

Journal of the House

THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 21, 2017, 10:00 a.m.

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

The roll was called with 125 members present.

Excused later: Rep. Powell.

Prayer by guest chaplain, Senior Pastor David Walker,
Faith Christian Center International, Leavenworth, and guest
of Rep. Pittman:

Father God, of all creation in the name of Jesus Christ we
come humbly but boldly to your throne of grace, to obtain
your mercy, wisdom, and blessings.

Father, we thank you for your loving kindness that you
have constantly shown this great state.

Father, we ask that you would grant wisdom and
understanding to this governing body, that would have your
clear guidance concerning your will for the people of Kansas.

Father, we ask that there will be no division in this
governing body, but each official would walk in
understanding, and empathy towards one another.

As this governing body seeks unity and fairness for all
citizens of the state of Kansas, let all officials look to you
first for your will to be done.

Abba Father, we thank you for granting us our desired
petitions in Jesus Christ name we pray. Amen

The Pledge of Allegiance was led by Rep. Clayton.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2369, AN ACT concerning sales and compensating use taxation; relating to rates, food and food ingredients; amending K.S.A. 2016 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Taxation.

HB 2370, AN ACT concerning income taxation; relating to determination of Kansas adjusted gross income, rates, itemized deductions; amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-32,269, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Schwab announced the withdrawal of **HB 2331**, **HB 2332**, **HB 2359** from Committee on Appropriations and rereferral to Committee on Government, Technology and Security.

Also, the withdrawal of **HB 2232** from Committee on Children and Seniors and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2047** from Committee on Health and Human Services and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2194** from Committee on Transportation and referral to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Ward moved that **HB 2064** be withdrawn from Committee on Health and Human Services and be placed on the calendar under the order of business General Orders.

Also, pursuant to House Rule 2311 and in accordance with Subsection (b) of House Rule 1503, Rep. Ward moved the bill be moved to the first order of business to be considered on General Orders on February 22, 2017.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Crum moved that **HB 2179** be withdrawn from Committee on Education and be placed on the calendar under the order of business General Orders.

Also, pursuant to House Rule 2311 and in accordance with Subsection (b) of House Rule 1503, Rep. Crum moved the bill be moved to the second order of business to be considered on General Orders on February 22, 2017.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6014**—

By Representatives Mason, Brim, Clark, Clayton, Curtis, Dietrich, Hineman, Kessinger, Lewis, Proehl, Rahjes, Schreiber, Schroeder, Seiwert, Sloan, Sutton, Waymaster and Weber

HR 6014—A RESOLUTION recognizing the 28th anniversary of sister-state relations between the State of Kansas and Taiwan.

(1) That Kansas supports Taiwan's mature and vital democracy, and celebrates the 28th anniversary of sister-state relations;

(2) that Kansas endorses the signing of a bilateral investment agreement and free trade agreement between Taiwan and the United States; and

(3) that Kansas continues to support Taiwan's appropriate participation in international organizations, which impacts the health, safety and well-being of its people; and

Be it further resolved: That the Chief Clerk of the House of Representatives shall send enrolled copies of this resolution to the United States Secretary of State, Rex

Tillerson, the President of Taiwan, Tsai Ing-wen, each member of the Kansas Congressional Delegation and Representative Mason.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Trimmer, **HR 6009**, A RESOLUTION recognizing National Speech and Debate Education Day, was adopted.

In recognition of National Speech and Debate Education Day, Rep. Trimmer introduced Dustin Rimmey, Pam McComas, Gail Naylor and Craig Manteuffel to the members of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Holscher, **HR 6010**, A RESOLUTION congratulating and commending the Blue Valley School District on their academic excellence, was adopted.

There being no objection, the following remarks of Rep. Holscher are spread across the Journal:

Mr. Speaker, honorable colleagues of the House: Academic achievement is at an all-time high in Blue Valley. The district's 2015 graduates posted the highest ACT and SAT composite scores of Kansas City metropolitan area school districts. Graduates averaged an ACT composite score of 25.4 and an SAT composite score of 1864, both of which exceed the state and national averages.

The percentages of Blue Valley students enrolling, remaining and graduating from college continue to be well above the national average. Blue Valley is poised to shape strong leaders for the future.

