

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 10, 2016, 11:00 a.m.

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

The roll was called with 123 members present.

Reps. Goico and Mason were excused on excused absence by the Speaker.

Present later: Rep. Goico.

Prayer by Chaplain Brubaker:

Jehovah Jireh – God our Provider,
we come before You today grateful for all that
You provide and do for us.
We are so excited to work on the budget today...
said no one ever!
Yes, it is that time again where we need a miracle—
equal to that of feeding 5000 with five loaves of bread and two fish.
It's difficult enough for two people in a marriage
to come to agreement on their personal budget,
yet here we are asking for You to
take the uniquely created opinions and thoughts
of 125 people representing thousands of people
and come to a general consensus and agreement on the state budget.
Yes we need a miracle...
or perhaps on this Ash Wednesday we can be reminded
to have the mind of Christ,
emptying ourselves and making ourselves nothing,
looking not only to our own interests, but also to the interest of others.
Direct the decisions of our leaders today
and keep their attitudes and words in check.
In Your Son's Name I pray,
Amen.

The Pledge of Allegiance was led by Rep. Swanson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2658, AN ACT concerning abortion; relating to certain providers thereof; pertaining to required patient disclosures; amending K.S.A. 65-6708 and repealing the existing section, by Committee on Health and Human Services.

HB 2659, AN ACT concerning elections; relating to audits; concerning requirements for certain voting machines; amending K.S.A. 2015 Supp. 25-4403 and 25-4406 and repealing the existing sections, by Committee on Vision 2020.

HB 2660, AN ACT concerning certain state agencies; relating to the transfer of fees; notification of such transfer; amending K.S.A. 75-3036 and repealing the existing section, by Committee on Judiciary.

HB 2661, AN ACT concerning immigration; relating to the placement of certain refugees in this state, by Representatives Garber, Barton, Bradford, B. Carpenter, W. Carpenter, Claeys, DeGraaf, Dove, Hoffman, Hutchins, K. Jones, Kahrs, Kiegerl, McPherson, O'Brien, Osterman, Peck, R. Powell, Scapa, Seiwert, Thimesch and Whitmer.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2646**.

Commerce, Labor and Economic Development: **HB 2648**.

Federal and State Affairs: **HB 2650, HCR 5023**.

General Government Budget: **HB 2655**.

Health and Human Services: **HB 2645**.

Insurance and Financial Institutions: **HB 2649**.

Judiciary: **HB 2647, HB 2651, HB 2652**.

Pensions and Benefits: **HB 2653, HB 2654, HB 2656**.

Transportation: **HB 2643, HB 2644**.

Utilities and Telecommunications: **HB 2657**.

CHANGE OF REFERENCE

Speaker Merrick announced the withdrawal of **HB 2207** from Committee on Appropriations and rereferral to Committee on Education.

Also, the withdrawal of **HB 2315** from Committee on Elections and rereferral to Committee on Health and Human Services.

Also, the withdrawal of **HB 2534** from Committee on Children and Seniors and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2634** from Committee on Agriculture and Natural Resources and referral to Committee on Commerce, Labor and Economic Development.

Also, the withdrawal of **HB 2639** from Committee on Corrections and Juvenile Justice and referral to Committee on Judiciary.

COMMUNICATIONS FROM STATE OFFICERS

From Barbara J. Hickert, State LTC Ombudsman, per K.S.A. 75-7306, Kansas Long-Term Care Ombudsman Annual Report for State Fiscal Year 2015.

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

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 248**, requests a conference and has appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Billinger, **HR 6033**, A RESOLUTION recognizing the city of Kanorado as the top city in Kansas, was adopted.

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

Kanorado, located on I-70 is the last city you see as you leave Kansas and is the first city you see as you leave Colorado on I-70.

Lots were deeded on July 5, 1888, and the original name was Lamborn.

On September 9, 1903, the post office name was changed to Kanorado; a small western Kansas town where the folks are welcoming and always ready to help their neighbors.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hawkins, **HR 6035**, A RESOLUTION designating February 2016 as Self-Care Month, was adopted.

CONSENT CALENDAR

Objection was made to **HB 2501** appearing on the Consent Calendar; the bill was placed on the Calendar under the heading General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2018, AN ACT concerning visual depictions of children; creating the crimes of unlawful transmission of a visual depiction of a child and unlawful possession of a visual depiction of a child; relating to sexual exploitation of a child; amending K.S.A. 2015 Supp. 21-5510 and repealing the existing section, was considered on final action.

