

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 24, 2015, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 38 senators present.
Senators Holland and Ostmeyer were excused.
Invocation by Father Don Davidson:

Dear Lord, how did we ever live before cell phones? Sometimes I wonder about our need to text or call people that we really do not want to visit or see? How did that happen? Although human interaction can be difficult at times when passions and opinions get the best of us, yet help us to be thankful for the gift you have given us when we get to know and care about each other. No cell phone needed. In your holy name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 265, AN ACT concerning hospitals; relating to designated lay caregivers; duties; policies and procedures, by Committee on Ways and Means.

SB 266, AN ACT concerning landlords and tenants; relating to the residential landlord and tenant act; amending K.S.A. 58-2543 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 261**, **SB 263**, **SB 264**.

Corrections and Juvenile Justice: **HB 2053**.

Federal and State Affairs: **SB 262**; **HB 2155**.

Local Government: **HB 2164**, **HB 2165**.

Natural Resources: **HB 2156**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Faust-Goudeau, Bowers, Hensley and O'Donnell introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1719—

A RESOLUTION commending the firefighters of Kansas for their selfless service and observing the month of October as Firefighter Appreciation Month.

WHEREAS, Firefighters have one of the most hazardous professions, requiring extensive training, strength, endurance, courage and a selfless concern for the welfare of our Kansas citizens; and

WHEREAS, The goals of every firefighter include fire prevention, fire suppression and protection of life; and

WHEREAS, The firefighters of Kansas have continuously supported the efforts to elevate the standards and training of firefighters and have been instrumental in increasing the public's awareness of methods of fire prevention and suppression; and

WHEREAS, Kansas firefighters have dedicated themselves to the protection of the life and property of their fellow Kansans, often at great risk to their own safety and well-being; and

WHEREAS, The contributions and sacrifices of valiant Kansas firefighters often go unreported and are inadequately recognized by the public; and

WHEREAS, Kansas firefighters strive to provide all Kansas communities with excellent, proactive, fire and life safety services through prevention, education and protection; and

WHEREAS, The work of Kansas firefighters deserves the attention and gratitude of all individuals in Kansas, as they risk their lives running into burning buildings to save our Kansas families every single day of the year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and commend the firefighters of Kansas for their selfless service and observe the month of October as Firefighter Appreciation Month; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Faust-Goudeau; Ronald D. Blackwell, Wichita Fire Chief; Tammy Snow, Wichita Deputy Fire Chief; Steve Schowalter, Wichita Fire Captain; Tim Carr, Wichita Fire Captain; Rocky Bumgarner, Wichita Fire Captain; Jose Ocadiz, Wichita Fire Lieutenant; Fire Captain Chad Dunham, 2015 Firefighter of the Year; Matt Schulte, Wichita Fire Lieutenant and President of Local 135; Blake Redd, Topeka Fire Captain; Bill Miller, Topeka Fire Lieutenant; Jim Seichepine, Topeka Fire Lieutenant; Brian Flott, Topeka Firefighter; Jacob Torre, Topeka Fire Apparatus Operator and Eric Voss, Concordia Fire Chief.

On emergency motion of Senator Faust-Goudeau **SR 1719** was adopted unanimously. The Senate honored the firefighters with a standing ovation.

Senators Tyson and Melcher introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1720—

A RESOLUTION commemorating the 150th Anniversary
of Ottawa University in Ottawa, Kansas.

WHEREAS, Ottawa University traces its roots to a strong partnership between Baptist missionaries and the Ottawa Indian tribe that began prior to Kansas' statehood; and

WHEREAS, In 1837, the Reverend Jotham Meeker, his wife, Eleanor Richardson

Meeker, and their children moved to the banks of the Marais des Cygnes River to devote themselves to serving as ministers, physicians, teachers and counselors to the Ottawa Indian tribes who had recently been moved to the area; and

WHEREAS, Reverend Meeker inspired others, including John Tecumseh "Tauy" Jones, to take up this work of building a vibrant partnership with the tribal leaders; and

WHEREAS, This partnership between the Kansas Baptist denomination and the Ottawa Indian Tribe, under Tauy Jones' leadership, led to the foundation in 1865 of a school dedicated to the benefit of the children of the Ottawa people, placed on 20,000 acres of land endowed by the Tribe to support the establishment of the institution; and

