

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 11, 2016, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

Roll was called with 39 senators present.

Senator McGinn was excused.

Invocation by Reverend Cecil Washington, Jr.:

Heavenly Father, of all the virtues, we can possess, or that we need to strive for, You said in 1 Corinthians 13:13, that LOVE is the greatest. In three days, Sunday, Feb. 14th, we'll be challenged to express love to a spouse, to significant others, to family and friends. We're close to that Valentine time of the year when broad smiles and warm feelings of affection will be prompted by heart shaped expressions of love. Providentially, You put three people together who reminded us of the need for love. You inspired Burt Bacharach, Hal David and Jackie DeShannon to give us that enduring classic; "What The World Needs Now Is Love, Sweet Love. It's the only thing that there's just too little of...and not just for some but for everyone." Lord, You created all of us with the need for real, honest, unselfish love...not some flimsy, self-pleasing, pseudo love, where the other person has to jump through hoops to measure up. But, help us be demonstrations of Your kind of love...love that is concerned with the highest good of another. Let it be said of us that in spite of all our faults and failures, the love of God prevailed...because love is the greatest. In the name of Jesus, Who loved us to death, Amen and Amen.

The Pledge of Allegiance was led by President Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Lynn rose on a Point of Personal Privilege to recognize the important economic relationship between the State of Kansas and Canada.

Guests introduced were Marcy Grossman, Consul, Jamie Caton and Lauren Simpson.

The senators honored the guests with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 444, AN ACT concerning education; creating a language assessment program for children who are deaf or hard of hearing, by Committee on Assessment and Taxation.

SB 445, AN ACT concerning the client assessment, referral and evaluation program; amending K.S.A. 2015 Supp. 39-968 and repealing the existing section, by Committee on Public Health and Welfare.

SB 446, AN ACT concerning state psychiatric hospitals; relating to the definition of catchment areas; amending K.S.A. 2015 Supp. 39-1602 and 39-1613 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 447, AN ACT concerning income taxation; providing a checkoff for the Kansas mental health and substance use awareness, prevention and stigma reduction programs fund, by Committee on Public Health and Welfare.

SB 448, AN ACT concerning addiction counselors; relating to terminology updates; Kansas department for aging and disability services treatment programs; amending K.S.A. 59-29b54, 59-29b61 and 65-4016 and K.S.A. 2015 Supp. 59-29b46, 59-3077, 65-4024a, 65-6608 and 65-6610 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 449, AN ACT concerning the behavioral sciences regulatory board; amending K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-5375, 74-5376, 74-7507 and 74-7508 and repealing the existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-5337, by Committee on Public Health and Welfare.

SB 450, AN ACT concerning municipalities; relating to sanctuary ordinances and resolutions and the prohibition thereof, by Committee on Ways and Means.

SB 451, AN ACT concerning postsecondary education; authorizing the merger and consolidation of Wichita state university and Wichita area technical college; amending K.S.A. 72-4472 and K.S.A. 2015 Supp. 71-1802, 71-1803, 71-1808, 72-4417, 72-4440, 72-4466, 72-4480 and 72-4490 and repealing the existing sections, by Committee on Ways and Means.

SB 452, AN ACT concerning property taxation; relating to taxing subdivisions, approval of budgets, resolution and election requirements; amending K.S.A. 2015 Supp. 79-2925b and repealing the existing section, by Committee on Assessment and Taxation.

SB 453, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing; early release from incarceration, by Committee on Corrections and Juvenile Justice.

SB 454, AN ACT concerning court fees and funds; amending K.S.A. 2015 Supp. 8-2107, 20-362, 20-3021, 21-6614, 22-2410, 23-2510, 28-170, 28-170a, 28-172a, 28-177, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2008, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections; reviving and amending K.S.A. 5-517 and 20-166 and K.S.A. 2013 Supp. 20-1a04, 28-172b, 74-7325, 74-7334 and 75-7021 and repealing the revived sections; also repealing K.S.A. 5-517, as amended by section 5 of chapter 82 of the 2014 Session Laws of Kansas, and 20-166, as amended by section 8 of chapter 82 of the 2014 Session Laws of Kansas; K.S.A. 2013 Supp. 20-1a04, as amended by section 6 of chapter 82 of the 2014 Session Laws of Kansas, 20-367, 21-6614d, 28-172b, as amended by section 28 of chapter 82 of the 2014 Session Laws of Kansas, 38-2312c, 60-2001b, 74-7325, as amended by section 38 of chapter 82 of the 2014 Session Laws of Kansas, 74-7334, as amended by section 39

of chapter 82 of the 2014 Session Laws of Kansas, and 75-7021, as amended by section 42 of chapter 82 of the 2014 Session Laws of Kansas; and K.S.A. 2015 Supp. 20-1a16, 20-1a17, 21-6614f, 28-178 and 28-179, by Committee on Ways and Means.