Recently, the Blue Valley district was recognized for outperforming all educational systems in the world, except one, in the areas of math and science. For their exceptional results, we are proud to recognize the Blue Valley district today.

Rep. Holscher introduced the following guests to the members of the House and presented them with a framed House resolution: Dr. Todd White, Superintendent; Dr. Tonya Merrigan, Assistant Superintendent for Academic Services; Tom Mitchell, Board Member; Pam Robinson, Board Member; Mike Seitz, Board Member; Stacy Obring-Varhall, Board Member and Cindy Bowling, Board Member.

CONSENT CALENDAR

No objection was made to **HB 2301** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2079, AN ACT concerning motor vehicles; relating to water district vehicle registration; amending K.S.A. 2016 Supp. 8-1,134 and repealing the existing section, was considered on final action.

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

Yea: Alcala, Alford, Arnberger, Aurand, Awerkamp, Baker, Ballard, Barker, Becker,

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

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2102, AN ACT concerning counties; dealing with the board of county commissioners; amending K.S.A. 19-206 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Ward.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2125, AN ACT concerning public benefit corporations; relating to the Kansas general corporation code; business entity standard treatment act; amending K.S.A. 2016 Supp. 17-6014, 17-6712, 17-7903 and 17-7919 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2158, AN ACT concerning elections; dealing with advance voting procedures; amending K.S.A. 25-1132, 25-1133, 25-1134 and 25-1136 and K.S.A. 2016 Supp. 25-3107 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Campbell, E. Davis.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2170, AN ACT concerning bicycles; relating to safety equipment; lamps and reflectors; amending K.S.A. 8-1592 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Corbet, Dove, Hoffman, Houser, Landwehr, Miller, Seiwert, Sutton, Vickrey.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2268** be adopted; and the bill be passed as amended.

Committee report to **HB 2186** be adopted.

On motion of Rep. Stogsdill to amend **HB 2186**, Rep. Aurand requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment was germane.

Also, roll call was demanded on the motion of Rep. Stogsdill, to amend **HB 2186**, as amended by House Committee, on page 14, following line 13, by inserting:

"Sec. 34. K.S.A. 2016 Supp. 72-5436 is hereby amended to read as follows: 72-5436. As used in this act K.S.A. 72-5436 and 72-5438 through 72-5446, and amendments thereto: (a) "Teacher" means any professional employee who is required to hold a certificate to teach in any school district and any teacher or instructor in any technical college, the institute of technology at Washburn university or community college. The term "teacher" does not include within its meaning any supervisors, principals, superintendents or any person employed under the authority of K.S.A. 72-8202b, and amendments thereto or any persons employed in an administrative capacity by any technical college, the institute of technology at Washburn university or community college.

(b) "Board" means the board of education of any school district, the governing body of any technical college or the institute of technology at Washburn university, and the board of trustees of any community college.

Sec. 35. K.S.A. 2016 Supp. 72-5438 is hereby amended to read as follows: 72-5438. (a) Whenever a teacher is given written notice of intention by a board to not renew or to terminate the contract of the teacher as provided in K.S.A. 72-5437, and amendments thereto, the written notice of the proposed nonrenewal or termination shall include: (1) A statement of the reasons for the proposed nonrenewal or termination; and (2) a statement that the teacher may have the matter heard by a hearing officer upon written request filed with the clerk of the board of education or the board of control or the secretary of the board of trustees within 15 calendar days from the date of such notice of nonrenewal or termination.

(b) Within 10 calendar days after the filing of any written request of a teacher to be heard as provided in subsection (a), the board shall notify the commissioner of education that a list of qualified hearing officers is required. Such notice shall contain the mailing address of the teacher. Within 10 days after receipt of notification from the board, the commissioner shall provide to the board and to the teacher, a list of five randomly selected, qualified hearing officers.

(c) Within five days after receiving the list from the commissioner, each party shall eliminate two names from the list, and the remaining individual on the list shall serve as hearing officer. In the process of elimination, each party shall eliminate no more than one name at a time, the parties alternating after each name has been eliminated. The first name to be eliminated shall be chosen by the teacher within five days after the teacher receives the list. The process of elimination shall be completed within five days thereafter.

