "don't do that anymore". Due to rapid technological advances and the fact that batteries don't last forever, Betsy is now on her third implanted device.

I share this story with you for two reasons. Obviously this event has led both Betsy and me to a deep appreciation of the effective rural health care delivery system which functioned to save her life that day. We are forever indebted to that system and all the people who played a part. The event has transformed me into a staunch supporter of

rural health care, and I stand ready to take whatever steps we have available to preserve and support that system.

Secondly, and in keeping with the observation of Wear Red for Women Day, Betsy's experience serves as a powerful reminder and raises awareness of women's heart health issues. Betsy was too young in 1998 for any of us to be concerned about possible health issues. She was, and is, fit, and her body type would not suggest any potential problem. And that is the important message for today. Women's heart health issues often strike without warning and without the obvious symptoms which more typically accompany men's heart health issues. A cardiac emergency can happen to any of us at any time, and it is important for all of us to prepare as best we can. If you don't know CPR techniques, learn them. There may come a time when you are the only person available to deliver that therapy when an emergency occurs. Learn where automatic defibrillators are located, including in this very chamber. Become familiar with the signs of cardiac emergencies and be prepared to act when and if an emergency presents.

CONSENT CALENDAR

No objection was made to **HB 2485** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2485, AN ACT concerning insurance; relating to risk-based capital instructions; effective date; amending K.S.A. 2015 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, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, 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, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, Kiegerl, Seiwert.

The bill passed.

HCR 5005, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Anthimides, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Corbet, E. Davis, DeGraaf, Dove, Edmonds, Esau, Estes, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Pauls, Peck, R. Powell, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schwab, Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Nays: Alcalá, Alford, Ballard, Becker, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Dierks, Doll, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Helgerson, Henderson, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Kelly, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, F. Patton, Phillips, Proehl, Rooker, Ruiz, Sawyer, Schroeder, Scott, Sloan, S. Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Henry, Kiegerl, Seiwert.

A two-thirds majority of the members elected to the House having not voted in the affirmative, the resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: I understand judicial decisions cannot be predetermined. Regardless what the Governor wants I cannot in good conscience vote in favor of the Federal model of judicial selection that has given us justices that have imposed and repeatedly upheld *Roe v. Wade*, and now gay marriage, on the residents of the State of Kansas. Both of those rulings are morally lacking. I vote No on **HCR 5005**. – DON SCHROEDER

MR. SPEAKER: As a defender of the unborn and a solid pro-life voter, I reject the notion advanced by some that this proposal is about protecting the unborn. It is not. My vote today is for separation of the powers of government and preservation of a fair, impartial and independent judiciary. I will not be bullied by special interest groups into voting for a measure which I know is wrong. I vote no on **HCR 5005**. – DON HINEMAN, RUSS JENNINGS, STEVEN R. BECKER

MR. SPEAKER: Our system of government relies on a system of checks and balances between its three branches. That system works most effectively when the judicial branch is insulated from partisan politics. The proposed constitutional amendment would inject partisan politics into what should be neutral, objective judicial decisions. I stand firmly behind the system of merit selection of supreme court justices that has served Kansas well for the last 65 years. I vote no on **HCR 5005**. – DENNIS "BOOG" HIGHBERGER

MR. SPEAKER: I vote AYE on **HCR 5005**. I do so, however, not because of any political party or faction therein, President of the United States, United States Supreme Court Justice, Governor, state supreme court justice, state district court judge, or court

decision, known or unknown. Instead, I vote AYE because the Kansas Bill of Rights declares, "All political power is inherent in the people." The people of my legislative district are deeply divided on this issue. To that end, I vote AYE to allow the people to exercise their inherent political power to vote on their foundational, controlling document – the Kansas Constitution. – LANE HEMSLEY, CHUCK SMITH, JACK THIMESCH, RICK BILLINGER, PEGGY MAST, KEN CORBET, KYLE HOFFMAN, PETE DEGRAAF

MR. SPEAKER: Our decision today should be based on the National embarrassment of the U.S. Supreme Court declaring the Kansas Supreme Court being inept over the Carr's brothers' decision, by an 8 to 1 margin. I vote yes on having a different method to select our judges. I vote yes on **HCR 5005**. – MARIO GOICO, DANIEL R. HAWKINS, MARK HUTTON, JOHN BRADFORD

