

# Journal of the House

THIRTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 25, 2015, 10:00 a.m.

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

## LETTER OF RESIGNATION

To: The Honorable Kris Kobach, Secretary of State  
24 February 2015

Effective February 24, 2015, I, J. Basil Dannebohm, hereby resign my position as Representative of the 113<sup>th</sup> District of the Kansas House of Representatives.

J. BASIL DANNEBOHM

The House is temporarily organized with 124 members.  
The roll was called with 121 members present.  
Rep. Pauls was excused on verified illness.  
Rep. Seiwert was excused on legislative business.  
Rep. Sawyer was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Loving God,  
Thank You for the privilege of coming to You today  
to ask that You be with our leaders  
as they face the tough decisions that need to be made.  
Remind them in the heat of decision-making,  
to remain peaceful, optimistic and focused.  
Give them an alert awareness to hear what is really being said;  
confidence and boldness to speak their thoughts and ideas kindly;  
and understanding and empathy to hear the other thoughts.  
Help them to maintain their integrity and accountability.  
All of this isn't easy when emotions are riding high  
and there are major differences of opinions.  
Help them to keep in mind Your word,  
"A gentle response defuses anger,  
but a sharp tongue kindles a temper-fire."  
In Your Name I pray,  
Amen  
(Proverbs 15:1, MSG)

The Pledge of Allegiance was led by Rep. Patton.

### INTRODUCTION OF GUESTS

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

I am here before you today to recognize a great organization and their 26 years of service to our County. I can remember when this program was started... I was about 6, maybe 7 years old... By developing servant leaders through education and example, Leadership Butler provides people with tools and confidence to make their organizations and Butler County a place where we live well and laugh often.

- Primary focus is community leadership development for adults and youth.
- Leadership Butler Adult program began in 1988.
  - 480 Adult Graduates - 89% still live in Kansas - 78% in the Butler County area.
- Youth Program began in 1993.
  - 400 Youth Graduates - harder to track but 30% live in the Butler County area.
  - The Big Brothers Big Sister program in Butler County was started with the help of this youth program.
- Through the Alumni Association they offer opportunities for education on community issues facing Butler County - like coming to Topeka.
- Offer continuing education in leadership development.
- 3 Youth Leadership Butler students have been awarded large scholarships through WSU - they attribute this to their participation in Youth Leadership Butler – (2 - \$45,000) and (1 - \$35,000).
- Help participants of both programs to further their education by offering scholarship recommendations - send out over 40 each year.

As usual, in the many times that I have been to the Well, I could talk for hours but I won't today. Thank you Leadership Butler for making a difference in our community!

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce, Labor and Economic Development: **HB 2391**.

Taxation: **HB 2392**.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hawkins, **HR 6014**, A RESOLUTION recognizing the 44<sup>th</sup> Wichita Riverfest., 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 bill was introduced and read by title:

**HB 2393**, AN ACT concerning schools; relating to GASB accounting standards; relating to accounting systems; relating to the Kansas uniform financial accounting and reporting act; concerning financial publication requirements; authorizing annual compliance audits; providing penalties for noncompliance; amending K.S.A. 75-1120a and K.S.A. 2014 Supp. 72-8254 and repealing the existing sections, by Committee on Federal and State Affairs.

### CONSENT CALENDAR

No objection was made to **HB 2353** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2103** 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 2103**, AN ACT designating bridge no. 14(030) on Kansas highway 15 in Clay county as the Clay county Vietnam veterans bridge, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed.

**HB 2096**, AN ACT concerning property owners' associations; amending K.S.A. 2014 Supp. 58-3820 and 58-4617 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 42; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alford, Anthimides, Barton, Becker, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, Campbell, B. Carpenter, W. Carpenter, Claeys, Clark,

Clayton, Concannon, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Garber, Goico, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kleeb, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

Nays: Alcalá, Ballard, Barker, Bollier, Bridges, Burroughs, Carlin, Carmichael, Corbet, Curtis, Finch, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Hemsley, Henderson, Henry, Hibbard, Highberger, Houston, Huebert, Hutchins, Kiegerl, Kuether, Lane, Lusk, Lusker, Moxley, Ousley, Patton, Rooker, Ruiz, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Pauls, Sawyer, Seiwert.

The bill passed, as amended.

**HB 2109**, AN ACT concerning the Kansas probate code; relating to transfer-on-death deeds; lapsing or vesting of ownership in grantee beneficiary; amending K.S.A. 59-3504 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed, as amended.

**HB 2154**, AN ACT concerning employment; relating to private sector employers; pertaining to certain veterans, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed, as amended.

