

Journal of the Senate

EIGHTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, June 26, 2015, 10:00 a.m.

As provided by **SCR 1607**, the Sine Die Session of the regular 2015 Kansas Senate was called to order by President Susan Wagle.

The roll was called with 36 senators present.

Senators LaTurner, Longbine, Love and Lynn were excused.

Invocation by Reverend Cecil T. Washington:

Lord,

We're gathering here to finally conclude the longest legislative session we've ever experienced. We've realized some trying times but it's also been a time for learning. One of the things we've had to learn Master, is patience. But we couldn't learn this quality of character by reading and writing about it. You said, in Romans 5:3, that difficulties...trying times produce patience. So, Lord You've been using our problems to provide "on the job training" for our character development. And it's been similar to learning how to drive a car or bake a cake, we can't just read about it. We have to experience it. And Lord, we have experienced You, pulling us through. We're learning to endure. We're coming to know that being patient and learning how to endure means we do all we can, within our power, but then look to You for the results. Help us Lord, to accept difficult situations that You allow, without trying to give You a deadline to remove them. Well, we didn't get everything we wanted during this session, but we never really do. And in fact, we never really will until we come to be with You. So keep us ever aware that while we're here on this side of Heaven, there will be struggles. There will be difficulties. There will be tensions. As we now prepare for sine die...as we prepare to adjourn and depart to our various destinations, keep us mindful of our ultimate destination. After all is said and done, bring us home to be with You where there'll be no sine die. Thank You Lord, for hearing this prayer. In the precious name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGES FROM THE GOVERNOR

SB 206 approved on June 12, 2015

SB 270 approved on June 16, 2015

June 16, 2015

Message to the Legislature of the State of Kansas

I want to thank every member of the Kansas Legislature for their hard work during the 2015 Session. I greatly appreciate their efforts to control spending by addressing our three expenditure drivers: education, Medicaid, and KPERS.

This two-year budget will continue to fund the core services of state government to July 1, 2017. I will work to find efficiencies to limit the size of state government while protecting core services vital to the citizens of Kansas.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Substitute for Senate Bill No. 112 with my signature approving the bill, except for the items enumerated below.

Kansas Board of Regents

SGF Transfer to Postsecondary Education Performance – Based Incentives Fund

The Board of Regents offered as a line-item veto – and I have vetoed – approximately \$1.9 million in unspent funding in both FY 16 and 17 from a postsecondary education performance-based incentives fund.

Sections 142(f) and 143(f) are vetoed in their entirety.

This new program grants funds to postsecondary institutions for the GED Accelerator for students who wish to complete their GED and receive an educational accreditation. The FY 2015 transfer of \$1.9 million from the State General Fund will finance the program for several years. Therefore, the transfer can be suspended in FY 2016 and FY 2017 to preserve State General Fund resources.

Sam Brownback,
Governor

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub HB 2135**.
Announcing adoption of **SCR 1607**.

ORIGINAL MOTION

Senator Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2142**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2142** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking lines 6 through 36;

By striking all on pages 2 through 13;

On page 14, by striking lines 1 and 2; following line 2, by inserting:

"Section 1. K.S.A. 2014 Supp. 79-2925b, as amended by section 2 of 2015 House

Substitute for Senate Bill No. 270, is hereby amended to read as follows: 79-2925b. (a) Without a majority vote so providing, the governing body of any municipality shall not approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year. If the total tangible property valuation in any municipality increases from the next preceding year due to increases in the assessed valuation of existing tangible property and such increase exceeds changes in the consumer price index, the governing body shall lower the amount of ad valorem tax to be levied to the amount of ad valorem tax levied in the next preceding year, adjusted to reflect changes in the consumer price index. This subsection shall not apply to ad valorem taxes levied under K.S.A. 76-6b01 and 76-6b04 and section 11 of 2015 House Substitute for Senate Bill No. 7, and amendments thereto, and any other ad valorem tax levy which was previously approved by the voters of such municipality. Except as provided in subsection (g), notwithstanding the requirements of this subsection, nothing herein shall prohibit a municipality from increasing the amount of ad valorem tax to be levied if the municipality approves the increase with a majority vote of the governing body by the adoption of a resolution and publishes such vote as provided in subsection (c).

(b) Revenue that, in the current year, is produced and attributable to the taxation of:

- (1) New improvements to real property;
- (2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes;
- (3) property located within added jurisdictional territory; or
- (4) property which has changed in use shall not be considered when determining whether revenue produced from property has increased from the next preceding year.