WHEREAS, The original charter was to form a boarding school for tribal children. Both parties quickly recognized the importance of offering a college-level education and the understanding by members of the Tribe, the Baptists, and the people of Ottawa that a college would serve as an economic growth engine for the emerging community around the Marais des Cygnes; and

WHEREAS, Ottawa University's Christian heritage and respectful partnership with the Ottawa Indians remains alive and powerful today, evidenced by the 2008 agreement between Kevin Eichner, President of the University, and Chief John Ballard of the Ottawa Tribe of Oklahoma to grant, in perpetuity, free tuition, room and board to all certified tribal members who wish to attend either the residential college in Ottawa, Kansas or any of Ottawa University's adult on-campus or online programs. This agreement has been widely embraced and celebrated by faculty, alumni, board members and friends of the University and by tribal members as emblematic of the institution's core mission and principles and its enduring commitment to serve the mutual purposes of its founders; and

WHEREAS, Throughout its history, Ottawa University has pursued an innovative approach to higher education's role in society. In the 1970s, Ottawa University was one of the first to embrace a growing demand for programs specifically tailored to the needs of adult students, opening an adult campus in Kansas City in 1974, in Phoenix, Arizona in 1977, in Brookfield, Wisconsin in 1992, in Jeffersonville, Indiana in 2002, and in Chandler, Arizona in 2009. The University also began offering exclusive degree programs online in 2008; and

WHEREAS, Ottawa University's mission is to provide the highest quality liberal arts and professional education in a caring, Christ-centered community of grace – which integrates faith, learning and life; and

WHEREAS, Ottawa University serves more than 4,800 students from 49 states and 16 countries; and

WHEREAS, Ottawa University employs more than 200 Kansans as faculty and staff who are equally committed to ensuring that each and every student receives personal attention and the highest quality education that honors the school's mission and history; and

WHEREAS, There are more than 23,000 distinguished graduates of Ottawa University serving their communities, professions and churches around the world; and

WHEREAS, Ottawa University has grown from a single building to a comprehensive, global institution of higher learning dedicated to preparing students for a lifetime of enlightened faith, exemplary service, inspired leadership and personal growth and significance; and

WHEREAS, Ottawa University's commitment to education exemplifies the best of

Kansas' past, present and future and serves as an inspiration to all Kansans: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and celebrate the 150th Anniversary of Ottawa University in Ottawa, Kansas. Ottawa University inspires students of Kansas to lead with competence and character and we urge all Kansans to celebrate its success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Tyson.

On emergency motion of Senator Tyson **SR 1720** was adopted unanimously.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator McGinn in the chair.

On motion of Senator McGinn the following report was adopted:

Recommended: **SB 29, SB 34, SB 46, SB 47, SB 106, SB 108, SB 117, SB 123** be passed.

SB 28, SB 56, SB 62, SB 109, SB 214 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 7 be amended by the adoption of the committee amendments, be further amended by Senator Tyson, on page 1, following line 33, by inserting:

"New Sec. 2. For the purpose of preparation of the governor's budget report and related legislative measure or measures for submission to the legislature, the office of information technology services, established in K.S.A. 75-4701, and amendments thereto, shall be considered a separate state agency and shall be titled for such purpose as the "office of information technology services." The budget estimates and requests of such office shall be presented as from a state agency separate from the department of administration, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.";

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking "the legislative post audit act" and inserting "information technology; relating to the office of information technology services" and **SB 7** be passed as further amended.

A motion by Senator Francisco to amend **SB 34** failed.

Senator Haley moved to amend **SB 34** failed and the following amendment was rejected on page 1, line 29 by inserting "or" after the ; on line 30 by striking "or" and by striking all in line 31 before the period

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 15; Nays 23; Present and Passing 0; Absent or Not Voting 2.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, King, Longbine, McGinn, Pettey, Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wilborn.

Absent or Not Voting: Holland, Ostmeyer.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 189** be passed.