**HB 2216**, AN ACT concerning banks and banking; relating to the Kansas money transmitter act; amending K.S.A. 2014 Supp. 9-508, 9-509, 9-510, 9-513a and 9-513b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bridges, Bruchman, Brunk, Burroughs, Campbell, Carlin, Carmichael, W. Carpenter, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, Smith, Suellentrop, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Whipple, Williams, Wilson, Winn, Wolfe Moore.

Nays: Couture-Lovelady, B. Carpenter, Claeys, Grosserode, Hildabrand, K. Jones, Kahrs, Kelley, Kiegerl, McPherson, Sutton, Whitmer.

Present but not voting: None.

Absent or not voting: Pauls, Sawyer, Seiwert.

The bill passed, as amended.

**HB 2254**, AN ACT concerning roofing contractor registration; relating to exemption of certain general contractors; amending K.S.A. 2014 Supp. 50-6,122 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 9; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alcala, 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, Edmonds, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Ruiz, Ryckman, Ryckman Sr., Scapa, Schwab, Schwartz, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Waymaster, Whipple, Whitmer, Williams, Wilson, Winn, Wolfe Moore.

Nays: Dove, Esau, Grosserode, Hildabrand, Kiegerl, McPherson, Rubin, Schroeder, Ward.

Present but not voting: None.

Absent or not voting: Pauls, Sawyer, Seiwert.

The bill passed, as amended.

**HB 2256**, AN ACT concerning the commercial real estate broker lien act; relating to conditions, recording and notice of lien; amending K.S.A. 58-30a03, 58-30a07 and 58-30a09 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Claey's, Clark, Clayton, Concannon, Corbet, Curtis, Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed.

**HB 2258**, AN ACT concerning the Kansas mortgage business act, definitions; amending K.S.A. 2014 Supp. 9-2201 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed.

**HB 2259**, AN ACT concerning municipality indebtedness reporting; relating to deadlines; amending K.S.A. 10-1007a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed, as amended.

**HB 2260**, AN ACT concerning municipal finance; relating to temporary notes for improvements; amending K.S.A. 10-123 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lane, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Sloan, 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: Pauls, Sawyer, Seiwert.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Schwab, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2061, HB 2104, HB 2231, HB 2281, HB 2364, HB 2106** be passed.

**HB 2228, HB 2085, HB 2131, HB 2192, HB 2193** be passed over and retain a place on the calendar.

Committee report to **HB 2059** be adopted; and the bill be passed as amended.

Committee report to **HB 2163** be adopted; and the bill be passed as amended.

Committee report to **HB 2177** be adopted; and the bill be passed as amended.

Committee report to **HB 2183** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2278, HB 2329** be passed.

Committee on **Commerce, Labor and Economic Development** recommends **HB 2200** be amended on page 1, in line 21, by striking all after "(a)"; by striking all in lines 22 through 24; in line 25, by striking all before the period and inserting "On and after July 1, 2018, and until June 30, 2021, any person qualified to hold a retailer's class B license under the Kansas liquor control act may purchase a valid retailer's class B license from one of the three existing liquor stores in closest proximity to the premises of the person purchasing such license. On and after July 1, 2021, a person qualified to hold a retailer's class B license under the Kansas liquor control act may purchase a valid retailer's class B license from an existing liquor store located in the same county as the premises of the person purchasing such license"; in line 34, after the period by inserting "The transaction between the transferor and transferee providing for the transfer of a license shall provide for the sale of the transferor's inventory of alcoholic liquor to the



transferee. Such sale shall be at the wholesale price of the alcoholic liquor.";

On page 2, in line 7, by striking "\$500" and inserting "\$10,000";

On page 3, in line 1, after "regulations" by inserting "shall be adopted by the secretary on or before July 1, 2016, and";

On page 4, in line 18, by striking all after "services"; by striking all in line 19; in line 20, by striking all before the period;

On page 5, in line 3, by striking all after "merchandise"; by striking all in line 4; in line 5, by striking all before the period; in line 8, by striking all after "premises"; by striking all in line 9; in line 10, by striking all before the period;

On page 7, following line 6, by inserting:

"New Sec. 8. Notwithstanding the provisions of K.S.A. 41-1101, and amendments thereto, a distributor may establish minimum order requirements for deliveries to a retailer based on invoice dollar amount or product case quantity.";

On page 9, in line 38, by striking "licensed retailer" and inserting "liquor store";

On page 10, in line 2, after the period by inserting "If there is no liquor store within a county that makes or intends to make sales for resale as described in this paragraph or if the transfer of a license as provided in this act has eliminated a liquor store that made sales for resale as described in this paragraph and there is no other liquor store in the county that makes or intends to make such sales for resale, the director may authorize a grocery store that is a holder of a class B license to make sales for resale as described in this paragraph.";