SB 455, AN ACT concerning the Kansas cigarette and tobacco products act; relating to definitions, licenses and permits, suspension or revocation of a license, stamps, records required of dealer, unlawful acts, infractions, penalties, contraband goods, sale of cigarettes, counterfeit cigarettes, disposition of revenues, administrative fines, application of certain laws to taxes under act; amending K.S.A. 79-3304, 79-3309, 79-3323, 79-3324a and 79-3378 and K.S.A. 2015 Supp. 50-6a07, 79-3301, 79-3302, 79-3303, 79-3311, 79-3312, 79-3316, 79-3321, 79-3322, 79-3333, 79-3335, 79-3387, 79-3391, 79-3392 and 79-3393 and repealing the existing sections, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 442**.

Commerce: **HB 2512**.

Corrections and Juvenile Justice: **SB 434, SB 435; HB 2018**.

Ethics and Elections: **SB 441**.

Federal and State Affairs: **SB 443; SCR 1611; HB 2467, HB 2469**.

Financial Institutions and Insurance: **SB 438**.

Judiciary: **SB 439, SB 440**.

Public Health and Welfare: **SB 436, SB 437**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Pilcher-Cook introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1762—

A RESOLUTION recognizing the Kansas Donated
Dental Services Program's 20 years of service.

WHEREAS, The members of the Kansas Dental Association have been providing disabled and elderly Kansans with free dental care through the Kansas Donated Dental Services Program for 20 years since its inception in 1996; and

WHEREAS, The Kansas Donated Dental Services Program is overseen by Dental Lifeline Network of Kansas; and

WHEREAS, The Kansas Donated Dental Services Program has provided \$10 million in donated dental services to over 3,200 Kansans through the generosity of dentists and dental laboratories throughout the State of Kansas; and

WHEREAS, Seven hundred six volunteer dentists and 99 volunteer dental laboratories generously donated treatment services to aid the seriously neglected dental problems of medically fragile, disabled and aged individuals throughout the state; and

WHEREAS, Compared to other states with a Donated Dental Services Program, dentist participation in the Kansas program ranks among the highest; and

WHEREAS, The strength, success, vitality and effectiveness of the State of Kansas and its communities depend in great measure upon concerned and devoted programs, such as the Kansas Donated Dental Services Program: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and thank the Kansas Donated Dental Services Program and its volunteers for their generosity during the last 20 years and for continuing to provide free dental care to the citizens of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Kansas Dental Association and the Kansas Donated Dental Services Program at 5200 SW Huntoon, Topeka, KS 66604.

On emergency motion of Senator Pilcher-Cook **SR 1762** was adopted unanimously.

Guests introduced were Dr. Cindi Sherwood, Dr. Charles Squire and Dr. R. Wayne Thompson.

The senators honored the guests with a standing ovation.

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 Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

SB 318 be amended by motion of Senator Olson: on page 5, following line 15, by inserting:

"Sec. 3. K.S.A. 2015 Supp. 65-3031 is hereby amended to read as follows: 65-3031. (a) In accordance with the requirements of the environmental protection agency's rulemaking pursuant to docket EPA-HQ-OAR-2013-0602, the secretary may develop and submit to the environmental protection agency a state plan for compliance with the regulation of carbon dioxide from any affected or existing electric generating units pursuant to 42 U.S.C. § 7411. The secretary of health and environment may establish separate standards of performance for carbon dioxide emissions based upon: (1) The best system of emission reduction that has been adequately demonstrated while considering the cost of achieving such reduction;

(2) reductions in emissions of carbon dioxide that can reasonably be achieved through measures taken at each electric generating unit; and

(3) efficiency improvements to any affected electric generating unit and other measures that can be undertaken at each electric generating unit to reduce carbon dioxide emissions without any requirements for fuel switching, co-firing with other fuels or limiting the utilization of the unit.

(b) In establishing any standard of performance for any existing electric generating unit pursuant to this section, the secretary may consider alternative standards and metrics or may provide alternative compliance schedules than those provided by federal rules or regulations by evaluating: (1) Unreasonable costs of achieving an emission limitation due to plant age, location or the design of an electric generating unit;

(2) any unusual physical or compliance schedule difficulties or impossibility of implementing emission reduction measures;

(3) the cost of applying the performance standard to an electric generating unit;

(4) the remaining useful life of an electric generating unit;

(5) any economic or electric transmission and distribution impacts resulting from closing the electric generating unit if compliance with the performance standard is not possible; and

(6) the potential for a standard of performance relating to unit efficiency, including

any requirements for a new source review or the application of a best available control technology emission limitation for any criteria pollutant as a condition of receiving a permit or authorization for the project.

