

# Journal of the House

FORTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 24, 2015, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Mast in the chair.  
The roll was called with 125 members present.

Prayer by Chaplain Brubaker:

Lord God,  
Once again we come before You and thank You  
for the good day You have given us.  
Help us all to redeem our time  
and appreciate deeply the good You provide.  
Lord, as we enter into the last few days before break  
and the work load and decisions that are to be made increase,  
remind our leaders that the tasks ahead of them  
are never as great as the power behind them.  
As they work together,  
help them to lean on each other's strengths,  
and forgive each other's weaknesses.  
Remind each one that  
freedom is not the right to do as they please,  
but the liberty to do as they ought.  
And help them to realize that  
when they have done all what they can,  
You will do what they can't.  
In Christ's Name I pray,  
Amen.

The Pledge of Allegiance was led by Rep. Concannon.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 193**.

Commerce, Labor and Economic Development: **SB 276**.

Elections: **SB 42**.

Energy and Environment: **SB 246**.

Federal and State Affairs: **HB 2417, SB 175**.

Financial Institutions: **Sub SB 155**.

Judiciary: **SB 98**.

**MESSAGES FROM THE SENATE**

The Senate nonconcurrs in House amendments to **Substitute for SB 38**, requests a conference and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 228**, requests a conference and has appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **Sub SB 38**.

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

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **SB 228**.

Speaker pro tem Mast thereupon appointed Reps. Johnson, Thompson and Trimmer as conferees on the part of the House.

**CONSENT CALENDAR**

No objection was made to **SB 8** appearing on the Consent Calendar for the second day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2112**, AN ACT concerning courts; relating to county law libraries; amending K.S.A. 20-3127 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Highberger.

Present but not voting: None.

Absent or not voting: Peck.

The bill passed, as amended.

**SB 73**, AN ACT concerning motor vehicles; relating to definitions; amending K.S.A. 2014 Supp. 8-126, 8-1402a and 8-1493 and repealing the existing sections, was considered on final action.

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

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

Nays: Houser, Schroeder, Schwartz, Sloan, Ward.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**SB 108**, AN ACT concerning real estate brokers and salespersons; relating to license fees; licensure; technical amendments; amending K.S.A. 58-30,106 and K.S.A. 2014 Supp. 58-3046a, 58-3050, 58-3062, 58-3063 and 58-30,103 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 17; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Bollier, Campbell, Corbet, DeGraaf, Esau, Garber, Grosserode, Hildabrand, Houser, K. Jones, Kelley, McPherson, Merrick, Rhoades, Scapa, Sutton, Thimesch.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 124**, AN ACT concerning the department of health and environment; relating to radioactive materials; by-product material; low-level radioactive waste; naturally occurring radioactive material; water and soil pollution; solid waste disposal; land-spreading of drilling waste; amending K.S.A. 48-1603 and 48-1620 and K.S.A. 2014 Supp. 65-171d and 65-3407c and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 25; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Alcalá, Ballard, Bridges, Burroughs, Campbell, Carlin, Carmichael, Curtis, Finney, Frownfelter, Henderson, Henry, Highberger, Kuether, Lane, Lusk, Ousley, Ruiz, Sawyer, Tietze, Victors, Ward, Whipple, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 127**, AN ACT concerning roads and bridges; relating to commemorative signage; requiring the secretary of transportation to collect sufficient funds prior to installation; designating the 2nd Lieutenant Justin L Sisson memorial highway, the George Ablah expressway, the Kenneth W Bernard memorial highway, the Clay county Vietnam veterans bridge and the Bert Cantwell memorial interchange; amending K.S.A. 68-1034 and K.S.A. 2014 Supp. 68-10,106 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: 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, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch,

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

Nays: Lane.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 150**, AN ACT concerning motor carriers; relating to the regulation thereof; representation before the corporation commission; amending K.S.A. 2014 Supp. 66-1,142b 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.

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, Lewis, Lunn, Lusk, Lusker, Macheers, Mason, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, Patton, Pauls, Peck, Phillips, Powell, Proehl, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, 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: None.

The bill passed.

**SB 154**, AN ACT concerning employment security law; relating to determination of benefits; employer classification rates; administration by secretary of labor; employment security personnel; amending K.S.A. 2014 Supp. 44-704, 44-706, 44-709, 44-710a, 44-714, 44-717 and 44-757 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 28; Present but not voting: 0; Absent or not voting: 0.

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

Schwab, Schwartz, Seiwert, Sloan, Smith, Suellentrop, Sutton, Swanson, Thimesch, Thompson, Todd, Vickrey, Waymaster, Whitmer, Williams.