Also on page 10, in line 4, before "Charge" by inserting "If the holder of the retailer's class B license is a liquor store,"; in line 19, after "premises" by inserting ", except that a liquor store may sell any other good or service on and after January 1, 2018"; following line 30, by inserting:

"(e) A grocery store holding a retailer's class B license shall provide for the display of wine and spirits in an area of the store which is segregated from other goods offered for sale by the grocery store, in accordance with rules and regulations adopted by the secretary.";

Also on page 10, in line 33, by striking "any person or entity who is"; in line 34, before "issued" by inserting "a liquor store";

On page 11, in line 2, by striking "retail" and inserting "liquor store";

On page 15, in line 11, after the semicolon by inserting "or"; by striking all in lines 12 through 25; in line 26, by striking "(G)" and inserting "(E)"; following line 29, by inserting:

"(2) On and after July 1, 2018:

(A) No retailer's license shall be issued to:

(i) A corporation, if any officer, manager or director thereof, or any natural person owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements; or

(ii) a corporation, if any officer, manager or director thereof, or any natural person owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a natural person owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(a) Has had a license revoked under the provisions of the Kansas liquor control act;  
or

(b) has been convicted of a violation of the Kansas liquor control act.";

Also on page 15, in line 30, by striking "(2)" inserting "(B)"; in line 34, by striking "(3)" and inserting "(C)"; following line 37, by inserting the following:

"(c) No retailer's class B license shall be issued to any person who does not in good faith actually carry on or intend to carry on a bona fide business for the retail sale of alcoholic beverages, and the secretary may revoke any class B license when the licensee fails for a period of 180 days to actively and in good faith engage in the retail business and shall revoke any class B license held by any person who fails to comply with this section. Upon a showing of good cause, the secretary may extend the inactive period an additional 180 days. Upon revocation, any such license shall become available for sale by public auction to persons eligible to hold a class B license in the county of origin. The license shall be sold at public auction by the secretary and the proceeds of the sale shall first be applied to the payment of any enforcement taxes due, and the remainder shall be deposited in the state general fund. The transfer fee shall be due in addition thereto as provided in section 2, and amendments thereto.";

By relettering subsections accordingly;

On page 20, in line 17, by striking "or"; in line 21, by striking "or"; in line 22, by striking "the licensee who" and inserting "a person licensed as a class B retailer which employee is under the age of 21 years to sell, stock or handle alcoholic liquor; or

(5) to permit any employee of a person licensed as a class A retailer which employee";

Also on page 20, in line 25, by striking "who" and inserting "which employee"

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

Committee on **Corrections and Juvenile Justice** recommends **HB 2275** be amended on page 20, in line 22, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2352** be passed.

Committee on **General Government Budget Committee** recommends **HB 2148** be amended on page 1, in line 5, by striking "shall be"; in line 6, by striking "made"; also in line 6, by striking "the committee"; in line 7, by striking "rooms designated pursuant to this act" and inserting "committee rooms"; in line 9, by striking "and" and inserting "shall be"; in line 10, by striking ", in consultation with"; by striking all in line 11; in line 12, by striking "capitol, to be equipped" and inserting "equip these committee rooms"; in line 16, by striking "designated"; in line 18, by striking "committee's"; also in line 18, after "members" by inserting "present at the committee meeting";

On page 2, in line 2, by striking all after "(c)"; by striking all in lines 3 through 9; in line 10, by striking "(d)"; in line 13, after "officer" by inserting ". "Committee" does not include any convening of a caucus meeting, event or private function"; in line 14, by striking "any room" and inserting "rooms 112-N, 144-N, 152-S, 346-S and 548-S"; also in line 14, by striking "designated"; in line 15, by striking "by the legislative chief information technology officer"; following line 17, by inserting:

"(d) The provisions of this section shall expire on June 30, 2018."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2016** be passed.

Committee on **Health and Human Services** recommends **HB 2244** be amended on page 1, in line 4, before "Section" by inserting "New"; in line 5, by striking "safe" and inserting "supporting"; in line 6, before "Sec." by inserting "New"; also in line 6, by

striking "safe" and inserting "supporting"; in line 17, before "Sec." by inserting "New";

On page 2, in line 4, after "homes" by inserting ", except that the department for children and families shall conduct a background check on such person similar to background checks conducted on prospective foster parents. Prior to execution of any power of attorney pursuant to this section, the department shall verify in writing that the department has conducted the background check required by this subsection and, based on such background check, found no reason to object to the execution of the power of attorney. The background check required by this subsection shall not be required for an-attorney-in fact who is a grandparent, aunt, uncle or adult sibling of the child"; in line 14, after "care" by inserting ", except as otherwise provided in this section,"; by striking all in lines 20 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 10; and inserting the following:

"New Sec. 4. The Kansas judicial council shall create a form of power of attorney to delegate parental or legal authority consistent with the requirements of section 3, and amendments thereto.";

Also on page 4, in line 11, by striking "safe" and inserting "supporting"; in line 12, after "with" by inserting "the power of attorney form created by the Kansas judicial council pursuant to"; in line 15, before "Sec." by inserting "New"; in line 17, by striking "a child protective investigator" and inserting "the Kansas department for children and families"; in line 22, by striking "safe" and inserting "supporting"; in line 23, by striking "safe" and inserting "supporting"; in line 24, before "Sec." by inserting "New"; also in line 24, by striking "safe" and inserting "supporting"; in line 27, after "regulations," by inserting "except as provided in section 3, and amendments thereto,"; in line 30, before "Sec." by inserting "New"; in line 35, by striking "safe" and inserting "supporting"; following line 37, by inserting:

"Sec. 8. K.S.A. 2014 Supp. 38-2223 is hereby amended to read as follows: 38-2223. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(A) The following persons providing medical care or treatment: Persons licensed to practice the healing arts, dentistry and optometry, persons engaged in postgraduate training programs approved by the state board of healing arts, licensed professional or practical nurses and chief administrative officers of medical care facilities;

(B) the following persons licensed by the state to provide mental health services: Licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors and registered alcohol and drug abuse counselors;

(C) teachers, school administrators or other employees of an educational institution which the child is attending and persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;

(D) firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers, community corrections

officers, case managers appointed under K.S.A. 2014 Supp. 23-3508, and amendments thereto, and mediators appointed under K.S.A. 2014 Supp. 23-3502, and amendments thereto; ~~and~~

(E) any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services and pregnancy education and maintenance; and

(F) any attorney-in-fact delegated power regarding the custody and care of a child pursuant to sections 1 through 7, and amendments thereto.

(2) In addition to the reports required under subsection (a)(1), any person who has reason to suspect that a child may be a child in need of care may report the matter as provided in subsection (b) and (c).

(b) *Form of report.* (1) The report may be made orally and shall be followed by a written report if requested. Every report shall contain, if known: The names and addresses of the child and the child's parents or other persons responsible for the child's care; the location of the child if not at the child's residence; the child's gender, race and age; the reasons why the reporter suspects the child may be a child in need of care; if abuse or neglect or sexual abuse is suspected, the nature and extent of the harm to the child, including any evidence of previous harm; and any other information that the reporter believes might be helpful in establishing the cause of the harm and the identity of the persons responsible for the harm.

(2) When reporting a suspicion that a child may be in need of care, the reporter shall disclose protected health information freely and cooperate fully with the secretary and law enforcement throughout the investigation and any subsequent legal process.

(c) *To whom made.* Reports made pursuant to this section shall be made to the secretary, except as follows:

(1) When the Kansas department for children and families is not open for business, reports shall be made to the appropriate law enforcement agency. On the next day that the department is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to K.S.A. 2014 Supp. 38-2226, and amendments thereto. The reports may be made orally or, on request of the secretary, in writing.

(2) Reports of child abuse or neglect occurring in an institution operated by the Kansas department for aging and disability services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the Kansas department for aging and disability services and the Kansas department for children and families shall be made to the appropriate law enforcement agency.

(d) *Death of child.* Any person who is required by this section to report a suspicion that a child is in need of care and who knows of information relating to the death of a child shall immediately notify the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) *Violations.* (1) Willful and knowing failure to make a report required by this section is a class B misdemeanor. It is not a defense that another mandatory reporter made a report.

(2) Intentionally preventing or interfering with the making of a report required by this section is a class B misdemeanor.

(3) Any person who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is guilty of a class B misdemeanor.

(f) *Immunity from liability:* Anyone who, without malice, participates in the making of a report to the secretary or a law enforcement agency relating to a suspicion a child may be a child in need of care or who participates in any activity or investigation relating to the report or who participates in any judicial proceeding resulting from the report shall have immunity from any civil liability that might otherwise be incurred or imposed.