(c) The secretary may implement such standards through flexible regulatory mechanisms, including the averaging of emissions, emissions trading or other alternative implementation measures that the secretary determines to be in the interest of Kansas. The secretary may enter into voluntary agreements with utilities that operate fossil-fuel based electric generating units within Kansas to implement such carbon dioxide emission standards. Such agreements may aggregate the carbon dioxide emissions levels from electric resources in this state, including coal, petroleum, natural gas or renewable energy resources as defined in K.S.A. 2015 Supp. 66-1257, and amendments thereto, that are owned, operated or utilized by power purchase agreements by utilities for purposes of determining compliance with such carbon dioxide emission standards.

(d) The secretary and the state corporation commission shall enter into a memorandum of understanding concerning implementation of the requirements and responsibilities under the Kansas air quality act.

(e) (1) The secretary shall submit to the clean power plan implementation study committee:

(A) A plan to investigate, review and develop a state plan no later than the first week of November 2015;

(B) information on any final rule adopted by the environmental protection agency under docket EPA-HQ-OAR-2013-0602 no later than February 1, 2016; and

(C) any information requested by the chairperson.

(2) The state corporation commission shall submit information to the clean power plan implementation study committee concerning:

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

(B) the lowest possible cost re-dispatch options on a state-wide basis; and

(C) the impact of each re-dispatch option on the reliability of Kansas' integrated electric systems.

(f) The secretary shall present any proposed state plan proposed for submission to the environmental protection agency to the clean power plan implementation study committee for review and input pursuant to K.S.A. 2015 Supp. 66-1285, and amendments thereto, at least 30 days prior to submission of such a plan to the environmental protection agency or any other federal agency. If a proposed plan is disapproved by the clean power plan implementation study committee, the secretary shall resubmit a revised plan to the study committee. The secretary may submit any proposed plan to the environmental protection agency that has been submitted to the study committee and that has not been disapproved by the committee within 30 days of the committee receiving such proposed plan.

(g) Notwithstanding review by the clean power plan implementation study committee of the submission of a state plan to the environmental protection agency, further action by the secretary to implement or enforce the final approved state plan is dependent upon the final adoption of the federal emission guidelines. If the federal emission guidelines are not adopted or are adopted and subsequently suspended, vacated, in whole or in part, or held to not be in accordance with the law, the secretary shall suspend or terminate, as appropriate, further action to implement or enforce the

state plan.

(h) Notwithstanding any other provision of law, prior to submitting any state plan to the environmental protection agency, the secretary shall: (1) Submit such state plan as proposed rules and regulations pursuant to K.S.A. 77-415 et seq., and amendments thereto. Such submission shall be expedited by any agency reviewing such proposed rules and regulations pursuant to K.S.A. 77-415 et seq., and amendments thereto;

(2) request a review of the proposed state plan by the office of the attorney general. The attorney general review may certify to the secretary that the plan will not hinder, undermine or in any way harm the position of the state of Kansas in any current or pending litigation relating to the environmental protection agency docket EPA-HQ-OAR-2013-0602. The attorney general shall also review the proposed state plan concerning any impacts on the protections guaranteed by the constitutions of the United States or the state of Kansas; and

(3) not submit a state plan if the attorney general review indicates that the proposed plan would adversely impact the state's legal position in any current or pending litigation relating to the environmental protection agency docket EPA-HQ-OAR-2013-0602 or if the attorney general review indicates that the proposed state plan adversely impacts protections guaranteed by the constitutions of the United States or the state of Kansas.

(i) The secretary shall be responsible for submitting a state plan to the environmental protection agency in a timely manner. Notwithstanding any other provision of this act, the secretary shall prepare and submit any request for an extension of time to file a state plan, if necessary, an interim state plan or a final state plan to the environmental protection agency. Any interim or final state plan shall be submitted by the secretary no less than four calendar days prior to the federal submission deadline, or extended submission deadline, established by the environmental protection agency. Any final state plan submitted to the environmental protection agency may only be submitted if the secretary has previously submitted such plan for review by the clean power plan implementation study committee pursuant to this act.

(j) Due to the February 9, 2016, stay issued by the United States supreme court, all state agency activities in furtherance of the environmental protection agency docket EPA-HQ-OAR-2013-0602, codified as 40 C.F.R. part 60, shall be suspended until the stay is lifted.

~~(j)~~(k) This section shall be part of and supplemental to the Kansas air quality act.";
Also on page 5, in line 16, after the first comma by inserting "65-3031,";
And by renumbering sections accordingly;

On page 1, in the title, in line 3, after the first semicolon by inserting "concerning the department of health and environment and the state corporation commission, agency activities;"; also in line 3, after "45-229" by inserting "and 65-3031"; in line 4, by striking "section" and inserting "sections"; and **SB 318** passed as amended.