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

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: Kansas has a moral obligation to support its citizens when they have fallen on hard times. I oppose **SB 154** because it abandons that obligation by limiting the maximum weekly unemployment insurance benefit available to a Kansas worker. Instead of prioritizing the needs of Kansas families, it prioritizes profits and as a result the Employment Security Trust Fund will be depleted by more than \$165 million over the next year. I strongly oppose the bill because it devalues and demeans the dignity of Kansans who worked hard and have fallen on hard times. — TOM BURROUGHS

MR. SPEAKER: I was elected to protect the well-being of the state and it is for that reason that I cannot, in good conscience, vote in favor **SB 154**. A reduction of employers' contributions to the Employment Security Trust Fund will reduce the fund by more than \$165 million over the next year. In the event of a financial crisis, it exposes Kansas to fiscal distress and there are no mechanisms to recover such funds. This was proven true in 2009, when the state was forced to borrow money from the federal government, and will prove true again if the number of unemployment claims rises. — RODERICK HOUSTON, CAROLYN BRIDGES, BRODERICK HENDERSON, HAROLD LANE, JOHN ALCALA, GAIL FINNEY, KATHY WOLFE MOORE, BARBARA BALLARD, NANCY LUSK, STAN FROWNFELTER, PAM CURTIS, LOUIS RUIZ, JOHN WILSON, ED TRIMMER

MR. SPEAKER: I am voting against **SB 154** because it harms Kansas families when they are most vulnerable. It limits the ability of Kansans, who have lost their jobs due to unfortunate circumstances, to provide for their family by setting a maximum weekly unemployment insurance benefit. The cap does not account for an individual's weekly salary or increase with the cost of living. This makes it clear that hard working Kansans are not a priority and I will not support the bill. — ANNIE KUETHER, VALDENIA WINN, ANNIE TIETZE, TOM SAWYER, PONKA-WE VICTORS

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Barker, the House nonconcurred in Senate amendments to **HB 2025** and asked for a conference.

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

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

**COMMITTEE OF THE WHOLE**

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

Recommended that committee report to **HB 2391** be adopted; also, on motion of Rep. Frownfelter be amended on page 4, in line 43, by striking "may" and inserting "shall";

Also, roll call was demanded on motion of Rep. Alcalá to amend **HB 2391** on page 1, following line 6, by inserting:

"New Section 1. For calendar year 2016, and in each calendar year thereafter, each full-time employee of the state of Kansas shall receive one discretionary holiday in addition to the discretionary holiday designated by the governor pursuant to rules and regulations. Each eligible employee shall receive the number of hours equal to the number of hours that employee is regularly scheduled to work for such additional discretionary holiday. All laws, rules and regulations related to discretionary holidays and leave shall apply to such additional discretionary holiday. In order to be eligible for such additional discretionary holiday during the calendar year, such state employee shall have been employed full-time by the state of Kansas for all of the last preceding calendar year.";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, after "to" by inserting "discretionary holiday leave;"

On roll call, the vote was: Yeas 48; Nays 77; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alcalá, Anthimides, Ballard, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Corbet, Curtis, Dierks, Doll, Ewy, Finney, Frownfelter, Gallagher, Hemsley, Henderson, Henry, Hibbard, Highberger, Hill, Houston, Hutchins, Kuether, Lane, Lusk, Lusker, Moxley, Ousley, Patton, Rooker, Ruiz, Sawyer, Smith, Swanson, Tietze, Todd, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

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

Present but not voting: None.

Absent or not voting: None.

The motion of Rep. Alcalá did not prevail.

Also, on motion of Rep. Carmichael to amend **HB 2391**, Rep. Davis requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Rep. Carmichael challenged the ruling of the Rules Chair, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained.

Also, roll call was demanded on motion to recommend **HB 2391** favorably for passage.

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Barker, Barton, Billinger, Boldra, Bradford, Bruchman, Brunk, Couture-Lovelady, B. Carpenter, W. Carpenter, Claeys, Concannon, Corbet, Davis, DeGraaf, Dove, Edmonds, Esau, Estes, Francis, Garber, Goico, Gonzalez, Grosserode, Hawkins, Hedke, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleebl, Lunn, Macheers, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Peck, Phillips, Powell, Read, Rhoades, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Smith, Suellentrop, Sutton, Thimesch, Todd, Vickrey, Waymaster, Whitmer, Williams.

Nays: Alcala, Anthimides, Ballard, Becker, Bollier, Bridges, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Curtis, Dierks, Doll, Ewy, Finch, Finney, Frownfelter, Gallagher, Hemsley, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, Kuether, Lane, Lewis, Lusk, Lusker, Moxley, Ousley, Patton, Pauls, Proehl, Rooker, Ruiz, Sawyer, Sloan, Swanson, Thompson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Rubin.