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

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf,

Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, 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, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: None.

Present but not voting: None.

Absent or not voting: Goico, Mason.

The bill passed, as amended.

HB 2467, AN ACT concerning alcoholic beverages; relating to microbreweries; authorizing the production of hard cider; amending K.S.A. 2015 Supp. 41-102 and 41-308b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, DeGraaf, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kiegerl, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Frownfelter, Houston, Kahrs, Peck, Scott.

Present but not voting: None.

Absent or not voting: Goico, Mason.

The bill passed, as amended.

HB 2469, AN ACT concerning alcoholic beverages; relating to microbreweries; amending K.S.A. 2015 Supp. 41-308b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carlin, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clark, Clayton, Concannon, Corbet, Curtis, E. Davis, Dierks, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher,

Garber, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highberger, Highland, Hildabrand, Hill, Hineman, Hoffman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kelley, Kelly, Kleeb, Kuether, Lewis, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ruiz, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: DeGraaf, Kahrs, Kiegerl, Peck.

Present but not voting: None.

Absent or not voting: Goico, Mason.

The bill passed, as amended.

HB 2512, AN ACT relating to accountants; concerning professional licensure requirements; early access to the certified public accountant examination; amending K.S.A. 2015 Supp. 1-302a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Alford, Anthimides, Ballard, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Burroughs, Campbell, Carmichael, B. Carpenter, W. Carpenter, Claeys, Clayton, Concannon, Corbet, Curtis, Doll, Dove, Edmonds, Esau, Estes, Ewy, Finney, Francis, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Helgerson, Hemsley, Henderson, Henry, Hibbard, Highland, Hildabrand, Hineman, Houser, Houston, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lewis, Lunn, Lusk, Lusker, Macheers, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, Ousley, F. Patton, Pauls, Peck, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Ryckman, Ryckman Sr., Sawyer, Scapa, Schroeder, Schwab, Schwartz, Scott, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, S. Swanson, Thimesch, Thompson, Trimmer, Vickrey, Victors, Ward, Waymaster, Weber, C., Whipple, Whitmer, K. Williams, Wilson, Wolfe Moore.

Nays: Carlin, Clark, E. Davis, DeGraaf, Dierks, Finch, Frownfelter, Highberger, Hill, Hoffman, Kuether, Phillips, Rubin, Ruiz, Tietze, Todd, Winn.

Present but not voting: None.

Absent or not voting: Goico, Mason.

The bill passed, as amended.

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 pursuant to House Rule 2311, Rep. Vickery moved that House Rule 1704 be suspended for the purpose of allowing Reps. W. Carpenter, Grosserode, Kleeb, Schwartz, Henry and Trimmer to speak more than twice on **H Sub for SB 161**.

The motion prevailed.

Committee report to **H Sub for SB 161** be adopted;

Roll call was demanded on motion of Rep. Johnson, to amend **H Sub for SB 161** on page 55, in line 17, after "for" by inserting "the first quarter of"; in line 19, after "to" where it appears for the first time, by inserting "four times"; also in line 19, after "amount" by inserting ", plus 8%,"; in line 20, after the period, by inserting "For the final three quarters of the fiscal year ending June 30, 2017, the board shall certify the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, at 10.81%.

(19) An amount of money corresponding to the employer rate of contribution for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, for the first quarter of the fiscal year ending June 30, 2017, established in subsection (18) shall be paid by the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, to the Kansas public employees retirement fund on or before September 30, 2016."

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Alcalá, Ballard, Bollier, Burroughs, Carlin, Carmichael, Clayton, Curtis, Finch, Finney, Frownfelter, Helgerson, Henderson, Henry, Highberger, Houston, Kelley, Kuether, Lusk, Lusker, Ousley, Patton, Rooker, Ruiz, Sawyer, Scott, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Goico, Mason.

The motion prevailed.