Sec. 9. K.S.A. 2014 Supp. 38-2223 is hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "safe" and inserting "supporting"; also in line 1, after "act" by inserting "; relating to reporting of child abuse or neglect; amending K.S.A. 2014 Supp. 38-2223 and repealing the existing section"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2282** be amended on page 1, in line 6, by striking "14" and inserting "11"; in line 8, by striking "14" and inserting "11"; following line 9, by inserting:

"(a) "Cannabis" means all parts of all varieties of the plant cannabis sativa L. not exceeding 3% tetrahydrocannabinol by weight.";

Also on page 1, in line 20, by striking "includes" and inserting "means"; in line 22, after the semicolon by inserting "or"; in line 24, by striking "; and"; by striking all in lines 25 and 26; in line 27, by striking all before the period;

On page 2, in line 7, by striking the colon; in line 8, by striking "(1)"; in line 9, by striking "; or"; by striking all in lines 10 and 11; in line 12, by striking all before the period; in line 14, by striking "11" and inserting "9"; in line 21, by striking "11" and inserting "9";

And by redesignating remaining subsections accordingly;

On page 4, in line 22, by striking "14" and inserting "11"; in line 28, by striking "45-415" and inserting "45-215";

On page 5, by striking all in lines 28 through 32; in line 40, by striking "five" and inserting "three";

And by renumbering the remaining paragraphs accordingly;

On page 7, in line 4, by striking "and"; in line 5, after "certificates" by inserting "and such other fees that the department deems reasonably necessary to administer this act"; in line 11, by striking "and"; in line 14, by striking the period and inserting "; and

(D) the following fees shall not exceed:

Hemp preparation center registration certificate application.....	\$5,000
Hemp preparation center registration certificate.....	\$20,000
Testing laboratory registration certificate.....	\$2,000
Individual hemp preparation registration card.....	\$75
Visiting cardholder.....	\$80";

Also on page 7, in line 43, by striking "14" and inserting "11";

On page 8, in line 9, by striking "14" and inserting "11"; in line 15, by striking "12(a)" and inserting "10(a)"; in line 19, by striking "14" and inserting "11"; in line 37, by striking "12(a)" and inserting "10(a)";

On page 9, in line 18, by striking "14" and inserting "11"; in line 21, by striking "14"

and inserting "11"; in line 29, by striking "14" and inserting "11"; in line 33, by striking "14" and inserting "11";

On page 10, by striking all in lines 1 through 24;

On page 12, by striking all in lines 41 through 43;

By striking all on page 13;

On page 14, by striking all in line 1; in line 2, by striking "14" and inserting "11";

And by renumbering sections accordingly;

And the bill be passed as amended.

Committee on **Local Government** recommends **HB 2246** be passed.

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 2394**, AN ACT concerning schools; relating to career technical education awards; amending K.S.A. 2014 Supp. 72-4489 and repealing the existing section, by Committee on Appropriations.

**HB 2395**, AN ACT concerning state building projects; relating to negotiating committees; relating to the alternative procurement; amending K.S.A. 2014 Supp. 75-1253 and 75-37,143 and repealing the existing sections, by Committee on Appropriations.

On motion of Rep. Vickrey, the House recessed until 2:00 p.m..

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## AFTERNOON SESSION

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

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

## COMMITTEE OF THE WHOLE

On motion of Rep. Schwab, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2085**, **HB 2192**, **HB 2193** be passed.

Committee report to **HB 2228** be adopted; also, on motion of Rep. Goico be amended on page 1, following line 29, by inserting:

"(c) This section shall be part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.";

On page 1, in the title, in line 1, after "concerning" by inserting "militia, defense and public safety;"; in line 2, after "fees" by inserting "for military families"; and **HB 2228** be passed as amended.

On motion of Rep. Hoffman, **HB 2131** be amended on page 1, in line 8, by striking "2023" and inserting "2020"; in line 9, by striking ", \$100,000 from"; by striking all in line 10; in line 11, by striking "thereto, and \$100,000" and inserting "and \$200,000"; in line 13, by striking ", except that:"; by striking all in lines 14 through 23; in line 24, by

striking all before the period; and **HB 2131** be passed as amended.

Committee report recommending a substitute bill to **Sub HB 2170** be adopted; also, on motion of Rep. Davis be amended on page 3, by striking all in lines 12 through 15;

And by redesignating subsections accordingly;

Also, on motion of Rep. Rooker, **Sub HB 2170** be amended on page 4, in line 28, by striking "the provisions of this act including" and inserting "sections 1 through 4, and amendments thereto. The state board shall also adopt"; in line 29, by striking "regarding:" and inserting "creating an independent complaint process as set out in subsections (a) through (e) which shall be in effect no later than January 1, 2016."; and **Sub HB 2170** be passed as amended.

Committee report to **HB 2063** be adopted; and the bill be passed as amended.

Committee report to **HB 2326** be adopted; also, roll call was demanded on motion of Rep. Boldra to amend on page 1, by striking all in lines 9 through 36;

By striking all on pages 2 through 12 and inserting the following:

"Section 1. K.S.A. 2014 Supp. 72-5413 is hereby amended to read as follows: 72-5413. As used in this act, and ~~in acts amendatory thereof or supplemental amendments thereto:~~

(a) The term "persons" includes one or more individuals, organizations, associations, corporations, boards, committees, commissions, agencies, or their representatives.