The motion to recommend **HB 2391** favorable for passage prevailed, and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 188** be amended on page 6, in line 4, after the period by inserting "Upon a showing of good cause by a school district, the state board may grant an extension period of an additional 30 days for such school district to cure the noncompliance and submit evidence of subsequent compliance."; in line 6, after "period" by inserting "or, if the state board granted an extension to a school district, prior to the expiration of such extension period"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2134** be amended on page 1, in line 36, by striking "or"; following line 36, by inserting:

"(2) the protected consumer reaches 18 years of age; or";

On page 2, in line 1, by striking "(2)" and inserting "(3)"; in line 26, after "or" by inserting "provided an"; in line 27, by striking the second "of" and inserting "or"; in line 33, by striking all after "to"; in line 34, by striking all before the colon; in line 43, after "(i)" by inserting "(1) and (6) through (12) or 50-724(a)(1) through (5)";

On page 3, in line 7, by striking "willfully"; in line 8, by striking all after "consumer"; by striking all in lines 9 through 34; in line 35, by striking all before the period and inserting "shall be liable pursuant to the provisions of the fair credit reporting act";

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

On page 6, in line 10 before "its", by inserting "January 1, 2016, and"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **SB 240** be amended on page 4, in line 42, by striking "not the name" and inserting "different from that"; in line 43, before "doing" by inserting ": (A)"; also in line 43, after "town" by inserting a semicolon; also



in line 43, after "and" by inserting:

"(B)";

On page 5, in line 23, after "designee" by inserting a comma; in line 29, by striking ", and in addition thereto," and inserting "and"; also in line 29, by striking "paid" and inserting "compensated";

On page 6, in line 4, by striking the second comma; in line 25, by striking "state"; in line 26, by striking "bank"; following line 28, by inserting:

"(e) Within two weeks of the beginning of each legislative session, the commissioner shall submit to the senate committee on ways and means, the appropriate senate budget subcommittee, the house of representatives committee on appropriations and the appropriate house of representatives budget committee, a written summary of any rules and regulations adopted to establish fees pursuant to subsection (b) during the preceding year.";

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

Also on page 6, in line 39, by striking "which" and inserting "that: (1)"; in line 40, by striking the comma and inserting: ";

(2)";

Also on page 6, in line 42, by striking the comma and inserting: ";

(3)";

Also on page 6, in line 43, by striking the second comma and inserting: ";

(4)";

Also on page 6, in line 43, after "deposits" by inserting a semicolon; also in line 43, after "and" by inserting:

"(5)";

On page 7, in line 41, after "bank" by inserting a comma; in line 42, by striking the comma;

On page 8, in line 28, by striking the comma;

On page 9, in line 3, after "Subsidiary" by inserting "means,"; in line 4, by striking "means"; in line 5, after "company" by inserting "with"; also in line 5, by striking "of which"; in line 7, by striking "is" and inserting "that are";

On page 11, in line 25, by striking all after the first "the"; by striking all in line 26; in line 27, by striking all before "proposed"; in line 34, before "competence" by inserting "financial condition of the applicant or any of its subsidiary banks would jeopardize the financial stability of the Kansas state chartered bank or bank holding company that has an ownership interest in a Kansas state chartered bank which is the subject of the application.

(f) Whether the";

On page 13, in line 2, by striking the third comma; in line 18, by striking the second comma; in line 35, before "that" by inserting ": (1) (A)"; in line 36, by striking ", or a deposit" and inserting: ";

(B) that is";

Also on page 13, in line 37, by striking ", or a deposit representing" and inserting: ";

(C) that represents";

Also on page 13, in line 39, by striking all after "withdrawal"; in line 40, by striking "representing" and inserting: "; or

(D) that represents";

Also on page 13, in line 42, after "withdrawal" by inserting a semicolon; also in line 42, after "and" by inserting:

"(2) that";

Also on page 13, in line 42, after the period by inserting:

"(3)";

On page 14, in line 1, by striking "herein" and inserting "in this section";

On page 16, in line 33, by striking "low-" and inserting "low-income"; in line 34, by striking "low-" and inserting "low-income";

On page 17, in line 12, by striking ", nor shall any such institution" and inserting "nor"; in line 28, before "doing" by inserting ": (A)"; in line 29, after "town" by inserting a semicolon; also in line 29, after "and" by inserting:

"(B)";

On page 18, in line 19, by striking the second comma; also in line 19, by striking the third comma;

On page 20, in line 12, by striking "by whom paid," and inserting "the persons that paid"; in line 20, by striking the comma; in line 30, before "if" by inserting a comma;

On page 21, in line 8, by striking the comma; in line 13, before "doing" by inserting ": (A)"; also in line 13, by striking "and" and inserting "; or

(B)";

Also on page 21, in line 14, by striking ", and" and inserting a period; in line 39, after "favorably" by inserting a comma;

On page 22, in line 9, after "section" by inserting a comma; in line 17, after "section" by inserting a comma;

On page 23, in line 35, by striking the comma; in line 42, before "doing" by inserting ": (1)"; in line 43, by striking "and" and inserting "; or

(2)";

On page 24, in line 5, after "from" by inserting "subsection"; also in line 5, by striking "of this section"; in line 12, after "notify" by inserting "the commissioner,"; in line 13, after "approve" by inserting a comma; in line 32, before "For" by inserting "(1)"; in line 37, by striking the second comma; in line 38, by striking "(c)" and inserting "(2)"; in line 39, by striking all after "500,000"; by striking all in line 40; in line 41, by striking all before the period and inserting ". The capital shall be divided with 60% of the amount as the aggregate par value of outstanding shares of capital stock, 30% as surplus and 10% as undivided profits"; in line 42, by striking "(d)" and inserting "(3)"; also in line 42, by striking the second "the" and inserting "a";