MR. SPEAKER: I vote NO on **HCR 5005**. **HCR 5005** unnecessarily politicizes the Kansas Supreme Court and the method by which justices are selected. While supporters of this "federal model" claim it protects democracy, the truth is more sinister. This resolution is a power grab by those who disagree with decisions made by the court. We depend on the courts to uphold the Constitution and their rulings to be fair, impartial, and apolitical. Politicians who think they can decide which cases courts may hear or how the court should rule threaten all of our rights. – ED TRIMMER, LOUIS RUIZ, TOM BURROUGHS, JOHN WILSON, SYDNEY CARLIN, BEN SCOTT, PONKA-WE VICTORS, RODERICK HOUSTON

MR. SPEAKER: I vote yes on **HCR 5005**. A yes vote does not change the method in which Kansas Supreme Court Justices are selected – it merely allows Kansas voters the opportunity to decide if they wish to keep the current judicial selection process or change it to one that is more democratic. I am not an elitist who considers myself to be smarter than Kansas voters. I say let the people vote! I trust them to make the right decision. I vote yes on **HCR 5005**. – VIRGIL PECK, JR., RANDY GARBER

MR. SPEAKER: I vote no on **HCR 5005** because it replaces a common sense Kansas solution for selecting our courts with a D.C. based system that puts politicians in the driver's seat. Kansas voters adopted our current system by a large majority. They vote on every supreme court judge every six years. They have the power in our current system. The last thing we need in Kansas is more of the Washington D.C. way of doing things. I vote no to keep Kansas Courts instead of Obama's Courts. – LARRY HIBBARD, SUSAN CONCANNON

MR. SPEAKER: The History of our Federal Supreme Court has taught us that having a Democratic selection process strengthens the legitimacy and respect of our Court without infringing upon the independence of the co-equal branch. I support allowing the people of Kansas to vote on whether to adopt the Federal Model of Judicial Selection. Therefore, I vote yes on **HCR 5005**. – JAMES TODD

MR. SPEAKER: I vote yes on **HCR 5005**. Our Supreme Court and Court of Appeals judges are currently selected by a Supreme Court Nominating Commission, not by the people. Kansas is currently the ONLY state with a judicial selection like this. The higher court system has proven time and time again they do not uphold the values of

this great state and are consistently overruled on the basis of constitutionality by the U.S. Supreme Court. Today, I vote yes for **HCR 5005** in order to put the voices and values of Kansans first. — MARC RHOADES, LES MASON

MR. SPEAKER: Amy James, who was friends with the victims of the Carr brothers, gave testimony about the suffering she and others endured because of the failure of the Kansas Supreme Court to follow the law and use reasoned judgment. Her testimony says: “This is the fifth case where the Kansas Supreme court has been overturned by the U.S. Supreme Court just on the death penalty, and there are more cases coming. We have a problem. Actually we have six problems. They are the six Kansas Supreme Court justices—making six figure salaries while they ignore the oath they took.” I vote yes on **HCR 5005**. — DENNIS HEDKE, MICHAEL HOUSER

MR. SPEAKER: Today, I vote yes for **HCR 5005**. Our Supreme Court is currently selected by an attorney-controlled Supreme Court Nominating Commission. This process, found only in Kansas, limits the voices of our citizens and magnifies the voice of an elite few, legal practitioners. I believe in giving the citizens of Kansas a voice in the judicial selection process. I vote yes today on **HCR 5005** in order to reverse the current undemocratic selection process and give the citizens of this great state a greater voice. — BILL SUTTON

MR. SPEAKER: The judicial selection process in Kansas has been the subject of much controversy over the past several years. This vote is about nothing more than giving the people of Kansas a chance to vote on the way our state places Supreme Court Justices on the bench. A vote against this is a vote against giving our constituents a direct voice on this issue. For that reason, I vote yes on **HCR 5005**. — JOHN WHITMER, WILLIE DOVE, WILL CARPENTER, JOHN BRADFORD, KEVIN JONES

MR. SPEAKER: Kansas voters purposefully put our current system in place in response to corruption and political scandal that stained our courts. They knew that concentrating too much power in the hands of one person or one branch of government was an invitation to cronyism and corruption. Because of that, Kansas voters reacted by approving the merit selection process we have today. Kansas voters continue to have the final say with the option to retain or remove the justices every cycle through the election process. The federal model in **HCR 5005** gives the power to politicians instead of the people of Kansas. I vote no on **HCR 5005**. — DON HILL, TOM MOXLEY, SUSIE SWANSON, LINDA GALLAGHER, LONNIE CLARK.