Committee on **Commerce** recommends **SB 154** be amended on page 2, in line 43, by striking all after the period;

On page 3 by striking all in lines 1 and 2;

On page 15, in line 28, by striking "1000.00000" and inserting "-1000.00000"; in line 29, by striking "0.29999" and inserting "0.44999"; in line 30, by striking "0.30000" and inserting "0.45000"; also in line 30, by striking "0.44999" and inserting "0.59999"; in line 31, by striking "0.45000" and inserting "0.60000"; also in line 31, by striking "0.59999" and inserting "0.74999"; in line 32, by striking "0.60000" and inserting "0.75000"; also in line 32, by striking "0.99999" and inserting "1.14999"; in line 33, by striking "1.00000" and inserting "1.15000"; by also in line 33, by striking "1.14999" and inserting "1000.0000"; also in line 33, by striking "-0.20%" and inserting "-0.50%"; by striking all in lines 34 and 35;

On page 21, following line 30, by inserting:

"Sec. 3. K.S.A. 2014 Supp. 44-757 is hereby amended to read as follows: 44-757. *Shared work unemployment compensation program.* (a) As used in this section:

(1) "Affected unit" means a specified department, shift or other unit of two or more employees that is designated by an employer to participate in a shared work plan.

(2) "Fringe benefit" means health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer.

(3) "Fund" has the meaning ascribed thereto by ~~subsection (k)~~ of K.S.A. 44-703(k), and amendments thereto.

(4) "Normal weekly hours of work" means the lesser of 40 hours or the average obtained by dividing the total number of hours worked per week during the preceding twelve-week period by the number 12.

(5) "Participating employee" means an employee who works a reduced number of hours under a shared work plan.

(6) "Participating employer" means an employer who has a shared work plan in effect.

(7) "Secretary" means the secretary of labor or the secretary's designee.

(8) "Shared work benefit" means an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan.

(9) "Shared work plan" means a program for reducing unemployment under which employees who are members of an affected unit share the work remaining after a reduction in their normal weekly hours of work.

(10) "Shared work unemployment compensation program" means a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

(b) The secretary shall establish a voluntary shared work unemployment compensation program as provided by this section. The secretary may adopt rules and regulations and establish procedures necessary to administer the shared work unemployment compensation program.

(c) An employer who wishes to participate in the shared work unemployment compensation program must submit a written shared work plan to the secretary for the secretary's approval. As a condition for approval, a participating employer must agree to furnish the secretary with reports relating to the operation of the shared work plan as requested by the secretary. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the secretary and shall report the findings to the secretary.

(d) The secretary may approve a shared work plan if:

(1) The shared work plan applies to and identifies a specific affected unit;
(2) the employees in the affected unit are identified by name and social security number;

(3) the shared work plan reduces the normal weekly hours of work for an employee, including regular part-time employees, in the affected unit by not less than 20% and not more than 40%;

(4) the shared work plan applies to at least 10% of the employees in the affected unit;

(5) the shared work plan describes the manner in which the participating employer treats the fringe benefits of each employee in the affected unit and the employer certifies that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. § 414(j), or contributions under a defined contribution plan, as defined in 26 U.S.C. § 414(i), to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the shared work compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the shared work program;

(6) the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs that would affect at least 10% of the employees in the affected unit and that would result in an equivalent reduction in work hours;

(7) the employer has filed all reports required to be filed under the employment security law for all past and current periods and has paid all contributions, benefit cost payments, or if a reimbursing employer has made all payments in lieu of contributions due for all past and current periods;

(8) (A) a contributing employer must be eligible for a rate computation under ~~subsection (a)(2) of K.S.A. 44-710a(a)(2)~~, and amendments thereto, and is not a negative account employer as defined by ~~subsection (d) of K.S.A. 44-710a(d)~~, and amendments thereto; (B) a rated governmental employer must be eligible for a rate computation under ~~subsection (g) of K.S.A. 44-710d(g)~~, and amendments thereto;

(9) eligible employees may participate, as appropriate, in training, including without limitation, employer-sponsored training or worker training funded under the workforce investment act of 1998, to enhance job skills if such program has been approved by the state of Kansas;

(10) the employer includes a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability to participate in shared work compensation and such other information as the secretary of labor determines is appropriate; and

(11) the terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal and Kansas laws.

(e) If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan must be approved in writing by the collective bargaining agent.

(f) A shared work plan may not be implemented to subsidize seasonal employers during the off-season.

(g) The secretary shall approve or deny a shared work plan no later than the 30th day after the day the shared work plan is received by the secretary. The secretary shall approve or deny a shared work plan in writing. If the secretary denies a shared work plan, the secretary shall notify the employer of the reasons for the denial.

(h) A shared work plan is effective on the date it is approved by the secretary, except for good cause a shared work plan may be effective at any time within a period of 14 days prior to the date such plan is approved by the secretary. The shared work plan expires on the last day of the 12th full calendar month after the effective date of the shared work plan.