On page 25, in line 2, by striking the comma; in line 3, after "and" by inserting "the"; in line 9, by striking "(f)"; in line 23, before "All" by inserting:

"(d)";

Also on page 25, in line 26, by striking "(g)"; in line 30, before "Any" by inserting:

"(e)";

Also on page 25, in line 37, by striking the comma; in line 42, by striking "(h)";

On page 26, in line 1, before "Any" by inserting:

"(f)";

Also on page 26, in line 2, by striking the comma; in line 7, by striking the second "the" and inserting "a"; in line 8, by striking "(c)" and inserting "(b)"; in line 9, by striking "(f)" and inserting "(d)"; in line 10, by striking the comma; in line 13, by striking the comma;

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

Also on page 26, in line 31, after "retired" by inserting a comma;

On page 27, in line 1, by striking ", nor shall any" and inserting ". No"; in line 2, after "profit" by inserting "shall"; in line 21, by striking all after "company"; in line 22, by striking "situations" and inserting "if there is a transfer of"; in line 23, by striking "If there is a transfer of"; also in line 23, by striking "which result" and inserting "that results"; in line 26, by striking "if there is a transfer of"; in line 29, by striking "which result" and inserting "that results";

On page 33, in line 16, by striking the second comma; in line 17, after "bank" by inserting a comma; in line 22, by striking the third comma; in line 38, by striking the comma;

On page 34, in line 6, after "corporation" by inserting a comma; in line 14, after "acquisition" by inserting a comma; in line 30, by striking the second comma;

On page 35, in line 20, by striking the second comma;

On page 36, in line 24, after the first "and" by inserting a comma; also in line 24, after "applicable" by inserting a comma;

On page 37, in line 8, by striking the fourth comma; in line 22, by striking "provided"; also in line 22, after the second comma by inserting "but";

On page 39, in line 31, after "commissioner" by inserting a comma;

On page 41, in line 13, after "request" by inserting "authorization"; in line 14, by striking "authorization"; in line 40, by striking the period and inserting a comma;

On page 42, in line 12, after "judgment" by inserting a comma;

On page 43, in line 18, by striking the first comma;

On page 49, in line 6, before "doing" by inserting ": (A)"; in line 7, by striking "and" and inserting "; or

(B)";

Also on page 49, in line 30, after "10" by inserting a comma; also in line 30, after "30" by inserting a comma; in line 39, after "application" by inserting a comma;

On page 51, in line 38, after "location" by inserting a comma;

On page 53, in line 25, by striking ", and" and inserting "or"; in line 27, by striking "and" and inserting "or";

On page 58, in line 4, by striking the third comma;

On page 61, in line 18, by striking "bank's" and inserting "bank";

On page 64, in line 16, after "17-5831" by inserting a comma;

On page 73, in line 5, by striking the fourth comma; in line 7, by striking the fourth comma; in line 21, by striking the fourth comma;

On page 74, in line 35, by striking the semicolon and inserting a comma; in line 36, by striking the semicolon;

On page 77, in line 16, by striking the comma; in line 26, by striking "subsection" and inserting "section";

On page 79, in line 2, by striking the comma; in line 3, by striking the first comma; in line 4, by striking the comma and inserting "and"; in line 11, by striking "or any"; also in line 11, by striking the third comma; in line 17, by striking the second comma; in line 23, by striking the comma;

On page 80, in line 12, by striking the comma; in line 23, by striking the comma; in line 24, by striking the second comma and inserting a period; in line 35, by striking

"except, that" and inserting "but"; in line 41, after "lessees" by inserting a comma;

On page 82, in line 5, by striking "shall not pay" and inserting "has not paid"; in line 13, by striking "shall fail" and inserting "has failed"; in line 21, by striking the first comma;

On page 83, in line 30, by striking all before "notification" and inserting ". Such"; also in line 30, after "notification" by inserting "shall include"; also in line 30, after the comma by inserting "the"; in line 31, by striking the comma;

On page 85, in line 9, after "authority" by inserting a comma; in line 16, after "distribution" by inserting a comma; in line 17, after "corporation" by inserting a comma; in line 19, by striking "pledged to them"; in line 20, after "commissioner" by inserting "pledged to such funds"; in line 40, by striking ", may" and inserting "and"; in line 42, after the first comma by inserting "may"; also in line 42, by striking the second comma;

On page 87, in line 17, by striking the comma; in line 19, after "purpose" by inserting a comma; in line 37, by striking the second comma;

On page 88, in line 27, by striking the third comma; in line 28, by striking all after "state"; in line 29, by striking all before "prior" and inserting a period; in line 30, after the comma by inserting "the commissioner shall"; in line 31, after "amount" by inserting a comma; in line 38, by striking all after "1817"; in line 39, by striking all before "or";

On page 89, in line 2, by striking all after "state"; in line 3, by striking all before "prior" and inserting a period; also in line 3, after the second comma by inserting "the commissioner"; in line 9, by striking ", and amendments thereto,"; in line 20, by striking ", and amendments thereto,"; in line 38, by striking "state bank";