(b) "Board of education" means the state board of education pursuant to its authority under K.S.A. 76-1001a and 76-1101a, and amendments thereto, the board of education of any school district, the board of control of any area vocational-technical school and the board of trustees of any community college.

(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retiree from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.

(d) "Administrative employee" means, in the case of a school district, any person who is employed by a board of education in an administrative capacity and who is fulfilling duties for which an administrator's certificate is required under K.S.A. 72-7513, and amendments thereto; and, in the case of an area vocational-technical school or community college, any person who is employed by the board of control or the board of trustees in an administrative capacity and who is acting in that capacity and who has authority, in the interest of the board of control or the board of trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(e) "Professional employees' organizations" means any one or more organizations, agencies, committees, councils or groups of any kind in which professional employees

participate, and which exist for the purpose, in whole or part, of engaging in professional negotiation with boards of education with respect to the terms and conditions of professional service or for the purpose of professional development or liability protection.

(f) "Representative" means any professional employees' organization or any person it authorizes or designates to act in its behalf or any person a board of education authorizes or designates to act in its behalf.

(g) "Professional negotiation" means meeting, conferring, consulting and discussing in a good faith effort by both parties to reach agreement with respect to the terms and conditions of professional service.

(h) "Mediation" means the effort through interpretation and advice by an impartial third party to assist in reconciling a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation between a board of education or its representatives and representatives of the recognized professional employees' organization.

(i) "Fact-finding" means the investigation by an individual or board of a dispute concerning terms and conditions of professional service which arose in the course of professional negotiation, and the submission of a report by such individual or board to the parties to such dispute which includes a determination of the issues involved, findings of fact regarding such issues, and the recommendation of the fact-finding individual or board for resolution of the dispute.

(j) "Strike" means an action taken for the purpose of coercing a change in the terms and conditions of professional service or the rights, privileges or obligations thereof, through any failure by concerted action with others to report for duty including, but not limited to, any work stoppage, slowdown, or refusal to work.

(k) "Lockout" means action taken by a board of education to provoke interruptions of or prevent the continuity of work normally and usually performed by the professional employees for the purpose of coercing professional employees into relinquishing rights guaranteed by this act and the act of which this section is amendatory.

(l) (1) "Terms and conditions of professional service" means: (A) Salaries and wages, including pay for duties under supplemental contracts; hours and amounts of work; vacation allowance, holiday, sick, extended, sabbatical, and other leave, and number of holidays; retirement; insurance benefits; wearing apparel; pay for overtime; jury duty; grievance procedure; including binding arbitration of grievances; disciplinary procedure; resignations; termination and nonrenewal of contracts; reemployment of professional employees; terms and form of the individual professional employee contract; probationary period; professional employee appraisal procedures; each of the foregoing being a term and condition of professional service, regardless of its impact on the employee or on the operation of the educational system; (B) matters which relate to privileges to be granted the recognized professional employees' organization including, but not limited to, voluntary payroll deductions; dissemination of information regarding the professional negotiation process and related matters to members of the bargaining unit on school or college premises through direct contact with members of the bargaining unit; reasonable leaves of absence for members of the bargaining unit for organizational purposes such as engaging in professional negotiation and partaking of instructional programs properly related to the representation of the bargaining unit; any of the foregoing privileges which are granted the recognized professional employees'



organization through the professional negotiation process shall not be granted to any other professional employees' organization; and (C) such other matters as the parties mutually agree upon as properly related to professional service including, but not limited to, employment incentive or retention bonuses authorized under K.S.A. 72-8246, and amendments thereto.

(2) Nothing in this act, and amendments thereto, shall authorize any professional employees' organization to be granted the exclusive privilege of access to the use of school or college facilities for meetings, the use of bulletin boards on or about the facility or the use of school or college mail systems.

(3) Nothing in this act, and amendments thereto, shall authorize the diminution of any right, duty or obligation of either the professional employee or the board of education which have been fixed by statute or by the constitution of this state. Except as otherwise expressly provided in this subsection (1), the fact that any matter may be the subject of a statute or the constitution of this state does not preclude negotiation thereon so long as the negotiation proposal would not prevent the fulfillment of the statutory or constitutional objective.

(4) Matters which relate to the duration of the school term, and specifically to consideration and determination by a board of education of the question of the development and adoption of a policy to provide for a school term consisting of school hours, are not included within the meaning of terms and conditions of professional service and are not subject to professional negotiation.

(m) "Secretary" means the secretary of labor or a designee thereof.

(n) "Statutory declaration of impasse date" means ~~June 1~~ July 31 in the current school year.