Also, on further motion of Rep. Johnson, **H Sub for SB 161** be amended on page 60, following line 37, by inserting:

"Sec. 105. K.S.A. 75-3722 is hereby amended to read as follows: 75-3722. (a) An allotment system will be applicable to the expenditure of the resources of any state agency, under rules and regulations established as provided in K.S.A. 75-3706, and amendments thereto, only if in the opinion of the secretary of administration on the advice of the director of the budget, the use of an allotment plan is necessary or beneficial to the state. In making this determination the secretary of administration shall take into consideration all pertinent factors including:

- (1) Available resources;:
- (2) current spending rates;:
- (3) work loads;:

(4) new activities, especially any proposed activities not covered in the agency's request to the governor and the legislature for appropriations;:

(5) the minimum current needs of each agency;:

(6) requests for deficiency appropriations in prior fiscal years;:

(7) unexpended and unencumbered balances;: and

(8) revenue collection rates and prospects.

(b) Whenever for any fiscal year it appears that the resources of the general fund or any special revenue fund are likely to be insufficient to cover the appropriations made against such general fund or special revenue fund, the secretary of administration, on the advice of the director of the budget, shall, in such manner as he or she may determine, inaugurate the allotment system so as to assure that expenditures for any particular fiscal year will not exceed the available resources of the general fund or any special revenue fund for that fiscal year.

(c) (1) The allotment system shall not apply to the legislature or to the courts or their officers and employees. During the fiscal year ending June 30, 2017, the allotment system provided by this section shall not apply to any item of appropriation for employer contributions for the state of Kansas and participating employers who are eligible employers as specified in K.S.A. 74-4931(1), (2) and (3), and amendments thereto, under the Kansas public employees retirement system pursuant to K.S.A. 74-4939, and amendments thereto.

(2) Agencies affected by decisions of the secretary of administration under this section shall be notified in writing at least ~~thirty (30)~~ 30 days before such decisions may become effective and any affected agency may, by written request addressed to the governor within ~~ten (10)~~ 10 days after such notice, ask for a review of the decision by the finance council. The finance council shall hear appeals and render a decision within ~~twenty (20)~~ 20 days after the governor receives requests for such hearings.";

On page 64, in line 22, before "K.S.A." by inserting "K.S.A. 75-3722 and";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after "amending" by inserting "K.S.A. 75-3722 and"

Also, roll call was demanded on motion of Rep. Lusker to amend **H Sub for SB 161** on page 39, by striking all in lines 25 through 40 and inserting "(b) During fiscal year 2017, the secretary of transportation shall continuously monitor the implementation of the recommendations of the Kansas statewide efficiency review concerning the department of transportation, which was conducted during fiscal year 2016: **Provided**, That on September 30, 2016, December 31, 2016, March 31, 2017, and June 30, 2017, the secretary of transportation shall determine and certify to the director of accounts and reports the amount: (1) That is determined by the the secretary of transportation to be actual or projected cost savings as a result of the implementation of such efficiency recommendations concerning the department of transportation during the preceding three months; and (2) of the payments received by the department of transportation for the leasing of the excess bandwidth on such department's communication system during the preceding three months: **Provided further**, That upon receipt of such certification; determining the amount of the payments and upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, the director of accounts and reports shall transfer such amounts

from the state highway fund to the state general fund: **Provided however**, That the aggregate amount of such transfers during fiscal year 2017 pursuant to this subsection shall not exceed \$25,000,000."

On roll call, the vote was: Yeas 39; Nays 84; Present but not voting: 0; Absent or not voting: 2.

Yeas: Alcalá, Ballard, Burroughs, Carlin, Carmichael, Clark, Clayton, Curtis, DeGraaf, Dierks, Edmonds, Finney, Frownfelter, Helgerson, Henderson, Henry, Highberger, Hill, Hineman, Houston, Kiegerl, Kuether, Lewis, Lusk, Lusker, Ousley, Rooker, Ruiz, Sawyer, Scott, S. Swanson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeyes, Concannon, Corbet, E. Davis, Doll, Dove, Esau, Estes, Ewy, Finch, Francis, Gallagher, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, Moxley, O'Brien, Osterman, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Seiwert, Sloan, C. Smith, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Goico, Mason.

The motion did not prevail.

Also, on motion of Rep. Ward to amend **H Sub for SB 161**, Rep Hawkins requested a ruling on the amendment violating the Pay Go Rule. (Rule 2110). The Rules Chair ruled the amendment violates the Pay Go Rule. Rep. Ward challenged the ruling of the Rules Chair, the question being "Shall the Rules Chair be sustained?"