(d) Either party may request that one new list be provided within five days after receiving the list. If such a request is made, the party making the request shall notify the commissioner and the other party, and the commissioner shall generate a new list and distribute it to the parties in the same manner as the original list.

(e) In lieu of using the process provided in subsections (b) and (c), if the parties agree, they may make a request to the American arbitration association for an arbitrator to serve as the hearing officer. Any party desiring to use this alternative procedure shall so notify the other party in the notice required under subsection (a). If the parties agree to use this procedure, the parties shall make a joint request to the American arbitration association for a hearing officer within 10 days after the teacher files a request for a hearing. If the parties choose to use this procedure, the parties shall each pay one-half of the cost of the arbitrator and of the arbitrator's expenses.

(f) The commissioner of education shall compile and maintain a list of hearing officers comprised of residents of this state who are attorneys at law. Such list shall include a statement of the qualifications of each hearing officer.

(g) Attorneys interested in serving as hearing officers under the provisions of this act shall submit an application to the commissioner of education. The commissioner shall determine if the applicant is eligible to serve as a hearing officer pursuant to the provisions of subsection (h).

(h) An attorney shall be eligible for appointment to the list if the attorney has: (1) Completed a minimum of 10 hours of continuing legal education credit in the area of education law, due process, administrative law or employment law within the past five years; or (2) previously served as the chairperson of a due process hearing committee prior to the effective date of this act. An attorney shall not be eligible for appointment to the list if the attorney has been employed to represent a board or a teacher in a due

process hearing within the past five years.

Sec. 36. K.S.A. 2016 Supp. 72-5439 is hereby amended to read as follows: 72-5439. The hearing provided for under K.S.A. 72-5438, and amendments thereto, shall commence within 45 calendar days after the hearing officer is selected unless the hearing officer grants an extension of time. The hearing shall afford procedural due process, including the following:

(a) The right of each party to have counsel of such party's own choice present and to receive the advice of such counsel or other person whom such party may select;

(b) the right of each party or such party's counsel to cross-examine any person who provides information for the consideration of the hearing officer, except those persons whose testimony is presented by affidavit;

(c) the right of each party to present such party's own witnesses in person, or their testimony by affidavit or deposition, except that testimony of a witness by affidavit may be presented only if such witness lives more than 100 miles from the location of the unified school district office, the technical college, institute of technology at Washburn university or community college, or is absent from the state, or is unable to appear because of age, illness, infirmity or imprisonment. When testimony is presented by affidavit the same shall be served upon the clerk of the board of education, the board of control, the secretary of the board of trustees or the agent of the board and upon the teacher in person or by first-class mail to the address of the teacher which is on file with the board not less than 10 calendar days prior to presentation to the hearing officer;

(d) the right of the teacher to testify in the teacher's own behalf and give reasons for the teacher's conduct, and the right of the board to present its testimony through such persons as the board may call to testify in its behalf and to give reasons for its actions, rulings or policies;

(e) the right of the parties to have an orderly hearing; and

(f) the right of the teacher to a fair and impartial decision based on substantial evidence.

Sec. 37. K.S.A. 2016 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a) Except as otherwise provided in this section, the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to:

(1) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, the technical college, institute of technology at Washburn university or community college by which any such teacher is currently employed; and

(2) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, the technical college, institute of technology at Washburn university or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of paragraph (1) of this subsection in any school district, technical college, the institute of technology at Washburn university or community college in this state.

(b) Any board may waive, at any time, the years of employment requirements of subsection (a)(1) for any teacher employed by it.

(c) The provisions of this subsection section are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

(d) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto,

do not apply to any teacher whose license has been non-renewed or revoked by the state board of education because the teacher has:

(1) Been convicted of a felony under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;

(2) been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2016 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto, or an act described in K.S.A. 21-3412, prior to its repeal, or K.S.A. 2016 Supp. 21-5413(a), or K.S.A. 21-3412a, prior to its repeal, or K.S.A. 2016 Supp. 21-5414, and amendments thereto, if the victim is a minor or student;

(3) been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2016 Supp. 21-6419 through 21-6421, and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2016 Supp. 21-5505(a), and amendments thereto, if the victim is a minor or student;

(4) been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 56 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(5) been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 58 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2016 Supp. 21-6412(a)(6), and amendments thereto;