(o) "Supplemental contracts" means contracts for employment duties other than those services covered in the principal or primary contract of employment of the professional employee and shall include, but not be limited to, such services as coaching, supervising, directing and assisting extracurricular activities, chaperoning, ticket-taking, lunchroom supervision, and other similar and related activities.

Sec. 2. K.S.A. 72-5423 is hereby amended to read as follows: 72-5423. (a) Nothing in this act, or the act of which this section is amendatory, shall be construed to change or affect any right or duty conferred or imposed by law upon any board of education, except that boards of education are required to comply with this act, and the act of which this section is amendatory, in recognizing professional employees' organizations, and when such an organization is recognized, the board of education and the professional employees' organization shall enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before ~~February 1~~ March 31 in any school year by either party, such notices shall be in writing and delivered to the chief administrative officer of the board of education or to the representative of the bargaining unit and shall contain in reasonable and understandable detail the purpose of the new or amended items desired.

(b) (1) Upon entering negotiations pursuant to this section, the parties shall negotiate compensation of professional employees. In addition to compensation, each party may select not more than five additional terms and conditions of professional service from the list described in K.S.A. 72-5413(l)(1), and amendments thereto, for

negotiation. All other terms and conditions of professional service described in K.S.A. 72-5413(l)(1), and amendments thereto, shall be deemed permissive topics for negotiation and shall only be negotiated upon the mutual agreement of the parties.

(2) For purposes of this section, the term "compensation" means salary and wages, supplemental contract salaries and pay for overtime.

(3) The provisions of this subsection shall not apply to negotiations between a board of education and a professional employees' organization negotiating for the purpose of reaching their first agreement.

(c) Except as otherwise expressly provided in this subsection, every meeting, conference, consultation and discussion between a professional employees' organization or its representatives and a board of education or its representatives during the course of professional negotiation and every hearing conducted by the secretary under K.S.A. 72-5426, and amendments thereto, for determination of the question of the existence of impasse is subject to the provisions of the Kansas open meetings law, and any amendments or supplements thereto. Meetings, conferences, consultations and discussions held by the secretary under K.S.A. 72-5426, and amendments thereto, for investigation of the question of the existence of impasse, and meetings, conferences, consultations and discussions held during the course of and in connection with, and the meeting required at the conclusion of, impasse resolution proceedings, as provided for in K.S.A. 72-5427 and 72-5428, and amendments to such sections, are specifically made exempt from the provisions of the Kansas open meetings law, and any amendments or supplements thereto.

~~(d)~~ (d) Nothing in this act, or the act of which this section is amendatory, shall be construed to authorize a strike by professional employees.

~~(e)~~ (e) Any agreement lawfully made under the provisions of this act, or the act of which this section is amendatory, may be adopted by reference and made a part of the employment contract between any professional employee of the applicable negotiating unit and a board of education for a period of not to exceed three years.

(f) Those individuals selected by the board of education and the professional employees' organization to conduct negotiations pursuant to this act shall complete training on conducting negotiations each year. The content and format of the training for these individuals shall be determined by the respective party each individual represents in negotiations.

Sec. 3. K.S.A. 72-5423 and K.S.A. 2014 Supp. 72-5413 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.;"

On page 1, in the title, by striking all in lines 1 through 6 and inserting "AN ACT concerning school districts; relating to the professional negotiations act; amending K.S.A. 72-5423 and K.S.A. 2014 Supp. 72-5413 and repealing the existing sections.;"

On roll call, the vote was: Yeas 67; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Alcalá, Alford, Anthimides, Ballard, Becker, Billinger, Boldra, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Dierks, Doll, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Hemsley, Henderson, Henry, Hibbard, Hightberger, Hill, Hineman, Houston, Hutchins, Jennings, Johnson, D. Jones, Kelly, Kuether, Lane, Lusk, Lusker, Moxley, Ousley, Patton, Phillips, Proehl, Rooker, Ruiz, Ryckman Sr., Schroeder, Sloan, Smith, Swanson,

Thompson, Tietze, Trimmer, Victors, Ward, Waymaster, Whipple, Williams, Wilson, Winn, Wolfe Moore.

Nays: Barker, Barton, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claey's, Corbet, Davis, DeGraaf, Edmonds, Esau, Garber, Goico, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutton, K. Jones, Kahrs, Kelley, Kiegerl, Klee'b, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Peck, Powell, Read, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Whitmer.

Present but not voting: None.

Absent or not voting: Bradford, Dove, Pauls, Sawyer, Seiwert.