A motion by Senator Francisco to amend **SB 318** failed: on page 1, in line 10, after "transfer" by inserting "\$35,000 from the KETA administrative fund to the state general fund and transfer"; also in line 10, after "all" by inserting "remaining"; in line 11, by striking "to the state general fund" and inserting "of the state corporation commission to the public service regulation fund of the state corporation commission"; in line 14, by striking "state general fund" and inserting "public service regulation fund of the state corporation commission"

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

On roll call, the vote was: Yeas 15; Nays 24; Present and Passing 0; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Knox, LaTurner, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Baumgardner, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Absent or Not Voting: McGinn.

A motion by Senator Francisco to amend **SB 318** failed.

The committee report on **SB 65** recommending **Sub SB 65** be adopted, and be further amended by motion of Senator Knox, on page 3, in line 38, by striking all after "handgun"; in line 39, by striking all before "shall";

On page 4, in line 16, after "building" by inserting ", or public area thereof,";

On page 6, in line 30, by striking "On and after July 1, 2014,"; and **Sub SB 65** be passed as further amended.

A motion by Senator Longbine to further amend **Sub SB 65** failed: on page 5, in line 28, after the semicolon by inserting "or"; in line 30, by striking all after "thereto"; by striking all in lines 31 and 32; in line 33, by striking all before the period; in line 34, after "(k)" by inserting "The chancellor, president or chief administrative officer of a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, may exempt any building of such institution, or any public area thereof, from this section until July 1, 2021, by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general.

(l) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 11; Nays 26; Present and Passing 2; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, Pettey, V. Schmidt, Wolf.

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

Present and Passing: Donovan, Haley.

Absent or Not Voting: McGinn.

A motion by Senator O'Donnell to amend **Sub SB 65** failed: on page 4, by striking all in lines 41 through 43;

On page 5, by striking all in lines 1 through 16; in line 28, after the semicolon by inserting "or"; in line 30, by striking "; or"; by striking all in lines 31 and 32; in line 33, by striking all before the period;

On page 6, in line 30, by striking "On and after July 1, 2014,";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly

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

On roll call, the vote was: Yeas 14; Nays 25; Present and Passing 0; Absent or Not

Voting 1.

Yeas: Arpke, Bruce, Fitzgerald, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle.

Nays: Abrams, Baumgardner, Bowers, Denning, Donovan, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Ostmeyer, Pettey, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Absent or Not Voting: McGinn.

EXPLANATION OF VOTE

Mr. Chairman: It's time to get past the warm fuzzy feelings; the belief that signs protect us. This amendment removes one year of continued, required defenselessness of staff and students on university campuses that provide no security. If this is defeated, God forbid that an incident should happen on one of our campuses in that year and someone, or many, who are denied their ability to defend themselves incur serious injury or is killed. We would all deeply regret voting down this amendment. Mr. Chairman, I vote "Yes."—Forrest Knox

Senator Arpke requests the record to show he concurs with the "Explanation of Vote" offered by Senator Knox on **Sub SB 65**.

A motion by Senator Wolf to further amend **Sub SB 65** failed: on page 5, in line 34, after "to" by inserting ": (1)"; in line 36, after "blind" by inserting "; or

(2) any building which is a part of a state or municipal owned medical care facility as defined by K.S.A. 65-425, and amendments thereto"

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

On roll call, the vote was: Yeas 10; Nays 28; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, Pettey, V. Schmidt, Wolf.

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

Present and Passing: Haley.

Absent or Not Voting: McGinn.

Two motions by Senator Pettey to amend **Sub SB 65** failed.

The committee report on **HB 2365** recommending **S Sub HB 2365** be adopted, and the substitute bill be passed.

Senator Hensley moved **S Sub HB 2365** be rereferred to the Committee on Ways and Means. The motion failed.

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 1; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Longbine.

Absent or Not Voting: McGinn.

S Sub HB 2365 be further amended by motion of Senator Masterson on page 20, following line 12, 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."

S Sub HB 2365 be further amended by motion of Senator King: on page 45, following line 29, by inserting:

"Sec. 101. (a) During the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the secretary for children and families, from moneys appropriated from the state general fund or any special revenue fund or funds for the Kansas department for children and families for fiscal year 2017 by this act or any other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the secretary for children and families from the state general fund or from any special revenue fund or funds for fiscal year 2017, for the secretary, on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Neosho county, Kansas, subject to the provisions of this section:

The South Half of the Southeast Quarter (S/2 SE/4) of Section Nineteen (19), Township Twenty-seven (27) South, Range Eighteen (18) East of the 6th P. M., excepting therefrom five (5) tracts of land described as follows:

a. The North Ten (10) acres of the Southeast Quarter of this Southeast Quarter (SE/4 SE/4) of said section Nineteen (19);

b. Beginning at a point on Plummer Avenue, 330 feet south of the northeast corner of the South Half of the Southeast Quarter (S/2 SE/4) of said Section Nineteen (19), thence west parallel with the north line of said eighty, 1320 feet; thence south 330 feet on a line parallel with the east line of said eighty; thence east 1320 feet on a line parallel with the north line of said eighty; thence north along said east line to the point of beginning, containing 10 acres;

c. Beginning at a point 495 feet north of the southeast corner of said Section Nineteen (19), thence north 165 feet to the southeast corner of 10-acre tract previously sold to Guy Umbarger; thence west along the south line of said Umbarger 10-acre tract, 792 feet; thence south on a line parallel to the east line, 165 feet; thence east on a line parallel to said Umbarger tract to point of beginning, containing approximately 3 acres;

d. Beginning at the southeast corner of said Section Nineteen (19), thence west along the south line of said section 690 feet; thence northerly 445 feet; thence easterly 690 feet to a point on the east line of said section, 445 feet north of the southeast corner of said section; thence south along said east line 445 feet to the point of beginning. The above includes 30 feet of road right-of-way along the south side used for Seventh Street and 30 feet of road right-of-way along the east side used for Plummer Avenue. Including the road rights-of-way, the above includes 7.05 acres, more or less; and

e. Beginning at a point 30 feet north of and 690 feet west of the southeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19); thence west along right-of-way line of present road, 1950 feet, more or less, to the west line of said Southeast

Quarter (SE/4); thence north along the west line of said Southeast Quarter (SE/4), 10 feet; thence east parallel to and 10 feet north of the present right-of-way, 1950 feet, more or less, to a point 690 feet west of and 40 feet north of the southeast corner of said Southeast Quarter (SE/4); thence south 10 feet to the point of beginning, containing .44 acres, more or less, condemned for highway purposes.

(b) During fiscal years 2016 and 2017, the real property described in subsection (a) shall be sold or conveyed to the Neosho memorial regional medical center, at the price agreed upon between the parties.

(c) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary for children and families without having first advised and consulted with the joint committee on state building construction.

(d) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, 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 matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(e) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the appropriate account of the state general fund or special revenue fund of the Kansas department for children and families as determined by the secretary for children and families. The secretary for children and families shall transmit a copy of such determination to the director of legislative research.

(f) The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2015 Supp. 75-6609, and amendments thereto.

(g) In the event that the secretary for children and families determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(h) On the effective date of this act, the provisions of section 175(b) of chapter 104 of the 2015 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.";

And by renumbering sections accordingly

S Sub HB 2365 be further amended by motion of King: on page 45, in line 24, by striking "or"; in line 26, before the period, by inserting "; or (5) any item of appropriation for employer contributions for the state of Kansas and 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";

Also on page 45, by striking all in lines 30 through 43;

By striking all on pages 46 through 52;

On page 53, by striking all in lines 1 through 31;

On page 59, following line 5, by inserting the following:

"Sec. 106. 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~~ the director 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 62, in line 33, before "K.S.A." by inserting "K.S.A. 75-3722 and"; also in line 33, by striking "74-4914d, 74-4920,";

On page 1, in the title, in line 6, after "amending" by inserting "K.S.A. 75-3722 and"; also in line 6, by striking "74-"; in line 7, by striking "4914d, 74-4920,";

And by renumbering sections accordingly

S Sub HB 2365 be further amended by motion of Senator Denning: on page 10, following line 26, by inserting the following:

"(g) During the fiscal year ending June 30, 2016, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2016, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other

appropriation act of the 2016 regular session of the legislature, to review, consider or approve a newly proposed STAR bond project or the expansion of any existing STAR bond project.";

On page 11, following line 11, by inserting the following:

"(f) During the fiscal year ending June 30, 2017, notwithstanding the provisions of K.S.A. 2015 Supp. 12-17,160 through 12-17,179, and amendments thereto, or any other statute, the above agency shall not expend any moneys appropriated for the fiscal year ending June 30, 2017, from the state general fund or in any special revenue fund or funds for such agency by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, to review, consider or approve a newly proposed STAR bond project or the expansion of any existing STAR bond project."

S Sub HB 2365 be further amended by motion of Senator Tyson: on page 45, following line 29, by inserting the following:

"Sec. 101. 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 enter into an agreement on or after the effective date of this act to outsource the operations or facilities of the Larned state hospital or the Osawatomic 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

S Sub HB 2365 be further amended by motion of Senator Arpke: on page 25, following line 16, by inserting the following:

"(c) On July 1, 2016, of the \$101,798,358 appropriated for the above agency for the fiscal year ending June 30, 2017, by section 127(a) of chapter 104 of the 2015 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$6,215,861 is hereby lapsed.

Sec. 58.