On page 90, in line 25, by striking the second comma; in line 27, by striking the comma; in line 34, by striking the second comma; in line 35, by striking the second comma;

On page 91, in line 16, by striking the comma; in line 36, by striking the comma;

On page 92, in line 13, by striking the comma;

On page 93, in line 31, by striking the second comma; in line 32, by striking the first comma; in line 35, after "agency" by inserting "that is";

On page 95, in line 28, after the second "bank" by inserting a comma; in line 29, by striking the second comma; in line 30, by striking the second "are" and inserting "is"; in line 36, before "organized" by inserting a comma; also in line 36, by striking the second comma; in line 37, by striking "are" and inserting "is"; in line 40, after "(b)" by inserting "(1)"; in line 42, before "preserve" by inserting ": (A)"; in line 43, by striking ", or if the commissioner deems it reasonably required to" and inserting "; or (B)";

On page 96, in line 10, by striking the comma; in line 24, before "Upon" by inserting "Within two weeks of the beginning of each legislative session, the commissioner shall submit to the senate committee on financial institutions and insurance and the house of representatives committee on financial institutions, a written summary of each special order issued during the preceding year.";

On page 98, in line 17, by striking the comma; in line 19, after "acquire" by inserting a comma; in line 20, after "apply" by inserting "in writing"; in line 21, by striking ", in writing,";

On page 100, in line 3, by striking "together" and inserting "along"; also in line 3, after "with" by inserting "any";

On page 103, in line 20, after "hearing" by inserting a comma; in line 22, by striking the comma;

On page 104, in line 7, by striking the comma; in line 17, by striking the comma; in line 36, by striking the comma; in line 43, by striking "a";

On page 105, in line 8, by striking the comma;

On page 108, in line 22, by striking "77-701" and inserting "77-601";

On page 109, in line 31, by striking the second comma;

On page 110, in line 36, after "circumstances" by inserting a comma;

On page 111, in line 12, by striking the comma; in line 21, by striking the comma; in line 35, by striking the comma; in line 36, by striking the comma; in line 38, by striking the comma;

On page 112, in line 24, by striking the first comma; in line 31, by striking the second comma; in line 36, by striking the second comma; in line 37, by striking the first comma; also in line 37, by striking the second comma;

On page 113, in line 2, by striking the comma; in line 7, by striking the comma; in line 11, by striking the second comma; in line 25, by striking the second comma and inserting "or"; in line 35, by striking the second comma; in line 40, after "with" by inserting "the";

On page 114, in line 14, by striking the comma; in line 25, by striking the second comma; in line 32, after "thereof" by inserting a comma;

On page 116, in line 22, after "for" by inserting a comma; also in line 22, after "from" by inserting a comma; in line 23, after "agreement" by inserting a comma; also in line 23, after "provided" by inserting "that"; in line 24, by striking the comma; in line 25, by striking all before "notification" and inserting "and such"; also in line 25, after "notification" by inserting "includes"; also in line 25, after the comma by inserting "the";

On page 117, in line 19, by striking "or"; in line 21, by striking "or"; in line 23, by striking "and which" and inserting "that";

On page 119, in line 11, by striking the comma;

On page 120, in line 1, after "designee" by inserting a comma;

On page 122, in line 21, by striking the comma; in line 28, after "state" by inserting a comma;

On page 126, in line 13, by striking the comma; in line 32, by striking the comma; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2121** be passed.

#### **CHANGE OF REFERENCE**

Speaker Merrick announced the withdrawal of **HB 2319** from Committee on Health and Human Services and rereferral to Committee on Taxation.

#### **CHANGE OF CONFEREES**

Speaker Merrick announced the appointment of Reps. Goico, Osterman and Lane to replace Reps. Proehl, Ryckman Sr., and Lusker as conferees on **HB 2006**.

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

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## AFTERNOON SESSION

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

**MESSAGES FROM THE SENATE**

The Senate concurs in House amendments to **SB 109**.

Announcing passage of **SB 270, SB 278, SB 288**.

Announcing passage of **HB 2103, HB 2126, HB 2192, HB 2246, HB 2275**.

Announcing passage of **HB 2149**, as amended by **S Sub for HB 2149; HB 2225** as amended by **S Sub for HB 2225; HB 2281** as amended by **S Sub for HB 2281**.

Announcing passage of **HB 2061**, as amended; **HB 2106**, as amended; **HB 2165**, as amended; **HB 2183**, as amended; **HB 2193**, as amended.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 270, SB 278, SB 288**.

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

**COMMITTEE OF THE WHOLE**

On motion of Rep. Proehl, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2341, SB 76** be passed.

Committee reports to **HB 2233** be adopted; and the bill be passed as amended.

On motion of Rep. McPherson to amend **SB 120**, the motion did not prevail, and the bill be passed.

Committee report to **HB 2240** be adopted; and the bill be passed as amended.

Committee report to **SB 156** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H Sub for SB 36** be adopted; and the substitute bill be passed.