(6) been convicted of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2016 Supp. 21-5301, and amendments thereto, to commit any act specified in this subsection;

(7) been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, prior to their repeal, or K.S.A. 2016 Supp. 21-6401 or 21-6402, and amendments thereto;

(8) been convicted in another state or by the federal government of an act similar to any act described in this subsection; or

(9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.;

Also on page 14, in line 16, after "66-1712" by inserting "and K.S.A. 2016 Supp. 72-5436, 72-5438, 72-5439 and 72-5445";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "dispute resolution; relating to"; in line 2, after the semicolon by inserting "teacher contracts;"; also in line 2, after "66-1712" by inserting "and K.S.A. 2016 Supp. 72-5436, 72-5438, 72-5439 and 72-5445"

On roll call, the vote was: Yeas 66; Nays 59; Present but not voting: 0; Absent or not voting: 0.

Yea: Alcala, Baker, Ballard, Becker, Bishop, Brim, Burroughs, Carlin, Carmichael, Clayton, Concannon, Cox, Crum, S., Curtis, Deere, Dierks, Dietrich, Elliott, Ellis, Finney, Frownfelter, Gallagher, Gartner, Good, Helgerson, Henderson, Highberger,

Hodge, Holscher, Judd-Jenkins, Kessinger, Koesten, Kuether, Lewis, Lusk, Lusker, Markley, Mastroni, Miller, Murnan, Neighbor, Ohaebosim, Orr, Ousley, Parker, Phelps, Pittman, Proehl, Rooker, Ruiz, Sawyer, Schreiber, Sloan, Stogsdill, S. Swanson, Tarwater, Terrell, Trimmer, Victors, Ward, Weigel, Wheeler, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Aurand, Awerkamp, Barker, Blex, Campbell, B. Carpenter, Claeys, Clark, Corbet, E. Davis, DeGraaf, Delperdang, Dove, Eplee, Esau, Finch, Francis, Garber, Hawkins, Hibbard, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Karleskint, Kelly, Lakin, Landwehr, Mason, Osterman, F. Patton, Phillips, R. Powell, Rafie, Rahjes, Ralph, Resman, Ryckman, Schroeder, Schwab, Seiwert, Smith, A., Smith, E., Sutton, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: None.

The motion of Rep. Stogsdill prevailed.

Also, on motion of Rep. Carpenter to amend **HB 2186**, Rep. Trimmer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and **HB 2186** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Children and Seniors** recommends **HB 2304** be amended on page 2, in line 15, by striking "not" and inserting "ensure that all of the following requirements are met for children under 12 months of age"; in line 16, by striking all after "(1)"; by striking all in lines 17 through 22; in line 23, by striking "(e)" and inserting "A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g);

Also on page 2, in line 33, by striking "(e)" and inserting "(g)";

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

Committee on **Commerce, Labor and Economic Development** recommends **HB 2329** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2168** be amended on page 2, in line 11, by striking "40%" and inserting "60%";

On page 4, in line 25, by striking "in any one fiscal year";

On page 8, in line 25, by striking "actual revenue impact from its funding" and

inserting "number of jobs created or retained by the rural business concerns that received fundings from an approved investment fund"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2262** be amended on page 1, in line 9, by striking "or"; also in line 9, after the second comma by inserting "the secretary of corrections or the secretary's designee"; in line 10, after "agency" by inserting "or a department of corrections";

On page 2, in line 8, by striking all after the comma; in line 9, by striking all before "a" and inserting "or"; in line 11, by striking "or a correctional officer"; and the bill be passed as amended.

Committee on **Elections** recommends **HB 2256** be amended on page 1, in line 16, by striking "100" and inserting "250"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2107** be amended on page 1, in line 8, by striking "Sec." and inserting "Section";

On page 5, in line 20, after the stricken material by inserting "pharmacist.:";

On page 7, in line 5, by striking "July" and inserting "January"; in line 12, by striking all after "of"; by striking all in line 13; in line 14, by striking "prescribed" and inserting "an interchangeable biological product";

On page 10, in line 19, by striking "July" and inserting "January"; in line 21, after "the" by inserting "federal"; also in line 21, by striking "administration" and inserting "administration's";

On page 17, in line 34, by striking "the federal food and drug administration has not determined"; in line 35, by striking "to be" and inserting "is not an"; also in line 35, by striking "with" and inserting "biological product for"; in line 38, by striking ", prior to dispensing an interchangeable biological product,"; in line 40, by striking "will be" and inserting "has been";

On page 19, in line 30, by striking "list" and inserting "lists";

On page 21, in line 37, by striking "the federal food and drug administration has not determined"; in line 38, by striking "to be" and inserting "is not an"; also in line 38, by striking "with" and inserting "biological product for"; and the bill be passed as amended.