KANSAS STATE UNIVERSITY—SALINA, COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Operating expenditures (including official hospitality)\$6,215,861";

And by renumbering sections accordingly

S Sub HB 2365 be further amended by motion of Senator Holmes: on page 59, by striking all in lines 6 through 43;

By striking all on page 60;

On page 61, by striking all in lines 1 through 24;

On page 62, in line 34, by striking ", 75-6609";

And by renumbering sections accordingly;

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

S Sub HB 2365 be further amended by motion of Senator Powell: on page 38, in line 10, before the period, by inserting:

" : *Provided*, That in addition to the other purposes for which expenditures may be

made by the above agency from moneys appropriated from the wildlife fee fund of the Kansas department of wildlife, parks and tourism for fiscal year 2017 by section 167(b) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2017 for salaries and wages, for progression within the existing pay structure for all law enforcement certified employees of the Kansas department of wildlife, parks and tourism";

Also on page 38, in line 15, before the period by inserting:

"*Provided*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the parks fee fund of the Kansas department of wildlife, parks and tourism for fiscal year 2017 by section 167(b) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the parks fee fund for fiscal year 2017 for salaries and wages, for progression within the existing pay structure for all law enforcement certified employees of the Kansas department of wildlife, parks and tourism";

Also on page 38, in line 20, before the period by inserting:

"*Provided*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the boating fee fund of the Kansas department of wildlife, parks and tourism for fiscal year 2017 by section 167(b) of chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures may be made by the above agency from the boating fee fund for fiscal year 2017 for salaries and wages, for progression within the existing pay structure for all law enforcement certified employees of the Kansas department of wildlife, parks and tourism."

S Sub HB 2365 be further amended by motion of Senator Kelly: on page 20, in line 35, by subtracting \$7,237,635 from the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On page 23, following line 14, by inserting:

"(e) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2017, the following:

Parent education program..... \$7,237,635

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant."

S Sub HB 2365 be further amended by motion of Senator Hensley: on page 45, following line 29, by inserting the following:

"Sec. 101. K.S.A. 2015 Supp. 68-2320 is hereby amended to read as follows: 68-2320. (a) On and after July 1, 1991, the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$890,000,000.

(b) In addition to the provisions of subsection (a), on and after July 1, 1999,

the secretary of transportation is hereby authorized and empowered to issue bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. The secretary is hereby authorized to issue bonds the total principal amount of which shall not exceed \$1,272,000,000.

(c) (1) In addition to the provisions of subsections (a) and (b), on and after July 1, 2010, the secretary of transportation is hereby authorized and empowered to issue additional bonds of the state of Kansas, payable solely from revenues accruing to the state highway fund and transferred to the highway bond debt service fund and pledged to their payment, for the purpose of providing funds to pay costs relating to construction, reconstruction, maintenance or improvement of highways in this state and to pay all expenses incidental thereto and to the bonds. ~~Except as provided further, No bonds shall be issued by the secretary pursuant to this subsection unless the secretary certifies that, as of the date of issuance of any such series of additional bonds, the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, including the bonds to be issued on such date, will not exceed 18% of projected state highway fund revenues for the current or any future fiscal year. During the fiscal year ending June 30, 2016, and the fiscal year ending June 30, 2017, the provisions of this subsection which prescribe a limitation on the amount of the maximum annual debt service on all outstanding bonds issued pursuant to this section and K.S.A. 68-2328, and amendments thereto, for the purpose of issuing any such series of additional bonds authorized by the secretary are hereby suspended. The provisions of this section relating to limitations of bonded indebtedness shall not in any way impair the rights and remedies of the holders of any bonds issued prior to the effective date of this act.~~

(2) As used in this subsection:

(A) "Maximum annual debt service" means the maximum amount of debt service requirements on all outstanding bonds for the current or any future fiscal year;

(B) "debt service requirements" means, for each fiscal year, the aggregate principal and interest payments required to be made during such fiscal year on all outstanding bonds, including the additional bonds to be issued, less any interest subsidy payments expected to be received from the federal government, less any principal and interest payments irrevocably provided for from a dedicated escrow of United States government securities;

(C) "projected state highway fund revenues" means all revenues projected by the secretary of transportation to accrue to the state highway fund for the current or any future fiscal year; and

(D) "fiscal year" means the fiscal year of the state.

(3) Debt service requirements for variable rate bonds outstanding or proposed to be issued for the current or any future fiscal year for which the actual interest rate cannot be determined on the date of calculation shall be deemed to bear interest at an assumed rate equal to the average of the SIFMA swap index, or any successor variable rate index, for the immediately preceding five calendar years plus 1% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit

enhancement, liquidity and remarketing costs; except that, debt service requirements for variable rate bonds that are hedged pursuant to an interest rate exchange or similar agreement that results in synthetic fixed rate debt shall be deemed to bear interest at the synthetic fixed rate plus 0.5% and an amount determined by the secretary that represents the then current reasonable annual ancillary costs associated with variable rate debt, including credit enhancement, liquidity and remarketing costs.

(4) Projected state highway fund revenues for the current or any future fiscal year for which the actual revenues cannot be determined on the date of calculation shall be deemed to be the actual revenues for the most recently completed fiscal year, adjusted in each subsequent fiscal year by a percentage equal to the historical average annual increase or decrease in revenues for the five fiscal year period prior to the current fiscal year, and further adjusted to take into account any increases or decreases in the statutory rates of any taxes or other charges or transfers that comprise a portion of the revenues.