(i) An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as approved by the secretary. The employer must report the changes made to the shared work plan in writing to the secretary before implementing the changes. If the original shared work plan is substantially modified, the secretary shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection (d). The approval of a modified shared work plan does not affect the expiration date originally set for that shared work plan. If substantial modifications cause the shared work plan to fail to meet the requirements for approval, the secretary shall deny approval to the modifications as provided by subsection (g).

(j) Notwithstanding any other provisions of the employment security law, an individual is unemployed and is eligible for shared work benefits in any week in which the individual, as an employee in an affected unit, works for less than the individual's normal weekly hours of work in accordance with an approved shared work plan in effect for that week. The secretary may not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of the employment security law that relates to availability for work, active search for work or refusal to apply for or accept work with an employer other than the participating employer.

(k) An individual is eligible to receive shared work benefits with respect to any week in which the secretary finds that:

(1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(2) the individual is able to work and is available for additional hours of work or full-time work with the participating employer;

(3) the individual's normal weekly hours of work have been reduced by at least 20% but not more than 40%, with a corresponding reduction in wages; and

(4) the individual's normal weekly hours of work and wages have been reduced as described in subsection (k)(3) for a waiting period of one week which occurs within the period the shared work plan is in effect, which period includes the week for which the

individual is claiming shared work benefits.

(l) The secretary shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment multiplied by the nearest full percentage of reduction of the individual's hours as set forth in the employer's shared work plan. If the shared benefit amount is not a multiple of \$1, the secretary shall reduce the amount to the next lowest multiple of \$1. All shared work benefits under this section shall be payable from the fund.

(m) An individual may not receive shared work benefits and regular unemployment compensation benefits in an amount that exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided by ~~subsection (f)~~ of K.S.A. 44-704(j), and amendments thereto.

(n) An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under K.S.A. 44-704a and 44-704b, and amendments thereto, and is entitled to receive extended benefits under such statutes if the individual is otherwise eligible under such statutes.

(o) The secretary may terminate a shared work plan for good cause if the secretary determines that the shared work plan is not being executed according to the terms and intent of the shared work unemployment compensation program.

(p) Notwithstanding any other provisions of this section, an individual shall not be eligible to receive shared work benefits for more than 26 calendar weeks during the 12-month period of the shared work plan, except that two weeks of additional benefits shall be payable to claimants who exhaust regular benefits and any benefits under any other federal or state extended benefits program during the period July 1, 2003 through June 30, 2004. No week shall be counted as a week for which an individual is eligible for shared work benefits for the purposes of this section unless the week occurs within the 12-month period of the shared work plan.

(q) No shared work benefit payment shall be made under any shared work plan or this section for any week which commences before April 1, 1989.

(r) This section shall be construed as part of the employment security law.;

Also on page 21, in line 31, by striking "and" and inserting a comma; also in line 31, after "44-710a" by inserting "and 44-757";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the first "and" and inserting a comma; also in line 3, after "44-710a" by inserting "and 44-757"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 240** be amended on page 2, in line 18, after "Every" by inserting "day";

On page 3, in line 16, by striking "July 1" and inserting "July 1";

On page 20, in line 37, by striking "shall" and inserting "did";

On page 21, in line 32, by striking "9-901" and inserting "9-901a";

On page 24, in line 12, by striking "named" and inserting "name";

On page 26, in line 28, by striking the first "with" and inserting "with"; also in line 28, by striking the second "with" and inserting "with";

On page 48, in line 38, by striking "an eligible" and inserting "a";

On page 83, in line 1, by striking "agreed upon" and inserting "agreed-upon";

On page 85, in line 2, before "the" by inserting a comma;
On page 109, in line 18, after "appointment" by inserting a comma;
On page 111, in line 6, after "A" by inserting ", nonperson"; in line 39, after "A" by inserting ", nonperson";

On page 112, in line 18, after "A" by inserting ", nonperson"; in line 30, after "a" by inserting "class A, nonperson";

On page 113, in line 10, after "A" by inserting ", nonperson";

On page 114, in line 5, after "A" by inserting ", nonperson"; in line 24, after "B" by inserting ", nonperson"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 157** be passed.