MR. SPEAKER: Today I vote no on **HCR 5005** because I trust the wisdom of the people of Kansas. Our current Kansas system of judicial selection is the result of a vote of the people and both houses of their legislature. It reflects their desire to keep politics and political scandal out of our courts. It reflects their desire to see judges selected because of what they know, not who they know. It reflects our common sense approach that uses Kansas solutions instead of Washington D.C. style politics, and it ensures that our courts are fair and impartial. — BLAINE FINCH, MELISSA ROOKER, GREG LEWIS, STEPHANIE CLAYTON, BARBARA BOLLIER, DIANA DIERKS.

MR. SPEAKER: Today, I vote yes for **HCR 5005**. Our Supreme Court and Court of Appeals judges are currently selected by a Supreme Court Nominating Commission.

This process, found only in Kansas, limits the voices of our citizens and magnifies the voice of an elite few, legal practitioners. I believe in giving the citizens of Kansas a voice in the judicial selection process. I vote yes today on **HCR 5005** in order to reverse the current undemocratic selection process and give the citizens of this great state a greater voice. — CHUCK WEBER, LESLIE OSTERMAN, TONY BARTON, CONNIE O'BRIEN, BLAKE CARPENTER.

MR. SPEAKER: **HCR 5005** will provide the citizens of our great state the right to vote on whether they want the current flawed merit selection process or the democratic federal model.

Our current judicial selection process is undemocratic and overly-politicized and gives complete power to a handful of lawyers instead of to the citizens of our great state. **HCR 5005** will break the stranglehold special interest groups have on our current judicial selection process and give the power back to where it belongs...the citizens of our state. I vote yes on **HCR 5005**. — MARK KAHRNS, KRISTEY WILLIAMS, KEITH ESAU, STEVEN ANTHIMIDES, RANDY POWELL, BRETT HILDABRAND, MARTY READ.

MR. SPEAKER: I vote No on **HCR 5005** because the current system ensures that qualified candidates are nominated in a non-partisan manner. Whether or not I agree with specific Supreme Court decisions or individual justice's positions, I support an independent Judiciary. The State Constitution already provides the voters the opportunity to retain or not retain Supreme Court Justices. I do not wish to turn the current non-partisan Kansas Supreme Court nomination decisions into the federal system of nominating Justices based on who supports the Governor or other interests. — TOM SLOAN.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2438** be passed.

Committee report to **SB 248** be adopted; and the bill be passed as amended.

Committee report to **SB 188** be adopted; also, on motion of Rep. Highland, **SB 188** be amended, as amended by House Committee, on page 1, in line 7, by striking "2014" and inserting "2015";

On page 6, in line 29, by striking "2016" and inserting "2017"; in line 32, by striking "2014" and inserting "2015";

On page 1, in the title, in line 3, by striking "2014" and inserting "2015"; and the bill be passed as amended.

Committee report to **SB 133** be adopted; also on motion of Rep. Whitmer to amend **SB 133**, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2446** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2018** be amended on page 1, in line 10, after "age" by inserting "but less than 18 years of age"; also in line 10, by striking the colon; in line 11, by striking "(1)"; also in line 11, by striking all after "age"; by striking all in line 12; in line 13, by striking "child"; in line 17, after "age" by inserting "but less than 18 years of age"; in line 22, after the semicolon, by inserting "and"; in line 23, by striking all after "age"; by striking all in line 24; in line 25, by striking "child"; in line 26, after "a" by inserting ":

(A) Class A, person misdemeanor, except as provided in subsection (c)(1)(B);

(B) ";

Also on page 1, in line 27, after "felony" by inserting "upon a second or subsequent conviction"; in line 34, by striking "a child" and inserting "an offender"; in line 36, by striking "child" and inserting "offender";

On page 2, in line 1, by striking "a person other than such"; also in line 1, after "nudity" by inserting "to more than one person"; in line 7, by striking "2014" and inserting "2015"; in line 17, by striking the second "and"; in line 18, after "(3)" by inserting "'transmission" means any form of communication, including, but not limited to, physical transmission of paper and electronic transmission that creates a record that may be retained and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Transmission also includes a request to receive a transmission of a visual depiction if such request results in a visual depiction being transmitted; and

(4)";

Also on page 2, in line 23, after "older" by inserting "but less than 16 years of age"; also in line 23, by striking all after "than"; in line 24, by striking all before the comma and inserting "19 years of age"; in line 27, by striking "A" and inserting "B"; in line 42, by striking "2014" and inserting "2015";