(d) In accordance with procurement statutes, the secretary may contract with financial advisors, attorneys and such other professional services as the secretary deems necessary to carry out the provisions of this act, and to do all things necessary or convenient to carry out the powers expressly granted in this act.";

On page 62, in line 33, following "Supp." by inserting "68-2320,";

On page 1, in the title, in line 6, following "Supp." by inserting "68-2320,";

And by renumbering remaining sections accordingly

S Sub HB 2365 be further amended by motion of Senator Smith: on page 30, in line 29, by adding \$2,000,000 to the dollar amount and by adjusting the dollar amount in line 29 accordingly; following line 34, by inserting the following:

"(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2017, the following:

Evidence based juvenile programs.....\$2,000,000: and

S Sub HB 2364 passed as further amended.

A motion by Senator Kelly to amend **S Sub HB 2365** failed: on page 22, by striking all in lines 41 through 43;

On page 23, by striking all in lines 1 through 14 inserting the following:

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

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

On roll call, the vote was: Yeas 0; Nays 31; Present and Passing 8; Absent or Not Voting 1.

Nays: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

A motion by Senator Pettey to further amend **S Sub HB 2365** failed: on page 39, by striking all in lines 26 through 41 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 and 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."

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

On roll call, the vote was: Yeas 13; Nays 26; Present and Passing 0; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Petersen, Pettey, V. Schmidt, Wolf.

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

Absent or Not Voting: McGinn.

A motion by Senator Holland to further amend **S Sub HB 2365** failed: on page 20, following line 12, by inserting the following:

"(p) Notwithstanding the provisions of any other statute, during the fiscal year ending June 30, 2017, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2016 by chapter 104 of the 2015 Session Laws of Kansas, this or other appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2017, to provide for a contract addendum to any contract entered into with the state of Kansas and a business entity to provide services related to the KanCare medical program prohibiting such business entity or any officer, director or employee of any such business entity from making any campaign contribution to any member of the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight during fiscal year 2017."

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

On roll call, the vote was: Yeas 6; Nays 22; Present and Passing 10; Absent or Not Voting 2.

Yeas: Baumgardner, Faust-Goudeau, Hawk, Hensley, Holland, Pettey.

Nays: Abrams, Arpke, Bowers, Bruce, Donovan, Fitzgerald, Kerschen, King, Knox, Longbine, Lynn, Masterson, Melcher, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith,

Tyson, Wagle, Wilborn.

Present and Passing: Denning, Francisco, Haley, Kelly, LaTurner, Love, O'Donnell, Pilcher-Cook, V. Schmidt, Wolf.

Absent or Not Voting: Holmes, McGinn.

EXPLANATION OF VOTE

Mr. Chairman: We must begin removing the appearance of conflict of interest on the public sphere, if we are to regain the people's trust!—TOM HOLLAND

A motion by Senator Powell was withdrawn.

A motion by Senator Kerschen was withdrawn following a decision by the Rules Committee that the amendment did not comply with Joint Rule 6 budget requirements.

A motion by Senator Francisco to amend **S Sub HB 2365** failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and Sub **SB 65**; **SB 318** and **S Sub HB 2365** were advanced to Final Action and roll call.

Sub SB 65, AN ACT concerning firearms; relating to the personal and family protection act; amending K.S.A. 2015 Supp. 75-7c10 and 75-7c20 and repealing the existing sections.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Faust-Goudeau, Francisco, Hawk, Holland, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Chairman: The safety of the citizens of Kansas should be a top priority of this legislature. **Sub SB 65** ignores that responsibility. Employees carrying outside the work site without training is poor policy. Policy decisions which affect a city or county should be made at the community level by citizens elected by that community. Home Rule should not be ignored. I vote "No on **Sub SB 65**."—PAT PETTEY

Senators Faust-Goudeau, Francisco and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **Sub SB 65**.

SB 318, AN ACT concerning utilities; relating to state entities; concerning the Kansas electric transmission authority; abolishing certain funds and transferring the balances; concerning the department of health and environment and the state corporation commission, agency activities; amending K.S.A. 2015 Supp. 45-229 and 65-3031 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 74-

99d01, 74-99d02, 74-99d03, 74-99d04, 74-99d05, 74-99d06, 74-99d07, 74-99d08, 74-99d10, 74-99d11, 74-99d12, 74-99d13 and 74-99d14.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Francisco, Pettey.