The motion of Rep. Boldra prevailed and **HB 2326** be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Energy and Environment** recommends **HB 2233** be amended on page 1, in line 29, by striking all after "(a)"; by striking all in lines 30 and 31; in line 32, by striking all before "the" and inserting "In accordance with the requirements of the environmental protection agency's rulemaking pursuant to docket EPA-HQ-OAR-2013-0602, the secretary may develop and submit to the environmental protection agency a state plan for compliance with the regulation of carbon dioxide from any affected or existing electric generating units pursuant to 42 U.S.C. § 7411.";

On page 2, in line 26, by striking "such standards through flexible"; by striking all in line 27; in line 28, by striking all before "that" and inserting "a state plan through regulatory mechanisms that may include administrative regulations, permits, agreements or other flexible regulatory measures"; in line 30, by striking "implement a" and inserting "permit participation in an organized"; also in line 30, by striking "mechanism" and inserting "market"; in line 31, by striking "for the mechanism. The secretary may enter"; by striking all in lines 32 through 42; in line 43, by striking all before the period and inserting ". In order to achieve a mass-based or rate-based goal, nothing in this act shall be construed to prohibit a Kansas utility: (1) With multiple affected units in one or more states from sharing, aggregating or purchasing emissions among such utility's units; or

(2) from sharing, aggregating or purchasing emissions between other Kansas utilities with affected units";

On page 3, in line 1, after the second "any" by inserting "affected or"; also in line 1, after "existing" by inserting "jurisdictional"; in line 3, by striking all after "shall"; by striking all in lines 4 through 7; in line 8 by striking all before "determine" and inserting "conduct a joint investigation with the state corporation commission pursuant to K.S.A. 65-3005 and 66-106, and amendments thereto, and hold a joint hearing pursuant to procedures under K.S.A. 77-501 et seq., and amendments thereto, as applied to the state corporation commission. In establishing any standard of performance or flexible regulatory mechanism pursuant to this section, the secretary and the state corporation commission shall: (1) Exercise the secretary's and commission's respective existing statutory authority over the affected utilities;

(2) determine each utility's re-dispatch options along with the cost of each option;

(3) "; in line 10, by striking "(3)" and inserting "(4)"; also in line 10, by striking "the recommended options maintain" and inserting "any option selected maintains"; by striking all in lines 12 through 23; following line 23, by inserting "(5) issue a joint

final order establishing the compliance goal and defining the regulatory mechanisms for the state plan, which provides a detailed explanation of the joint findings; and

(6) issue a joint interim order within 180 days of initiation of the joint investigation, if necessary to submit a state plan within any deadline imposed by the environmental protection agency. If a joint interim order is issued, it shall establish the compliance goal and define the regulatory mechanisms for the state plan. The secretary shall request an extension upon submission of the state plan.

(e) After issuance of a joint interim order, the secretary shall promulgate and submit a state plan establishing the compliance goal and regulatory mechanisms approved in the joint order. If the findings of a joint final order differ from those of the joint interim order, the secretary shall promulgate and submit modifications to the state plan to the environmental protection agency by the department to incorporate the findings approved in that joint final order.

(f) The secretary shall submit the state plan to the legislature concurrent with the start of the public notice period for the state plan. The state plan will be submitted to the senate committee on utilities and the house of representatives committee on energy and environment committees or other committees designated by the legislative coordinating council for review and approval. If the legislature is not in session when the plan is submitted for review, the legislative coordinating council will designate an alternate joint committee to review the state plan. The committees shall complete their respective reviews within 60 days. The state plan shall be considered approved unless both committees vote to disapprove the plan within the 60-day review period. If a committee votes to disapprove the plan, the committee shall indicate the reasons for such disapproval. The secretary shall make any necessary changes to the proposed state plan and resubmit the plan for approval by the committees. The committees shall each take action to approve or disapprove any resubmitted plan within 30 days of receiving any resubmitted plan or else the plan will be considered approved as submitted.

(g) Notwithstanding approval by the legislature, or by any legislative committee pursuant to subsection (f), of the submission of a state implementation plan to the environmental protection agency, further action by the secretary to implement or enforce the final approved state implementation plan is dependent upon the final adoption of the federal emission guidelines. If the federal emission guidelines are not adopted or are adopted and subsequently suspended, vacated, in whole or in part, or held to not be in accordance with the law, the secretary shall suspend or terminate, as appropriate, further action to implement or enforce the state implementation plan."; also on page 3, in line 24, by striking "(f)" and inserting "(h)"; and the bill be passed as amended.

#### **REPORT ON ENGROSSED BILLS**

**HB 2096, HB 2109, HB 2154, HB 2216, HB 2254, HB 2259** reported correctly engrossed February 24, 2015.

On motion of Rep. Vickrey, the House adjourned until 10:00 a.m., Thursday, February 26, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*