Also, **SB 149** be amended on page 33, following line 43, by inserting:

"New Sec. 19. (a) (1) Whenever a person civilly committed pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, is in the custody of a county law enforcement agency, the costs incurred for the care and custody of such person by the county with custody of such person, including, but not limited to, costs of medical care and treatment, housing, food and transportation, shall be paid by such county.

(2) The secretary for aging and disability services shall reimburse such county from the Larned state hospital – sexual predator treatment program account of the state general fund for all costs that would have been paid from such account if such person had remained in the custody of the secretary for aging and disability services.

(3) If there are no moneys available in such account to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.

(4) The secretary for aging and disability services shall develop and implement a procedure to provide such reimbursements on or before July 1, 2015.

(b) All expenditures pursuant to this section from the Larned state hospital – sexual predator treatment program account of the state general fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for aging and disability services or the secretary's designee.";

And by renumbering sections accordingly;

And the bill be passed as amended.

SB 159 be amended on page 1, in line 27, by striking "reasonably believes that there is" and inserting "has probable cause to believe that"; in line 28, after "thereto," by inserting "is"; in line 29, by striking "that" and inserting "and reasonably believes such violation"; and the bill be passed as amended.

SB 183 be amended on page 1, in line 7, by striking "attorney general" and inserting "office of judicial administration"; in line 25, by striking "the"; in line 26, by striking "attorney general pursuant to rules and regulations" and inserting "rules of the supreme court";

On page 2, in line 8, by striking "attorney general" and inserting "office of judicial administration"; in line 17, by striking "attorney general" and inserting "supreme court"; also in line 17, by striking "and regulations"; in line 24, by striking "attorney general" and inserting "office of judicial administration";

On page 4, in line 20, by striking the second "or" and inserting "on";

On page 5, in line 28, after "(c)" by inserting "(1) Except as provided in subsection (c)(2),";

Also on page 5, following line 29, by inserting:

"(2) Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the cost of collection added to the debt owed and subject to setoff. Such cost of collection shall be paid by the Kansas department for children and families.";

On page 6, in line 19, after "transaction." by inserting "Except as provided further,"; in line 21, after "thereto." by inserting "Any debts due and owing to an individual, the state of Kansas or an agency of another state that are being enforced by the Kansas department for children and families under part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, shall not have the collection assistance fee added to the debt owed and subject to setoff, and such fee shall be paid by the Kansas department for children and families."; and the bill be passed as amended.

SB 197 be amended on page 5, in line 37, after "appointee." by inserting "Such appointee shall be a member of the bar who is a resident of and licensed in Kansas.";

On page 6, in line 6, after "state" by inserting "or the secretary of state's designee"; in line 7, after "general" by inserting "or the attorney general's designee";

On page 8, in line 23, after "state" by inserting "or the secretary of state's designee"; in line 24, after "general" by inserting "or the attorney general's designee"; and the bill be passed as amended.

SB 206 be amended on page 4, in line 9, by striking "If the public agency is a governing body, all of the members of the"; by striking all in line 10;

On page 9, in line 29, after "mandamus" by inserting a comma; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 244** be amended on page 2, in line 4, after "vote" by inserting "and, by yeas and nays, how each member of the governing body voted,"; in line 11, by striking the first "the" and inserting "each"; also in line 11, by striking "of greatest valuation of" and inserting "having territory in"; in line 39, by striking the second "the" and inserting "each"; in line 40, by striking "of greatest valuation of" and inserting "having territory in"; and the bill be passed as amended.

Also, **SB 247** be amended on page 3, in line 1, by striking "municipal" and inserting "certified"; in line 3, after the period by inserting "Each municipality subject to this subsection shall have its accounts examined using enhanced agreed-upon procedures at least once every three years."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 142** be passed.

Also, **SB 180** be amended on page 2, following line 2, by inserting:

"(f) The provisions of this section shall expire on December 31, 2016."; in line 12, by striking "5½%" and inserting "1%"; in line 15, by striking all after "enrollees,"; in line 16, by striking all before the period and inserting "except during the period beginning January 1, 2015, and ending December 31, 2016, a privilege fee shall be 5½%";

On page 3, in line 2, before "medical" by inserting "state general fund, except during the period beginning January 1, 2015, and ending on December 31, 2016, such deposit shall be to the credit of the"; and the bill be passed as amended.

SB 181 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2014 Supp. 39-7,119 is hereby amended to read as follows: 39-7,119. (a) There is hereby created the medicaid drug utilization review board which shall be responsible for the implementation of retrospective and prospective drug utilization programs under the Kansas medicaid program.