On motion of Rep. Hineman, the House recessed until 1:30 p.m.

EARLY AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

There being no objection, Rep. Crum withdrew his previous motion (see morning session) to withdraw **HB 2179** from Committee on Education.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2128, HB 2176** be passed.

HB 2080 be passed over and retain a place on the calendar.

Committee report to **HB 2070** be adopted; and the bill be passed as amended.

Committee report to **SB 30** be adopted; and the bill be passed as amended.

Committee report to **HB 2333** be adopted; and the bill be passed as amended.

Committee report to **HB 2153** be adopted; and the bill be passed as amended.

On motion of Rep. Hineman, the House recessed until 2:45 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2136, HB 2140** be passed.

HB 2197, HB 2210, HB 2219, HB 2106 be passed over and retain a place on the calendar.

Committee report to **HB 2011** be adopted;

Roll call was demanded on motion of Rep. Miller to amend **HB 2011**, as amended by House Committee, on page 2, following line 15, by inserting:

"(5) For the office of member of the house of representatives, \$500 for each primary election, (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election."

On roll call, the vote was: Yeas 46; Nays 76; Present but not voting: 0; Absent or not voting: 3.

Yea: Alcala, Ballard, Bishop, Burroughs, Carlin, Carmichael, Crum, S., Curtis, Deere, Dierks, Ellis, Finney, Frownfelter, Gartner, Good, Helgerson, Henderson,

Hibbard, Highberger, Hodge, Holscher, Kuether, Landwehr, Lusk, Lusker, Miller, Murnan, Neighbor, Ohaebosim, Ousley, Parker, Phelps, Phillips, Pittman, Ruiz, Sawyer, Stogsdill, S. Swanson, Terrell, Trimmer, Victors, Ward, Weigel, Whipple, Winn, Wolfe Moore.

Nays: Alford, Arnberger, Awerkamp, Baker, Barker, Becker, Blex, Brim, Campbell, B. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Cox, E. Davis, DeGraaf, Delperdang, Dietrich, Dove, Elliott, Eplee, Esau, Finch, Francis, Gallagher, Garber, Hawkins, Highland, Hineman, Hoffman, Houser, Huebert, Humphries, Jacobs, Jennings, Johnson, K. Jones, Judd-Jenkins, Karleskint, Kelly, Kessinger, Koesten, Lakin, Lewis, Markley, Mastroni, Orr, Osterman, F. Patton, Proehl, Rafie, Rahjes, Ralph, Resman, Rooker, Ryckman, Schreiber, Schroeder, Schwab, Seiwert, Sloan, Smith, A., Smith, E., Sutton, Tarwater, Thimesch, Thompson, Vickrey, Waymaster, Weber, C., Wheeler, Whitmer, K. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Aurand, Mason, R. Powell.

The motion of Rep. Miller did not prevail.

The motion to recommend **HB 2011** favorably for passage did not prevail.

Committee report recommending a substitute bill to **Sub HB 2223** be adopted;

Also, on motion of Rep. Jennings to re-refer **Sub HB 2223** to Committee on Elections the motion prevailed.

REPORT ON ENGROSSED BILLS

HB 2079, HB 2158 reported correctly engrossed February 20, 2017.

REPORT ON ENROLLED BILLS

Sub HB 2178 reported correctly enrolled, properly signed and presented to the Governor on February 21, 2017.

On motion of Rep. Hineman, the House adjourned until 9:00 a.m., Wednesday, February 22, 2017.

BECKIE HENDRICKS, JENNY HAUGH, JULIA WERNER, *Journal Clerks.*
SUSAN W. KANNARR, *Chief Clerk.*