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Alcalá, Ballard, Bollier, Burroughs, Campbell, Carlin, Carmichael, Clayton, Concannon, Curtis, Doll, Edmonds, Finney, Frownfelter, Gallagher, Helgerson, Henderson, Henry, Highberger, Hill, Houston, Kuether, Lusk, Lusker, Ousley, Ruiz, Sawyer, Scott, Sloan, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Goico, Mason, Thompson.

The Rules Chair was sustained.

Also, on motion of Rep. Bradford to amend **H Sub for SB 161**, Rep. Rubin requested a ruling on the amendment violating the Pay Go Rule (Rule 2110). The amendment was subsequently withdrawn.

Also, roll call was demanded on motion of Rep. Ballard to amend **H Sub for SB 161**, on page 19, in line 9, by subtracting \$3,000,000 from the dollar amount and by adjusting the dollar amount in line 9 accordingly; following line 10, by inserting:

"Osawatomie state hospital – operating
 expenditures (494-00-1000-0100)..... \$472,736
 Larned state hospital – operating
 expenditures (410-00-1000-0103)..... \$792,980";

On page 20, by striking all in lines 9 through 13; by striking all in lines 19 through 23;

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

On roll call, the vote was: Yeas 45; Nays 75; Present but not voting: 1; Absent or not voting: 4.

Yeas: Alcala, Ballard, Burroughs, Carlin, Carmichael, Clark, Concannon, Curtis, Dierks, Doll, Edmonds, Ewy, Finney, Francis, Frownfelter, Gallagher, Helgerson, Henderson, Henry, Hibbard, Highberger, Hill, Houston, K. Jones, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, Ruiz, Sawyer, Scott, C. Smith, S. Swanson, Tietze, Todd, Trimmer, Vickrey, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Alford, Anthimides, Barker, Barton, Becker, Billinger, Boldra, Bollier, Bradford, Bruchman, Campbell, B. Carpenter, W. Carpenter, Claeys, Clayton, Corbet, E. Davis, DeGraaf, Dove, Esau, Estes, Finch, Garber, Gonzalez, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hildabrand, Hineman, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, Kahrs, Kelley, Kelly, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, O'Brien, Osterman, F. Patton, Pauls, Peck, Phillips, R. Powell, Proehl, Rahjes, Read, Rhoades, Rooker, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwartz, Seiwert, Suellentrop, Sutton, Thimesch, Thompson, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: Kiegerl.

Absent or not voting: Goico, Mason, Schwab, Sloan.

The motion did not prevail.

Also, on motion of Rep. Waymaster, **H Sub for SB 161** be amended on page 46, in line 2, after the colon by inserting "*And provided however;* That the expenditure limitation established by this section shall not apply to the university of Kansas medical center:"

Also, on motion of Rep. Hutton, **H Sub for SB 161** be amended on page 21, following line 2, by inserting:

"(p) On the effective date of this act, of the \$10,637,411 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 109(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – operating expenditures account (507-00-1000-0100), the sum of

\$117,068 is hereby lapsed.";

On page 23, following line 12, by inserting:

"(d) On July 1, 2016, the provisions of section 3(c) of chapter 4 of the 2015 Session Laws of Kansas are hereby declared null and void and shall have no force and effect.";

On page 45, in line 22, after "the" by inserting "state of Kansas and";

On page 49, in line 20, by striking the period

Also, on motion of Rep. DeGraaf, **H Sub for SB 161** be amended on page 60, by striking all in lines 38 through 43;

By striking all on pages 61 and 62;

On page 63, by striking all in lines 1 through 13;

On page 64, in line 23, by striking ", 75-6609";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, by striking ", 75-6609"

Also, roll call was demanded on motion of Rep. W. Carpenter to amend **H Sub for SB 161** on page 21, in line 26, following "*Provided,*" by inserting "That the Kansas children's cabinet shall make appropriation recommendations on the expenditures of moneys in the CIF grants account to the governor regarding children and youth programs and services: *Provided further,* That the governor shall make the final determination concerning the allocation of funding in the CIF grants account: *And provided further,*"

On roll call, the vote was: Yeas 72; Nays 49; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Alcala, Alford, Ballard, Becker, Bollier, Bruchman, Burroughs, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, Dierks, Doll, Edmonds, Finch, Finney, Francis, Frownfelter, Gallagher, Helgerson, Henderson, Henry, Highberger, Hill, Hineman, Houston, Jennings, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, Rooker, Ruiz, Sawyer, Scott, Sloan, S. Swanson, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Goico, Johnson, Mason, Seiwert.