(b) Except as provided in subsection (i), the board shall consist of at least seven members appointed as follows:

(1) Two licensed physicians actively engaged in the practice of medicine, nominated by the Kansas medical society and appointed by the secretary of health and environment from a list of four nominees;

(2) one licensed physician actively engaged in the practice of osteopathic medicine, nominated by the Kansas association of osteopathic medicine and appointed by the secretary of health and environment from a list of four nominees;

(3) two licensed pharmacists actively engaged in the practice of pharmacy, nominated by the Kansas pharmacy association and appointed by the secretary of health and environment from a list of four nominees;

(4) one person licensed as a pharmacist and actively engaged in academic pharmacy, appointed by the secretary of health and environment from a list of four nominees provided by the university of Kansas;

(5) one licensed professional nurse actively engaged in long-term care nursing, nominated by the Kansas state nurses association and appointed by the secretary of health and environment from a list of four nominees.

(c) The secretary of health and environment may add two additional members so long as no class of professional representatives exceeds 51% of the membership.

(d) The physician and pharmacist members shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.

(e) The appointments to the board shall be for terms of three years. In making the appointments, the secretary of health and environment shall provide for geographic balance in the representation on the board to the extent possible. Subject to the provisions of subsection (i), members may be reappointed.

(f) The board shall elect a chairperson from among board members who shall serve a one-year term. The chairperson may serve consecutive terms.

(g) The board, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.

(h) All actions of the medicaid drug utilization review board shall be upon the affirmative vote of five members of the board and the vote of each member present when action was taken shall be recorded by roll call vote.

(i) Upon the expiration of the term of office of any member of the medicaid drug utilization review board on or after the effective date of this act and in any case of a vacancy existing in the membership position of any member of the medicaid drug utilization review board on or after the effective date of this act, a successor shall be appointed by the secretary of health and environment so that as the terms of members expire, or vacancies occur, members are appointed and the composition of the board is changed in accordance with the following and such appointment shall be made by the secretary of health and environment in the following order of priority:

(1) One member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a hospital and who is

nominated by the Kansas hospital association and appointed by the secretary of health and environment from a list of two or more nominees;

(2) one member shall be a licensed pharmacist who is actively performing or who has experience performing medicaid pharmacy services for a licensed adult care home and who is nominated by the state board of pharmacy and appointed by the secretary of health and environment from a list of two or more nominees;

(3) one member shall be a licensed physician who is actively engaged in the general practice of allopathic medicine and who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the secretary of health and environment from a list of two or more nominees;

(4) one member shall be a licensed physician who is actively engaged in mental health practice providing care and treatment to persons with mental illness, who has practice experience with the state medicaid plan and who is nominated by the Kansas psychiatric society and appointed by the secretary of health and environment from a list of two or more nominees;

(5) one member shall be a licensed physician who is the medical director of a nursing facility, who has practice experience with the state medicaid plan and who is nominated by the Kansas medical society and appointed by the secretary of health and environment from a list of two or more nominees;

(6) one member shall be a licensed physician who is actively engaged in the general practice of osteopathic medicine, who has practice experience with the state medicaid plan and who is nominated by the Kansas association of osteopathic medicine and who is appointed by the secretary of health and environment from a list of two or more nominees;

(7) one member shall be a licensed pharmacist who is actively engaged in retail pharmacy, who has practice experience with the state medicaid plan and who is nominated by the state board of pharmacy and appointed by the secretary of health and environment from a list of two or more nominees;

(8) one member shall be a licensed pharmacist who is actively engaged in or who has experience in research pharmacy and who is nominated jointly by the Kansas task force for the pharmaceutical research and manufacturers association and the university of Kansas and appointed by the secretary of health and environment from a list of two or more jointly nominated persons; and

(9) one member shall be a licensed advanced practice registered nurse or physician assistant actively engaged in the practice of providing the health care and treatment services such person is licensed to perform, who has practice experience with the state medicaid plan and who is nominated jointly by the Kansas state nurses' association and the Kansas academy of physician assistants and appointed by the secretary of health and environment from a list of two or more jointly nominated persons.

(j) The medicaid drug utilization review board shall meet at least quarterly and such meetings shall be open to the public and shall provide an opportunity for public comments. The board shall post notice of such meetings at least 14 business days before the scheduled meetings."