On page 3, in line 1, by striking "2014" and inserting "2015"; in line 32, by striking "2014" and inserting "2015"; in line 35, by striking "2014" and inserting "2015"; in line 38, by striking "2014" and inserting "2015";

On page 4, in line 28, by striking "2014" and inserting "2015";

On page 1, in the title, in line 4, by striking "2014" and inserting "2015"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2460** be amended on page 1, in line 34, after the period by inserting "If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime.";

On page 2, in line 4, after the period by inserting "If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime."; in line 18, after the period by inserting "If the offender is required to be registered under both a person and nonperson underlying crime, the violation shall be designated as a person crime."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2471** be passed.

Committee on **Pensions and Benefits** recommends **HB 2489** be amended on page 5, in line 22, by striking all after "(A)"; by striking all in line 23; in line 24, by striking all before "The";

On page 7, in line 10, by striking all after the period; by striking all in line 11; in line 12, by striking all before "Effective"; in line 24, by striking all after the period; by striking all in line 25; in line 26, by striking all before "Effective";

On page 12, following line 20, by inserting:

"Sec. 4. K.S.A. 2015 Supp. 74-49b10 is hereby amended to read as follows: 74-49b10. (a) The board is authorized to enter into a voluntary participation agreement with any employee of the state whereby a portion of the employee's salary or compensation from the state shall be deferred and deducted each payroll period in accordance with subsection (b) and the Kansas public employees deferred compensation plan. Such participation agreement may require each participant to pay a service charge to defray all or part of any significant costs incurred and to be recovered by the state pursuant to ~~subsection (e) of K.S.A. 2015 Supp. 74-49b09(c)~~, and amendments thereto, as a result of the administration of this act.

(b) Pursuant to this act and such participation agreements, the director of accounts and reports, as a part of the system of regular payroll deductions and using funds either appropriated or otherwise available for such purpose, shall establish a system for the following purposes: (1) To defer each payroll period the amounts authorized in such participation agreements from the salary or compensation of each employee who has entered into a participation agreement; and

(2) to remit these moneys in accordance with the Kansas public employees deferred compensation plan.

(c) (1) Pursuant to section 401(a) of the federal internal revenue code, the board may establish a qualified plan under which the state may contribute a specified amount, subject to appropriations, to the deferred compensation plan for state employees who have entered into a voluntary participation agreement with the board under this section.

(2) Any state agency that has on its payroll persons participating in any qualified plan established under subsection (c)(1), shall pay from any moneys available to the state agency for such purpose an amount specified in the qualified plan, subject to appropriations for that purpose.

(d) The Kansas public employees deferred compensation plan shall exist and be in addition to, and shall not be a part of any retirement or pension system for employees. The state shall not be responsible for any loss incurred by any participant under the Kansas public employees deferred compensation plan established and approved pursuant to this act.

(e) Notwithstanding the provisions of K.S.A. 74-4909(10), and amendments thereto, for those employees who entered into a voluntary participation agreement pursuant to the provisions of this section or K.S.A. 2015 Supp. 74-49b15, and amendments thereto, and who are also members of a retirement system administered by the board, the board may share information from the participants' retirement or pension system accounts with a contracting party pursuant to the provisions of K.S.A. 2015 Supp. 74-49b09, and amendments thereto, for the purpose of facilitating the participants' comprehensive retirement income planning.

(f) Any amount of the employee's salary or compensation that is deferred on a pre-tax basis under such an authorized participation agreement shall continue to be included as regular compensation for all purposes of computing retirement and pension benefits earned by any such employee, but Any sum so deferred or deducted shall not be subject to any state or local income taxes for the year in which such sum is earned contributed

but shall be subject to applicable state ~~and local~~ income taxes for the year in which ~~such sum is distributed~~ distributions are received by the employee. Any amounts contributed to a Roth 457 plan under this act shall be subject to state withholding and income taxes for the year in which such sum is contributed to the plan, but shall not be subject to applicable state income taxes for the year in which distributions are received by the employee, unless the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, provide otherwise.

~~(f)~~ (g) A deferred compensation clearing fund shall be established in the state treasury in which all compensation deferred, deducted or contributed in accordance with this act and as provided for in each participation agreement shall be temporarily placed.

Sec. 5. K.S.A. 2015 Supp. 74-49b14 is hereby amended to read as follows: 74-49b14.