Committee report to **SB 189** be adopted; also on motion of Rep. Carlin to amend **SB 189**, Rep. Schwartz requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Carlin and **SB 189** be amended on page 10, following line 17, by inserting:

"Sec. 9. K.S.A. 47-1718 is hereby amended to read as follows: 47-1718. (a) No animal shall be euthanized by any animal control officer, licensee, permittee, officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except through the most current, approved euthanasia methods established by the American veterinary medical association panel on euthanasia, except that the use of carbon monoxide chambers for the purpose of euthanasia of dogs and cats shall not be permitted.

(b) This section shall be part of and supplemental to article 17 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.";

Also on page 10, in line 18, by striking the first "and" and inserting a comma; also in line 18, after "47-829" by inserting "and 47-1718";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "animal care; relating to"; also in line 1, by striking all after the semicolon; in line 3, after the semicolon by inserting "the Kansas pet animal act; euthanasia;"; also in line 3, by striking the first "and" and inserting a comma; also in line 3, after "47-829" by inserting "and 47-1718" and **SB 189** be passed as amended.

Committee report to **SB 101** be adopted; and the bill be passed as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **SB 117** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL NO. 117," as follows:

"House Substitute for SENATE BILL NO. 117

By Committee on Insurance

"AN ACT regulating traffic; relating to transportation network companies, transportation network company services, regulation."; and the substitute bill be passed.

(**H Sub for SB 117** was thereupon introduced and read by title.)

Committee on **Pensions and Benefits** recommends **HB 2253** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2014 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) Except as provided in subsection (7), no retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b, and amendments thereto and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days and the attainment of age 55 with the completion of 10 years

of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) Except as provided in subsection (7), on or after July 1, 2006, for any retiree who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation, and, on or after April 1, 2009, for any retiree who is employed by a third-party entity who contracts services with a participating employer other than a participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation to fill a position covered under ~~subsection (a)~~ of K.S.A. 72-5410(a), and amendments thereto, with such retiree, such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retiree's compensation during any such period of employment or appointment. If a retiree who retired on or after July 1, 1988, is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$20,000 or more in any one such calendar year, by any participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation, and, on or after April 1, 2009, by any third-party entity who contracts services to fill a position covered under ~~subsection (a)~~ of K.S.A. 72-5410(a), and amendments thereto, with such retiree with a participating employer for which such retiree was employed or appointed during the final two years of such retiree's participation, such retiree shall not receive any retirement benefit for any month for which such retiree serves in such position or office. The participating employer who employs such retiree whether by contract directly with the retiree or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retiree is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under ~~subsection (a)~~ of K.S.A. 72-5410(a), and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retiree to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements. The provisions and requirements provided for in amendments made in this act which relate to positions filled with a retiree or employment of a retiree by a third-party entity shall not apply to any contract for services entered into prior to April 1, 2009, between a participating employer and third-party entity as described in this subsection. Any retiree employed by a participating employer or a third-party entity as provided in this subsection shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirees employed as substitute teachers or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected



officials prior to the term of office of such elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official on and after the term of office of such other elected official which commences on or after July 1, 2000. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to ~~subsections (a), (b), (c) and (d) of K.S.A. 46-137a(a), (b), (c) and (d), and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto.~~ Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$20,000 or more in any one calendar year, the member may continue to receive any amount provided in ~~subsections (b) and (d) of K.S.A. 46-137a(b) and (d), and amendments thereto,~~ and still be entitled to receive such member's retirement benefit. Commencing July 1, 2005, the provisions of this subsection shall not apply to retirees who either retired under the provisions of subsection (1), or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in ~~subsection (b) of K.S.A. 76-12a01(b) or subsection (f) of K.S.A. 38-2302(f), and amendments thereto,~~ the Kansas soldiers' home or the Kansas veterans' home. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The participating employer of such retiree shall pay to the system the actuarially determined employer contribution based on the retiree's compensation during any such period of employment.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

(7) (a) Except as provided in K.S.A. 74-4937(3) and (4), and amendments thereto, and the provisions of this subsection, commencing July 1, 2016, and ending June 30, 2017, for any retiree who is first employed or appointed in or to any position covered under K.S.A. 74-4902(14) or 74-4932(4), and amendments thereto, by a participating employer, without any prearranged agreement with such participating employer and not prior to 60 days after such retiree's retirement date, such retiree shall have such retiree's retirement benefit suspended pursuant to this subsection. In such case, such retiree shall once again become an active and vested member of the system under and subject to the provisions of K.S.A. 74-49,301, and amendments thereto, unless specifically provided under the provisions of this subsection.

(b) The provisions of this subsection shall not apply to retirees that are employed as:

(i) Licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or 38-2302(f), and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home;

(ii) employed by a school district in a position as provided in K.S.A. 74-4937(3) or

(4). and amendments thereto:

(iii) employed or appointed in or to any position not covered under K.S.A. 74-4902(14) or 74-4932(4), and amendments thereto, who is paid an amount that is less than \$20,000 in calendar year 2016 or 2017. Any such retirant who is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$20,000 or more in any one such calendar year, by any participating employer for which such retirant was employed or appointed and, by any third-party entity who contracts services to fill a position, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer who employs such retirant whether by contract directly with the retirant or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retirant to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements; or

(iv) any retirant who is employed by a third-party entity who contracts services with a participating employer to fill a position that would otherwise be a position covered under K.S.A. 74-4902(14) or 74-4932(4), and amendments thereto. Such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. The participating employer who employs such retirant whether by contract directly with the retirant or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retirant to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements.