(c) In the event the governing body votes to approve any appropriation or budget, as the case requires, which may be funded by revenue produced from property taxes, and which provides for funding with such revenue in an amount exceeding that of the next preceding year as provided in subsection (a), notice of such vote shall be published in the official county newspaper of the county where such municipality is located.

(d) The provisions of this section shall be applicable to all fiscal and budget years commencing on and after the effective date of this act.

(e) The provisions of this section shall not apply to revenue received from property tax levied for the sole purpose of repayment of the principal of and interest upon bonded indebtedness, temporary notes and no-fund warrants.

(f) For purposes of this section, "municipality" means any political subdivision of the state which levies an ad valorem tax on property and includes, but is not limited to, any county, township, municipal university, school district, community college, drainage district or other taxing district. "Municipality" shall not include any such political subdivision or taxing district which receives \$1,000 or less in revenue from property taxes in the current year.

(g) On and after January 1, 2018: (1) In the case of cities and counties, any resolution by the governing body otherwise required by this section to adopt any appropriation or budget which provides for funding by property tax revenue in an amount exceeding that of the next preceding year as adjusted pursuant to subsection (a)

to reflect changes in the consumer price index, shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, at the next regularly scheduled election to be held in August or November, or may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto, or may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year.

(2) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (g)(1) under the following circumstances:

(A) The increase in the amount of ad valorem tax to be levied that is greater than the change in the consumer price index is due to:

(i) Costs for new infrastructure or improvements to existing infrastructure to support new improvements to property exempt from property taxation pursuant to the provisions of K.S.A. 79-201 et seq., and amendments thereto, such as hospitals, schools and churches, or exempt additions to or improvements to property so exempt from property taxation;

(ii) bond and interest payments;

(iii) an increase in property subject to taxation as the result of the expiration of any abatement of property from property tax;

(iv) increases in road construction costs when such construction has been once approved by a resolution of the governing body of the city or county;

(v) special assessments;

(vi) judgments levied against the city or county or expenses for legal counsel and for defense of legal actions against the city or county or officers of the city or county;

(vii) new expenditures that are specifically mandated by federal or state law; or

(viii) an increase in property subject to taxation as the result of new construction;

(B) the assessed valuation has declined in one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(C) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

Sec. 2. K.S.A. 2014 Supp. 79-2925b, as amended by section 2 of 2015 House Substitute for Senate Bill No. 270 and 79-2925b, as amended by section 5 of 2015 Senate Substitute for House Bill No. 2109 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "taxation; reconciling amendments to certain statutes; amending K.S.A. 2014 Supp. 79-2925b, as amended by section 2 of 2015 House Substitute for Senate Bill No. 270 and repealing the existing

section; also repealing K.S.A. 2014 Supp. 79-2925b, as amended by section 5 of 2015 Senate Substitute for House Bill No. 2109";

And your committee on conference recommends the adoption of this report.

LES DONOVAN

CARYN TYSON

TOM HOLLAND

Conferees on part of Senate

MARVIN KLEEB

GENE SUELLENTROP

TOM SAWYER

Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2142**.

On roll call, the vote was: Yeas 24; Nays 8; Present and Passing 4; Absent or Not Voting 4.

Yeas: Abrams, Baumgardner, Bowers, Bruce, Denning, Donovan, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Masterson, McGinn, Olson, Ostmeyer, Petersen, Pettey, Powell, Schmidt, Tyson, Wagle, Wilborn, Wolf.

Nays: Arpke, Fitzgerald, Knox, Melcher, O'Donnell, Pilcher-Cook, Pyle, Smith.

Present and Passing: Faust-Goudeau, Francisco, Haley, Holland.

Absent or Not Voting: LaTurner, Longbine, Love, Lynn.

The Conference Committee Report was adopted.

VETO SUSTAINED

President Wagle announced the time had arrived for reconsideration of the line item vetoes on **H Sub SB 112**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2014 Supp. 2-223, 12-5256, 55-193, as amended by section 2 of 2015 House Bill No. 2231, 68-2320, 74-50,107, as amended by section 57 of 2015 Senate Bill No. 4, 74-8963, 74-99b34, 75-6702, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections; also repealing K.S.A. 2014 Supp. 74-99b34a.

No motion having been offered to reconsider, President Wagle announced the Governor's line item vetoes on **H Sub SB 112** were declared sustained.

REPORT ON ENROLLED BILLS

SB 270 reported correctly enrolled, properly signed and presented to the Governor on June 16, 2015.

SCR 1607 reported correctly enrolled, properly signed and presented to the Secretary of State on June 15, 2015.

As provided by **SCR 1607**, Senator Bruce moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as president of the Senate, I now declare the 2015 Session of the Kansas Senate adjourned Sine Die."

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