Also on page 1, by striking all in lines 14 through 16; in line 17, by striking all before the period and inserting "may make prior authorization of any new prescription-only drugs until such drugs are reviewed by the medicaid drug utilization board at the next scheduled meeting. New drugs shall be approved for use when such drugs are used

within package insert guidelines approved by the federal drug administration and clinically reputable compendia, such as the United States pharmacopeia, as approved by the secretary of health and environment in the rules and regulations, during the period before such drugs are reviewed by the medicaid drug utilization review board";

And by renumbering sections accordingly;

Also on page 1, in line 29, after "Supp." by inserting "39-7,119 and"; also in line 29, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after "Supp." by inserting "39-7,119 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Select Committee on KPERS recommends **SB 228** be passed.

Committee on **Transportation** recommends **SB 126** be passed.

Also, **SB 82** be amended on page 1, in line 6, by striking "New"; by striking all in lines 21 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 11; following line 11 by inserting:

"Sec. 2.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2016, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Seat belt safety fund.....\$480,000

(b) On July 1, 2015, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$480,000 from the state general fund to the seat belt safety fund of the department of transportation.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all following "ACT"; in line 2, by striking all following the semicolon; in line 3, by striking all before the period and inserting "making and concerning appropriations for the fiscal year ending June 30, 2016; authorizing certain transfers"; and the bill be passed as amended.

SB 215 be amended on page 1, in line 24, by striking "a passenger vehicle" and inserting "any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 2014 Supp. 8-143m and 8-1,152, and amendments thereto,"; in line 26, by striking the first "registration" and inserting "printed payment"; also in line 26, after "receipt" by inserting "or electronic payment receipt from an online electronic payment processing system"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 91** be amended on page 1, in line 8, by striking "2023" and inserting "2020"; in line 9, by striking ", \$100,000 from"; by striking all in line 10; in line 11, by striking "thereto, and \$100,000" and inserting "and \$200,000"; in line 13, by striking ", except that:"; by striking all in lines 14 through 23; in line 24, by striking "reports"; and the bill be passed as amended.

Also, **SB 151** be amended on page 1, in line 28, by striking "For all coal-fired and natural gas electric generating"; by striking all in lines 29 and 30; in line 31, by striking all before "the" and inserting "In accordance with the requirements of the environmental protection agency's rulemaking pursuant to docket EPA-HQ-OAR-2013-0602, the secretary may develop and submit to the environmental protection agency a state plan for compliance with the regulation of carbon dioxide from affected or existing electric

generating units pursuant to 42 U.S.C. § 7411.";

On page 2, in line 25, by striking "such standards through flexible"; by striking all in line 26; in line 27, by striking all before "that" and inserting "a state plan through regulatory mechanisms that may include administrative regulations, permits, agreements or other flexible regulatory measures"; in line 29, by striking "implement a" and inserting "permit participation in an organized"; also in line 29, by striking "mechanism" and inserting "market"; in line 30, by striking all after "authority"; by striking all in lines 31 through 41; in line 42 by striking all before the period and inserting ". In order to achieve a mass-based or rate-based goal, nothing in this act shall be construed to prohibit a Kansas utility: (1) With multiple affected units in one or more states from sharing, aggregating or purchasing emissions among such utility's units; or

(2) from sharing, aggregating or purchasing emissions between other Kansas utilities with affected units"; in line 43, after the second "any" by inserting "affected or"; also in line 43, after "existing" by inserting "jurisdictional";

On page 3, in line 2, by striking all after "shall"; by striking all in lines 3 and 4; in line 5, by striking "necessary to" and inserting "conduct a joint investigation with the state corporation commission pursuant to K.S.A. 65-3005 and 66-106, and amendments thereto, and hold a joint hearing pursuant to procedures under K.S.A. 77-501 et seq., and amendments thereto, as applied to the state corporation commission. In establishing any standard of performance or flexible regulatory mechanism pursuant to this section, the secretary and the state corporation commission shall: (1) Exercise the secretary's and commission's respective existing statutory authority over the affected utilities;

(2) "; also in line 5, by striking "jurisdictional"; in line 7, by striking "(2) conduct any investigations necessary to" and inserting "(3) "; in line 9, by striking "(3)" and inserting "(4)"; also in line 9, by striking "the recommended options maintain" and inserting "any option selected maintains"; by striking all in lines 11 through 22; following line 22, by inserting "(5) issue a joint final order establishing the compliance goal and defining the regulatory mechanisms for the state plan, which provides a detailed explanation of the joint findings; and