(c) Existing service credit of a retirant who becomes a member of the system pursuant to this subsection shall be used to determine the retirant's employer credits for the retirant's retirement annuity account pursuant to K.S.A. 74-49,307, and amendments thereto.

(d) (1) Each retirant who becomes a member of the system pursuant to this subsection shall make member contributions as required pursuant to K.S.A. 74-49,305, and amendments thereto, which shall be credited to the retirant's annuity savings account pursuant to K.S.A. 74-49,306, and amendments thereto.

(2) The participating employer of a retirant who becomes a member of the system pursuant to this subsection shall pay to the system employer contributions as provided in K.S.A. 74-4920, and amendments thereto.

(e) Any retirant who becomes a member of the system pursuant to this subsection

may take a partial or full lump-sum payment of the balance in the retirant's annuity savings account and retirement annuity account upon leaving employment. If the retirant has a minimum account balance of \$6,000, including both employee contributions and employer pay credits and interest credits, less any lump-sum payment, the retirant shall receive an annuity based on the balance in the retirant's annuity savings account pursuant to K.S.A. 74-49,311 and 74-49,313, and amendments thereto.

(f) A retirant who becomes a member of the system pursuant to this subsection shall not be eligible for any purchases of service credit pursuant to K.S.A. 74-4919a, and amendments thereto, nor the plan of long-term disability benefits pursuant to K.S.A. 74-4927, and amendments thereto. Such retirant shall be eligible for the plan of death benefits pursuant to K.S.A. 74-4927, and amendments thereto.

(g) All benefits payable under the provisions of this subsection are subject to the provisions of K.S.A. 74-49,123, and amendments thereto.

(h) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.";

Also on page 1, in line 31, after "(3)" by inserting "(a)"; also in line 31, by striking "Commencing July 1, 2009" and inserting "Before July 1, 2016";

On page 2, in line 22, after the period by inserting:

"(b) On and after July 1, 2016, the provisions of K.S.A. 74-4914(5) and (7), and amendments thereto, shall not apply to retirants who either retired under the provisions of K.S.A. 74-4914(1), and amendments thereto, related to normal retirement, or, if they retired under the provisions of K.S.A. 74-4914(4), and amendments thereto, related to early retirement, were retired more than 60 days prior to the effective date of this act, and are subsequently hired without any prearranged agreement with such participating employer prior to retirement, in a position as a special teacher as defined in K.S.A. 72-962, and amendments thereto. The provisions of this subsection do not apply to retirants who retired under K.S.A. 74-4914(4), and amendments thereto, which relates to early retirement prior to age 62. Except as otherwise provided, when a retirant is employed by the same school district or a different school district with which such retirant was employed during the final two years of such retirant's participation or employed by a third-party entity who contracts services with a school district to fill a special teacher position, the retirant hired may continue to receive such retirant's full retirement benefit and shall not be subject to the provisions of K.S.A. 74-4914(5) which relate to an earnings limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position described herein. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment plus 8%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as special teachers, except as specifically provided in this subsection. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.

(c)";

Also on page 2, following line 26, by inserting:

"(4) (a) On and after July 1, 2016, a school district may hire a retired licensed

professional to fill a non-special teacher position if such retirant has been retired more than 60 days prior to the effective date of this act, and if such school district submits a request to the state board of education, on a form provided by the state board of education, along with a certified report from the school board of such school district that details all of the efforts taken by the school district to fill such non-special teacher position with a non-retired, licensed replacement. Such certified report shall include:

- (i) The date the vacant position was posted internally and externally;
- (ii) the number of applications received;
- (iii) the number and dates of any interviews conducted;
- (iv) the specific reason that non-retired applicants did not meet the requirements for the open position, as compared to the retirant the school district proposes to hire; and
- (v) a certification that there was no prearranged agreement between the participating employer and the retirant the school district proposes to hire.

(b) The state board of education shall review each request and certified report and, upon determining that the certified report meets the criteria of this subsection, shall approve the request of the school district to hire the retirant specified in such request. If such certified report does not meet the criteria of this subsection, the state board of education shall deny such request.

(c) If the school district's request is approved by the state board of education, such school district may hire the retirant specified in the request for a period not to exceed one school year. A retirant hired under the provisions of this subsection may continue to receive such retirant's full retirement benefit and shall not be subject to the provisions of K.S.A. 74-4914(5), and amendments thereto, which relate to an earnings limitation which when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in a position as described herein. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment plus 8%. The provisions of this subsection shall not apply to retirants employed as substitute teachers. The provisions of K.S.A. 74-4914(5), and amendments thereto, shall be applicable to retirants employed as described in this subsection, except as specifically provided in this subsection. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The provisions of K.S.A. 74-4914(7), and amendments thereto, shall not apply to retirants employed pursuant to the provisions of this subsection.