Absent or Not Voting: McGinn.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote "No" on **SB 318**. While I understand that the legislature may choose to end the Kansas Electric Transmission Authority (KETA), I would hope that we would have done it in a way that is respectful to the members of KETA by setting the effective date of the bill as publication in the statute book. I also would hope that we would have shown respect for utility customers by transferring money, now in the KETA fund that was collected from utility companies and paid for by their customers, back to those customers through a transfer to the Public Service Regulation Fund rather than swept into the state general fund.—MARCI FRANCISCO

S Sub HB 2365, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2016, June 30, 2017, June 30, 2018, and June 30, 2019, for the state agencies; 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. 75-3722 and K.S.A. 2015 Supp. 68-2320, 74-50,107, 74-99b34, 75-2319 and 79-34,161 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 15; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Wagle, Wilborn.

Nays: Baumgardner, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, Pettey, Pyle, V. Schmidt, Tyson, Wolf.

Absent or Not Voting: McGinn.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: **S Sub HB 2365** is the product of many hours of work by the Senate Ways and Means Committee. I greatly appreciate their work and efforts and have an understanding that they work off of the Governors recommendations. Our current financial conditions have left them with very few options. I cannot continue to support budgets that use fee sweeps, expend one time money, continues to take money from transportation, over estimate revenue and savings, and leave virtually no ending

balance. My hope is that this legislature can one day return to a fiscally responsible budget with a tax policy that supports the citizens of the State of Kansas. I vote "No" on Sub for HB 2365—JEFF LONGBINE

Senator Haley, Senator Hawk, Senator Hensley, Senator Holland, Senator Kelly and Senator Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Longbine on **S Sub HB 2365**.

Madam President: The budget, for the eighth straight year, has failed to provide a pay increase for our state employees; within the exception of conservation and wildlife employees this evening. Fiscal year 2009 was the last time we gave state employees a pay raise, of 2.5%. That same year private sector employees saw a nearly identical pay raise. In fiscal year 2010, state employees saw no increase whereas their private sector counter parts saw a 0.5% increase – in the height of the Great Recession I might add. Fiscal year 2011, nothing even though the private sector saw a 2.3% increase. Fiscal year 2012 again zero, while the private sector saw a gain of 2.2%. Fiscal year 2013 again nothing, whereas the private sector saw a 0.7% increase. And in FY 2014 again no increase, even though private sector salaries grew by 3%. Is it any wonder our best and our brightest are leaving the state? I vote "No" on **S Sub HB 2365**.—LAURA KELLY

MESSAGE FROM THE HOUSE

Announcing passage of **SB 161**, as amended by **H Sub SB 161**.

The House nonconcur in Senate amendments to **HB 2387**, requests a conference and has appointed Representatives Hawkins, Dove and Ward as conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Masterson the Senate nonconcurred in the House amendments to **H Sub SB 161** and requested a conference committee be appointed.

The President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2387**.

The President appointed Senators Ostmeyer, LaTurner and Faust-Goudeau as conferees on the part of the Senate.

CHANGE OF REFERENCE

The President withdrew **SB 436** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 390** be amended on page 56, in line 38, before "Except" by inserting "(a)"; in line 42, by striking "(a)" and inserting "(1)"; in line 43, by striking the third "or";

On page 57, in line 1, by striking "(b)" and inserting "(2)"; in line 7, after "transaction" by inserting "; or

(3) a trust company to merge or consolidate with any trust company, or either directly or indirectly acquire the assets of any other trust company, referred to hereinafter as a merger transaction.

(b) A trust company may merge or consolidate with a trust company chartered by:

(1) The comptroller of the currency; or

(2) another state with the prior written approval of the commissioner. An application filed pursuant to this subsection shall be subject to the provisions of K.S.A. 9-1721, 9-1722 and 9-1724, and amendments thereto";

Also on page 57, in line 10, after "bank" by inserting "or trust company"; in line 36, after the first "bank" by inserting "or trust company"; also in line 36, after the second "bank" by inserting "or trust company";

On page 59, in line 11, after "banks" by inserting "or trust companies"; in line 14, after "bank" by inserting "or trust company"; in line 16, after "bank" by inserting "or trust company";

On page 60, in line 15, after "institution" by inserting "or a trust company chartered by:

(1) The comptroller of the currency; or

(2) another state"; in line 25, after "bank" by inserting "or trust company"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 372** be amended on page 2, in line 34, by striking "30" and inserting "18";

On page 4, in line 8, by striking "36" and inserting "24"; in line 10, by striking "48-month" and inserting "36-month"; in line 11, by striking "48" and inserting "36"; in line 20, by striking "36th" and inserting "24th";

On page 6, in line 10, by striking "36" and inserting "24"; in line 14, by striking "48-month" and inserting "36-month";

On page 11, in line 33, by striking all after "(2)"; by striking all in lines 34 and 35; in line 36, by striking "department" and inserting "The Kansas department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of \$5,000 during the reported month. The Kansas department for children and families"; in line 38, by striking "department" and inserting "Kansas department for children and families"; in line 41, by striking "department" and inserting "Kansas department for children and families"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Friday, February 12, 2016.

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