The motion prevailed.

Also on motion of Rep. Finney to amend **H Sub for SB 161**, the motion was subsequently withdrawn.

Also, roll call was demanded on motion of Rep. Ward to amend **H Sub for SB 161** on page 46, following line 5, by inserting the following:

"Sec. 99. Notwithstanding the provisions of any other statute, during the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, no state agency named in chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016, 2017 or 2018 regular session of the legislature shall expend any moneys appropriated for the fiscal years ending June 30, 2016, June 30, 2017, and June 30, 2018, from the state general fund or in any special revenue fund or funds for any state agency to privatize the operations of the Larned state hospital or the Osawatimie state hospital without prior specific authorization in an act of the legislature or in an appropriation act of the legislature.";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alcalá, Ballard, Barker, Becker, Bollier, Bruchman, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Concannon, Curtis, E. Davis, Dierks, Doll, Edmonds, Ewy, Finch, Finney, Francis, Frownfelter, Gallagher, Hedke, Helgerson, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Jennings, K. Jones, Kahrs, Kelley, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, F. Patton, Phillips, R. Powell, Rahjes, Rooker, Rubin, Ruiz, Sawyer, Scapa, Schroeder, Schwab, Scott, Sloan, S. Swanson, Thompson, Tietze, Trimmer, Vickrey, Victors, Ward, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barton, Billinger, Boldra, Bradford, B. Carpenter, W. Carpenter, Claeys, Corbet, DeGraaf, Dove, Esau, Estes, Garber, Gonzalez, Grosserode, Hawkins, Hemsley, Highland, Hildabrand, Hoffman, Houser, Hutchins, Hutton, Johnson, D. Jones, Kelly, Kiegerl, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, O'Brien, Osterman, Peck, Proehl, Read, Rhoades, Ryckman, Ryckman Sr., Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Todd, Waymaster, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Anthimides, Goico, Huebert, Mason, Pauls, Seiwert.

The motion prevailed.

Also, on further motion by Rep. Ward to amend **H Sub for SB 161**, the amendment was subsequently withdrawn.

Also, on motion of Rep. Carlin to amend **H Sub for SB 161**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Winn to amend **H Sub for SB 161** on page 22, in line 2, after "program" by inserting ": *And provided however*, That the provisions of this subsection shall not apply to the parents as teachers program"

On roll call, the vote was: Yeas 52; Nays 69; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcalá, Alford, Ballard, Barker, Billinger, Bollier, Burroughs, Campbell, Carlin, Carmichael, Clark, Clayton, Curtis, Dierks, Doll, Ewy, Finney, Frownfelter, Gallagher, Gonzalez, Helgerson, Henderson, Henry, Hibbard, Highberger, Hill, Hineman, Houston, Hutchins, Kuether, Lewis, Lusk, Lusker, Moxley, O'Brien, Ousley, F. Patton, Proehl, Rahjes, Rooker, Ruiz, Sawyer, Scott, Sloan, Tietze, Trimmer, Victors, Ward, Whipple, Wilson, Winn, Wolfe Moore.

Nays: Anthimides, Barton, Becker, Boldra, Bradford, Bruchman, B. Carpenter, W.

Carpenter, Claeys, Concannon, Corbet, E. Davis, DeGraaf, Dove, Edmonds, Esau, Estes, Finch, Francis, Garber, Goico, Grosserode, Hawkins, Hedke, Hemsley, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kahrs, Kelley, Kelly, Kiegerl, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, Osterman, Peck, Phillips, R. Powell, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, C. Smith, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Waymaster, Weber, C., Whitmer, K. Williams.

Present but not voting: None.

Absent or not voting: Mason, Pauls, Seiwert, S. Swanson.

The motion did not prevail.