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

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

(f) The secretary shall submit the state plan to the clean power plan implementation study committee for review and approval pursuant to section 2, and amendments thereto, concurrent with the start of the public notice period for the state plan."; also on page 3, in line 23, by striking "(f)" and inserting "(g)"; following line 24, by inserting:

"New Sec. 2. (a) (1) There is hereby established the clean power plan implementation study committee. The committee shall hold informational hearings and receive updates from the department of health and environment, the state corporation

commission and the attorney general about the implications of the adoption of a state implementation plan pursuant to docket EPA-HQ-OAR-2013-0602 concerning the impact to: (A) Electric ratepayers; (B) electric utilities; (C) the reliability of the electric grid in Kansas; and (D) the overall sovereignty of the state.

(2) Upon development of a state implementation plan pursuant to K.S.A. 65-3031, and amendments thereto, the secretary of health and environment shall submit the plan to the study committee for review. After reviewing the impact of the plan pursuant to this section, the committee may approve or disapprove the submission of the plan. If the study committee approves the plan, the secretary may submit the plan to the environmental protection agency. If the committee disapproves the plan, the chairperson of the committee shall submit a petition for the calling of a special session pursuant to K.S.A. 46-1401, and amendments thereto, for the legislature to review the submission of the plan. If the legislature fails to convene a special session or fails to adopt a concurrent resolution disapproving of the submission of the plan within 60 days of the chairperson submitting a petition for the calling of a special session, the secretary may submit the plan to the environmental protection agency.

(b) (1) The study committee shall be composed of 11 voting members. Five members shall be from the senate committee on utilities as follows: (A) The chairperson, vice-chairperson and ranking minority member; and (B) two members appointed by the president of the senate.

(2) Six members shall be from the house committee on energy and environment as follows: (A) The chairperson, vice-chairperson and ranking minority member; and (B) three members appointed by the speaker of the house of representatives.

(3) A quorum of the clean power plan implementation study committee shall be six members. All actions of the committee shall be taken by a majority of all of the members of the committee. Any vacancy in the membership of the committee shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(c) Members shall be appointed to the study committee on or before July 1, 2015, for a term ending on June 30, 2017. On and after the first day of the regular legislative session in odd-numbered years, the chairperson of the special committee shall be the chairperson of the senate committee on utilities and the vice-chairperson of the special committee shall be the chairperson of the house of representatives committee on energy and environment and, after the first day of the regular legislative session in even-numbered years, the chairperson of the special committee shall be the chairperson of the house of representatives committee on energy and environment and the vice-chairperson of the special committee shall be the chairperson of the senate committee on utilities. The chairperson and vice-chairperson of the special committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The first meeting of the study committee shall be called by the chairperson of the committee following the conclusion of the 2015 regular session of the Kansas legislature. The committee shall have the authority to meet at any time and at any place within the state on the call of the chairperson.

(d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the clean power plan implementation study committee to the extent that the

same do not conflict with the specific provisions of this act applicable to the study committee.

(e) Members of the clean power plan implementation study committee shall receive compensation, travel expenses and subsistence expenses as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of the committee.

(f) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the study committee.

(g) The provisions of this section shall expire on June 30, 2017."; and by renumbering sections accordingly;

In the title, on page 1, in line 4, before "amending" by inserting "creating the clean power plan implementation study committee;" and the bill be passed as amended.

SB 170 be amended on page 2, following line 18, by inserting:

"(d) Notwithstanding approval by the legislature, or by any legislative committee pursuant to subsection (b), of the submission of a state implementation plan to the environmental protection agency, further action by the secretary to implement or enforce the final approved state implementation plan is dependent upon the final adoption of the federal emission guidelines implemented under docket EPA-HQ-OAR-2103-0602 or pursuant to 42 U.S.C. § 7411(d). If such federal emission guidelines are not adopted or are adopted and subsequently suspended, vacated, in whole or in part, or held to not be in accordance with the law, the secretary shall suspend or terminate, as appropriate, further action to implement or enforce the state implementation plan."; and the bill be passed as amended.

President Wagle announced the Senate would recess to the sound of the gavel to receive reports of standing committees under that order of business.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday February 25, 2015.

ROSE MARIE GLATT, CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.
COREY CARNAHAN, *Secretary of the Senate*.

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