(d) The department of education shall submit a report to the legislature and to the joint committee on pensions, investments and benefits at the beginning of the regular session of the legislature in 2018. The report shall include, by each school district, the number of requests to hire retirants submitted to the state board of education, the number of retirants hired and the positions for which such retirants were hired pursuant to the provisions of this subsection.

(e) The provisions of this subsection shall expire on July 1, 2017.

Sec. 3. K.S.A. 2014 Supp. 74-49,301 is hereby amended to read as follows: 74-49,301. (a) The provisions of K.S.A. 2014 Supp. 74-49,301 through 74-49,318, and amendments thereto, shall be known and may be cited as the Kansas public employees retirement system act of 2015.

(b) Any employee who is first employed by a participating employer on or after

January 1, 2015, shall be a member of the system under the provisions of this act on the first day of employment of such employee with such participating employer.

(c) (1) Any non-vested employee other than an elected official of a participating employer who has been employed in a covered position as defined in K.S.A. 2014 Supp. 74-49,202, and amendments thereto, other than with a school employer, shall remain a member of the Kansas public employees retirement system as provided pursuant to K.S.A. 74-4901 et seq., and amendments thereto, on and after July 1, 2009, if the member: (A) Does not leave covered employment with a participating employer for a period of time exceeding 30 consecutive days; (B) does not withdraw such member's annuity savings account as defined by K.S.A. 74-49,302, and amendments thereto, forfeiting such member's membership in the interim; and (C) returns to covered employment with a participating employer in a covered position within such 30-day time period.

(2) Any non-vested employee other than an elected official of a participating employer who has been employed in a covered position with a participating school employer, shall remain a member of the Kansas public employees retirement system as provided pursuant to K.S.A. 74-4901 et seq., and amendments thereto, if the member: (A) Was employed in a covered position with a participating school employer for the duration of the school year and immediately returns to covered employment with another participating school employer at the beginning of the following school year; and (B) does not withdraw such member's annuity savings account as defined by K.S.A. 74-49,302, and amendments thereto, forfeiting such member's membership in the interim.

(d) This act does not apply to members of the Kansas police and firemen's retirement system, K.S.A. 74-4951 et seq., and amendments thereto, the retirement system for judges, K.S.A. 20-2601 et seq., and amendments thereto, and security officers as provided in K.S.A. 74-4914a, and amendments thereto.

(e) Except as provided in K.S.A. 74-4914(7), and amendments thereto, a system member may not simultaneously be a member of the pre-2015 plan and the plan established pursuant to this act. A period of service may not be credited in more than one retirement plan within the system.

(f) The board of trustees of the Kansas public employees retirement system shall administer the provisions of this act in the same manner as the board administers the provisions of K.S.A. 74-4901 et seq., and amendments thereto, except as specifically provided in this act.

(g) Unless specifically provided in this act, the provisions of K.S.A. 74-4901 et seq., and amendments thereto, shall be applicable to this act. In an event that a conflict exists between the provisions of this act and the provisions of K.S.A. 74-4901 et seq., and amendments thereto, the provisions of this act shall control, and to that end, no legal or contractual rights shall inure to the benefit of members or participating employers under this act with regard to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, when the provisions of this act control.

(h) Each participating employer as provided in this act and each employee as defined by this act shall be subject to the provisions of this act as specified in this act and subject to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, as appropriate as to terms, conditions and requirements not specifically covered in this act. The provisions of this act shall not apply to members of the Kansas public employees

retirement system as provided in K.S.A. 74-4901 et seq., and 74-49,201 et seq., and amendments thereto, first employed by a participating employer prior to January 1, 2015, unless otherwise provided in this act.

(i) The provisions of this act shall be part of and supplemental to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, subject to the limitations contained in this act.";

Also on page 2, in line 27, after "Supp." by inserting "74-4914,"; also in line 27, by striking "is" and inserting "and 74-49,301 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after the second "retirement"; in line 3, by striking all before "special" and inserting a semicolon; also in line 3, after "provisions" by inserting "for certain retirants employed as teachers"; in line 4, after "Supp." by inserting "74-4914,"; also in line 4, after "74-4937" by inserting "and 74-49,301" also in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

#### MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2010** and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2025** and has appointed Senators King, Smith and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2364** and has appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2006** and has appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2044** and has appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for HB 2090** and has appointed Senators Petersen, Wolf and Pettey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2231** and has appointed Senators Olson, Petersen and Francisco as conferees on the part of the Senate.

#### REPORT ON ENGROSSED BILLS

**HB 2112** reported correctly engrossed March 24, 2015.

#### REPORT ON ENROLLED BILLS

**HB 2023, HB 2066, HB 2085, HB 2267** reported correctly enrolled, properly signed and presented to the Governor on March 24, 2015.

On motion of Rep. Vickrey, the House adjourned until 8:30 a.m., Wednesday, March 25, 2015.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*