Also, roll call was demanded on motion of Rep. Ward to amend **H Sub for SB 161**, on page 46, following line 5, by inserting:

"Sec. 99. On the effective date of this act, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal years ending June 30, 2016, June 30, 2017, or June 30, 2018, as authorized by chapters 4, 81 or 104 of the 2015 Session Laws of Kansas, this or any other appropriations act of the 2016, 2017 or 2018 regular session of the legislature, to integrate, consolidate or otherwise alter the structure of the following KanCare waiver programs: medical services; behavioral health services; transportation; nursing facilities; other long-term care; autism, frail elderly; technology assistance; physical disability; traumatic brain injury; intellectual/developmental disability; or serious emotional disturbance.";

And by renumbering sections accordingly

On roll call, the vote was: Yeas 57; Nays 64; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alcala, Anthimides, Ballard, Billinger, Bollier, Burroughs, Carlin, Carmichael, Clark, Clayton, Curtis, E. Davis, Dierks, Doll, Edmonds, Estes, Finch, Finney, Francis, Frownfelter, Gallagher, Gonzalez, Helgerson, Henderson, Henry, Highberger, Hill, Hineman, Houston, Kahrs, Kelley, Kelly, Kuether, Lewis, Lusk, Lusker, Moxley, Ousley, F. Patton, Phillips, R. Powell, Rooker, Ruiz, Sawyer, Scott, Sloan, C. Smith, S. Swanson, Tietze, Trimmer, Victors, Ward, Whipple, K. Williams, Wilson, Winn, Wolfe Moore.

Nays: Alford, Barker, Barton, Becker, Boldra, Bradford, Campbell, B. Carpenter, W. Carpenter, Claeys, Concannon, Corbet, DeGraaf, Dove, Esau, Ewy, Garber, Goico, Grosserode, Hawkins, Hedke, Hemsley, Hibbard, Highland, Hildabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, Jennings, Johnson, D. Jones, K. Jones, Kiegerl, Kleeb, Lunn, Macheers, Mast, McPherson, Merrick, O'Brien, Osterman, Peck, Proehl, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Schroeder, Schwab, Schwartz, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Waymaster, Weber, C., Whitmer.

Present but not voting: None.

Absent or not voting: Bruchman, Mason, Pauls, Seiwert.

The motion did not prevail.

Also, on motion of Rep. Helgerson to amend **H Sub for SB 161**, the amendment was subsequently withdrawn;
and **H Sub for SB 161** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2620** 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 2662, AN ACT concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Joint Committee on Special Claims Against the State.

HB 2663, AN ACT concerning education; relating to the financing and instruction thereof; making and concerning appropriations for the fiscal years ending June 30, 2017, June 30, 2018, and June 30, 2019, for the department of education; creating the school district finance and quality performance act of 2016; amending K.S.A. 2015 Supp. 10-1116a, 12-1677, 12-1770a, 12-1775a, 12-1776a, 72-978, 72-1046b, 72-1398, 72-1414, 72-1923, 72-3607, 72-3711, 72-3712, 72-3715, 72-5333b, 72-64b01, 72-64c03, 72-64c05, 72-6622, 72-6624, 72-6625, 72-6757, 72-67,115, 72-7535, 72-8187, 72-8190, 72-8230, 72-8233, 72-8236, 72-8237, 72-8249, 72-8250, 72-8251, 72-8302, 72-8309, 72-8316, 72-8415b, 72-8804, 72-8908, 72-9509, 72-9609, 72-99a02, 74-4939a, 74-8925, 74-99b43, 75-2319, 79-201x, 79-213, 79-2001 and 79-2925b and repealing the existing sections; also repealing K.S.A. 2015 Supp. 72-6463, 72-6464, 72-6465, 72-6466, 72-6467, 72-6468, 72-6469, 72-6470, 72-6471, 72-6472, 72-6473, 72-6474, 72-6475, 72-6476, 72-6477, 72-6478, 72-6479, 72-6480 and 72-6481, by Representative Helgeson.

HB 2664, AN ACT concerning institutions of higher education; establishing an intercollegiate adaptive sport grant program for students with disabilities; relating to the state board of regents; authorizing income tax contributions; creating the intercollegiate adaptive sport contribution program fund; making and concerning appropriations for the fiscal year ending June 30, 2017, by Representatives Whipple, B. Carpenter, Clayton, Concannon, Esau, Ewy, Hutchins, O'Brien, Osterman, Sawyer, Schroeder, Sloan, Sutton, Trimmer, Whitmer and Winn.

HB 2665, AN ACT concerning city and county inspections of rental properties, by Committee on Appropriations.