(a) The board may enter into an agreement with any local government of the state of Kansas making the services under contracts entered into by the board under ~~subsection (b)~~ of K.S.A. 2015 Supp. 74-49b09 (b), and amendments thereto, available to the local government, subject to the terms and conditions of those contracts and the agreement entered into between the board and the local governmental unit, if the local governmental unit meets all of the following conditions: (1) The local governmental unit meets the definition of eligible employer as defined in K.S.A. 74-4902, and amendments thereto;

(2) the governing body of the local governmental unit has enacted an ordinance or resolution adopting the terms of the deferred compensation plan for state employees established under K.S.A. 2015 Supp. 74-49b09, and amendments thereto, as the local government deferred compensation plan for the employees of that local governmental unit; and

(3) the governing body certified that the local governmental unit will make such local government deferred compensation plan available to its employees and will administer it in accordance with the provisions of this act, section 457 of the federal internal revenue code of 1986, and amendments thereto, and the deferred compensation plan established by the board under K.S.A. 2015 Supp. 74-49b09, and amendments thereto.

(b) Pursuant to section 401(a) of the federal internal revenue code, and subject to the provisions of K.S.A. 2015 Supp. 74-49b10, and amendments thereto, the board may establish a qualified plan under which local governmental units participating in the deferred compensation plan may contribute a specified amount to such plan.

(c) Except for such agreement, the board or any other state officer or employee shall not be involved nor incur any expense in the administration of a plan adopted by a local governmental unit under subsection (a) or (b), except to the extent that such costs are reimbursed under one or both of the methods identified in ~~subsection (e)~~ of K.S.A. 2015 Supp. 74-49b09 (c), and amendments thereto.

~~(e)~~ (d) The state shall not be responsible for any loss incurred by or obligation of any local governmental unit participant under a local government deferred compensation plan established as provided pursuant to subsection (a) or (b).

Sec. 6. K.S.A. 2015 Supp. 74-49b15 is hereby amended to read as follows: 74-49b15.

(a) Subject to the agreement entered into under the provisions of K.S.A. 2015 Supp. 74-49b14, and amendments thereto, the governing body of a local government unit may establish such conditions as the governing body deems advisable to govern the voluntary participation of its employees in the local government deferred compensation plan established by the local governmental unit under the provisions of K.S.A. 2015

Supp. 74-49b14, and amendments thereto.

(b) Any amount of an employee's salary or compensation that is deferred on a pre-tax basis under such plan an authorized participation agreement shall continue to be included as regular compensation for all purposes of computing retirement and pension benefits earned by such employee, ~~but~~ Any sum so deferred or deducted shall not be subject to ~~any state or local~~ income tax for the year in which such sum is ~~earned~~ contributed but shall be subject to applicable state ~~and local~~ income taxes for the year in which ~~such sum is~~ distributions are received by the employee. Any amounts contributed to a Roth 457 plan under this act shall be subject to state withholding and income taxes for the year in which such sum is contributed to the plan, but shall not be subject to applicable state income taxes for the year in which distributions are received by the employee, unless the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, provide otherwise."

Also on page 12, in line 21, by striking the second "and" and inserting a comma; in line 22, after "49,313" by inserting ", 74-49b10, 74-49b14 and 74-49b15";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "retirement; relating to"; in line 2, by striking all before "death"; in line 4, after "rate;" by inserting "Kansas public employees deferred compensation act; sharing of account information; tax treatment; local governmental unit plan option;"; in line 5, by striking the second "and" and inserting a comma; in line 6, after "49,313" by inserting ", 74-49b10, 74-49b14 and 74-49b15"; 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 2622, AN ACT concerning the state board of regents; relating to general educational development credential fees; relating to tuition and fees of private and out-of-state postsecondary institutions; concerning the Kansas private and out-of-state postsecondary educational institution act; amending K.S.A. 2015 Supp. 72-4530, 74-32,163, 74-32,165 and 74-32,181 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 74-32,166 and 74-32,176, by Committee on Education.

HB 2623, AN ACT concerning utilities; relating to electric transmission lines, right to construct, by Committee on Energy and Environment.

HB 2624, AN ACT concerning compensation and expenses of legislators during the regular sessions of the legislature, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2567** from Committee on Education and referral to Committee on Veterans, Military and Homeland Security.

Also, the withdrawal of **HB 2579** from Committee on Health and Human Services and referral to Committee on Insurance and Financial Institutions.

On motion of Rep. Vickrey, the House adjourned until 8:00 a.m., Friday, February 5, 2016.