HB 2666, AN ACT concerning crimes, punishment and criminal procedure; relating to the secretary of corrections; good time credits; amending K.S.A. 2015 Supp. 21-6821 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2667, AN ACT concerning crimes and punishment; relating to a mandatory term of imprisonment of 35 years for certain sex offenders; amending K.S.A. 2015 Supp. 21-6627 and repealing the existing section, by Representatives Whipple, Burroughs, Clayton, Trimmer and Winn.

HB 2668, AN ACT concerning employees; relating to protection of victims of domestic violence; amending K.S.A. 2015 Supp. 44-1132 and repealing the existing section, by Representatives Whipple, Ballard, Clayton, Concannon, Curtis, Ruiz, Sawyer, Trimmer and Winn.

HB 2669, AN ACT concerning taxation; enacting the food sales tax refund act; repealing the food sales tax credit; repealing K.S.A. 2015 Supp. 79-32,271, by Representatives Whipple, Curtis, Highberger, Sawyer, Trimmer and Winn.

HB 2670, AN ACT concerning income taxation; relating to credits, earned income tax credit; amending K.S.A. 2015 Supp. 79-32,205 and repealing the existing section, by Representatives Whipple, Curtis, Highberger, Sawyer, Trimmer and Winn.

HB 2671, AN ACT concerning taxation; providing homestead property tax refunds for renters; amending K.S.A. 2015 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections, by Representatives Whipple, Curtis, Highberger, Sawyer, Trimmer and Winn.

HB 2672, AN ACT concerning income taxation; relating to addition and subtraction modifications; certain business income; amending K.S.A. 2015 Supp. 79-32,117 and repealing the existing section, by Representatives Helgerson and Trimmer.

HB 2673, AN ACT concerning waste; relating to litter control; requiring certain beverage containers to be redeemable and establishing the returnable container deposit fund, by Representatives Helgerson and Trimmer.

HB 2674, AN ACT concerning elections; relating to campaign finance; limiting fundraising of certain state officers, by Representative Alcalá.

HB 2675, AN ACT establishing the Kansas efficiency fund, Kansas rainy day fund and sales tax on food rate reduction fund in the state treasury; disposition of moneys identified as savings from the Kansas statewide efficiency review; relating to the sales tax rate on food; making and concerning appropriations for the fiscal year ending June 30, 2017, for certain agencies; amending K.S.A. 75-6704 and K.S.A. 2015 Supp. 79-3602, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Representatives Helgerson and Trimmer.

HB 2676, AN ACT concerning schools; enacting the local control of Kansas education act; relating to the student data privacy act; amending K.S.A. 2015 Supp. 72-6216, 72-6217, 72-6218 and 72-6479 and repealing the existing sections, by Representatives Scapa, Barton, Bradford, B. Carpenter, Claeys, DeGraaf, Dove, Estes, Garber, Goico, Houser, Hutchins, D. Jones, K. Jones, Kiegerl, Lunn, Macheers, O'Brien, Pauls, Peck, R. Powell, Rahjes, Read, Rhoades, Rubin, Seiwert, Sutton, Vickrey, Weber, C. and Whitmer.

HB 2677, AN ACT concerning licensure by state agencies; relating to felony convictions; amending K.S.A. 74-120 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2678, AN ACT concerning the attorney general; relating to duties to investigate and prosecute; law enforcement officers, by Committee on Corrections and Juvenile Justice.

HB 2679, AN ACT relating to public employees; providing for annual pay increases, by Representative Alcalá.

HB 2680, AN ACT concerning income taxation; relating to apportionment of income; allowing a water's-edge election for certain taxpayers, by Representatives Sawyer, Burroughs, Carmichael, Curtis, Henry, Kuether, Ruiz, Tietze and Wolfe Moore.

HB 2681, AN ACT concerning crimes, punishment and criminal procedure; relating to diversion; Kansas sentencing commission; amending K.S.A. 22-2907 and 22-2912 and K.S.A. 2015 Supp. 74-9101 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

REPORT ON ENGROSSED BILLS

HB 2018, HB 2467, HB 2469, HB 2512 reported correctly engrossed February 9, 2016.

On motion of Rep. Vickrey, the House adjourned until 11:00 a.m., Thursday, February 11, 2016.

BECKIE HENDRICKS, JENNY HAUGH, *Journal Clerks*

SUSAN W. KANNARR, *Chief Clerk*.

